NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 14, 2001

3:11 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

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

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 13, the Senate met pursuant to adjournment. The Journal of Saturday, May 12, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

This is a motion to amend a bill which was recalled from the Assembly. I wish to call up Senator Volker's bill, Senate Print 1697, which was recalled from the Assembly, which is now at the desk. If the Secretary will read the title.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 108, by Senator Volker, Senate Print 1697, an act to amend the Penal Law.

SENATOR FARLEY: I now move, Madam President, to reconsider the vote by which this bill was passed.

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

SENATOR FARLEY: Madam President, I now offer the following amendments.

On behalf of Senator Kuhl, Madam President, on page 35 I offer the following amendments to Calendar 221, Senate Print 2905, and I ask that that bill retain its place.

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

SENATOR FARLEY: Madam President, on page 62 I offer the following amendments to Calendar 613, Senate Print 1219, and I ask that that bill retain its place.

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

SENATOR FARLEY: Thank you.

Madam President, on page 68, on behalf of Senator Maltese, on Calendar 679, Senate Print 3122, I ask that that bill retain its place.

THE PRESIDENT: The amendments

are received, Senator, and the bill will retain its place on the Third Reading Calendar.

SENATOR FARLEY: Thank you, Madam President.

THE PRESIDENT: You're welcome. Senator Skelos.

SENATOR SKELOS: Madam President, there's a privileged resolution at the desk by Senator Stafford. Could we have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Stafford, Legislative Resolution Number 1813, mourning the death of Bernard F. McPhillips, distinguished lawyer and devoted member of his community.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is

adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there are some substitutions at the desk. If we could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 5, Senator Bonacic moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 6976 and substitute it for the identical Senate Bill Number 5230, First Report Calendar 943.

And on page 4, Senator Morahan moves to discharge, from the Committee on Elections, Assembly Bill Number 659 and substitute it for the identical Senate Bill Number 4214, First Report Calendar 929.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 66, by Senator Marcellino, Senate Print 128, an act to amend the Labor Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 178, by Senator Farley, Senate Print 2006, an act to amend the Election Law and the State Finance Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 198, by Member of the Assembly Magee, Assembly Print 4935 -

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 279, by Senator Spano, Senate Print 2901, an

act to amend the Labor Law.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 280, by Senator Spano, Senate Print 2930, an act to amend the Labor Law.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 360, by Member of the Assembly Galef, Assembly Print 3960, Concurrent Resolution of the Senate and Assembly.

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The resolution is adopted.

THE SECRETARY: Calendar Number 393, by Senator Wright, Senate Print 3930, an act to amend the Public Service Law, in relation to avoiding.

SENATOR PATERSON: Lay it aside,

please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 400, by Senator Stafford, Senate Print 847, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 445, by Senator Nozzolio, Senate Print 3239, an act to amend the Executive Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 492, by Senator Stafford, Senate Print 3760 -

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 567, by Senator Balboni, Senate Print 856 -

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 612, by Senator Larkin, Senate Print 1039, an act to amend the Vehicle and Traffic Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 659, by Member of the Assembly Glick, Assembly Print Number 3535A, an act to amend Chapter 942.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 703, by Senator Farley, Senate Print 4633, an act to amend the Banking Law and others.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 708, by Senator LaValle, Senate Print 1210, an act to amend the Education Law.

SENATOR BALBONI: Madam President.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Would you please lay that bill aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

SENATOR BALBONI: Thank you very much.

THE PRESIDENT: Senator Balboni, that completes the reading of the noncontroversial calendar.

SENATOR BALBONI: Madam President, could we please have the reading of the controversial calendar.

Actually, would you recognize Senator McGee, please. Thank you.

SENATOR McGEE: Madam President, I did not have the opportunity to say anything on the passing of the resolution, which in fact changes -- amends the constitution, the Constitution of the State of New York, to make

it gender-neutral.

Let me take this opportunity to say thank you very much to my colleagues in this great chamber. I think that this is a magnificent step forward to indicate to the State of New York and in fact the nation, the United States, that men and women are created and treated equal in the State of New York.

And I'm very pleased to be a part of this resolution, which will now go onto the ballot in the general election in November.

So may I say again thank you to everyone.

THE PRESIDENT: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 66, by Senator Marcellino, Senate Print 128, an act to amend the Labor Law, in relation to criminal penalties.

SENATOR DOLLINGER: Explanation.

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

SENATOR MARCELLINO: Thank you, Madam President.

This bill establishes the penalty

for the first violation of the Unpaid Wages Act, which is a misdemeanor, and sets a fine of $500 to $1,000 and an imprisonment of not more than a year. It also increases the penalties for a second violation, which would become a felony under the Unpaid Wages Act, to a fine of $1,000 to $20,000 and a jail term of not more than a year and a day.

The original bill did not clearly differentiate between the term of imprisonment, between a misdemeanor and a felony, it left -- where we increased the fines, we did not increase the length of the terms. So some of our legal people said that was a confusion that could add problems if someone was prosecuted and sentenced under this legislation. So we added the extra day to the felony to clearly differentiate between the two.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, with the hope that you are impressed with my ability to get an explanation from Senator McGee without even asking for it, I will now ask if Senator

Marcellino would yield for a question.

SENATOR MARCELLINO: Certainly.

THE PRESIDENT: Thank you.

You may proceed, Senator Paterson.

SENATOR PATERSON: Senator, if you would revert back to your teaching days and tell me if I have this correct. The year and a day basically establishes the threshold for the penalty, and that's the reason you put it in, because the original bill doesn't make it clear. Is that correct?

SENATOR MARCELLINO: That's correct.

SENATOR PATERSON: Madam President, if the Senator would yield for another question.

THE PRESIDENT: Senator, will you yield for a question?

SENATOR MARCELLINO: Yes.

THE PRESIDENT: You may proceed.

SENATOR PATERSON: Technical though the improvement exists, was it so unclear the way the law it is now that we would actually need a correction that we would codify today?

SENATOR MARCELLINO: According to, Senator -- and, Madam President, through you -- according to the legal people who have spoken to us on this situation and have asked for this bill to be passed, yes.

SENATOR PATERSON: Thank you.

Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 30 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 178, by Senator Farley, Senate Print 2006, an act to amend the Election Law and the State Finance Law, in relation to requiring.

SENATOR DOLLINGER: Explanation, Madam President.

THE PRESIDENT: Senator Farley,

an explanation has been requested.

SENATOR FARLEY: Thank you, Madam President.

This legislation would help strengthen the regulation of the money transmitters' industry in New York State. It includes amendments which would ensure that licensed money transmitters are subject to certain general regulatory powers of the Superintendent of Banks. It authorizes -

SENATOR DOLLINGER: Point of order.

SENATOR FARLEY: Yeah.

SENATOR DOLLINGER: Point of order, Madam President. Is this Calendar Number 178?

THE PRESIDENT: Yes, it is, Senator Dollinger.

SENATOR DOLLINGER: Just - Senator Farley, I believe, is explaining another bill on the calendar.

SENATOR FARLEY: Oh, I've got the wrong bill.

Yeah, I'm explaining another bill. Sorry. Thank you, Senator.

SENATOR DOLLINGER: Thank you, Madam President.

THE PRESIDENT: Your point is well taken, Senator Dollinger.

SENATOR FARLEY: We'll be explaining that one a little later.

This is an Election Law bill that requires that -- this is one you've been interested in for several years. It amends the Election Law, and it requires that the bond issue propositions on the state ballot contain an estimate of the total amount to be repaid by the taxpayers, both in principal and interest. At present only the principal is listed.

The bill also provides that the descriptive documents prepared by the state relating to the bond issue list both the principal and the interest.

This bill passed through the Senate in '93 and in '89, and at all times, except a few other years, by a unanimous vote. In those years, Senator Dollinger voted nay.

And the 2000 and '99 transcripts and summaries of my debates with you, I have

them here if you'd like to see what you said a few years ago.

You know, actually all this tries to do, Senator Dollinger, is to improve the information that is available to voters when they decide on a bond issue proposition. Generally speaking, they're kind of shocked when they see what the overall payback will be. It's designed to reflect administrative reality, providing an estimate of the total cost.

SENATOR DOLLINGER: Through you, Madam President, if Senator Farley will yield.

THE PRESIDENT: Senator, will you yield?

SENATOR FARLEY: Certainly.

THE PRESIDENT: You may proceed, Senator Dollinger.

SENATOR DOLLINGER: Senator Farley, you're correct. I've voted against this bill in the past. I'm going to vote against it today. But I have a technical question about it that I don't know that I've raised in other years.

Through you, Madam President, how

is the interest rate calculated under the bill, and who does it?

In other words, I understand your point, Senator Farley. It's much like a mortgage-financing statement, which, as you know, under the Truth in Lending Act at the federal level, you borrow $100,000 and they have that one little number right next to your -- you know, they say you're borrowing $100,000, and oh, by the way, if you pay it all back over the term of the loan, you're actually going to pay back $250,000.

And frankly, my clients always gasp when they see that number, but that's the cost of borrowing money.

My question to you is, how under your bill would the interest rate be calculated? As you know, it can float up and down. We could do a bond resolution in May or June and by the time it actually is borrowed, assuming that the voters approve it, it may not actually be borrowed for as long as a year or a year and a half after we pass the resolution sending it off to the voters.

What mechanism is there in the bill

to determine what the interest rate is? Which, as you know, drastically affects the amount of the payback.

SENATOR FARLEY: Well, I don't know that it drastically affects it. I mean, we know, generally speaking, what our bonds are going off at. And I think that that's a reasonable figure that can be tested.

Is it absolutely perfect? No. But it will be a ballpark figure as to what the interest rate would be and what the interest rate over that period of time, whether it's a 30-year bond or whatever it might be.

SENATOR DOLLINGER: Through you, Madam President, just on the bill. I won't -

THE PRESIDENT: You may proceed on the bill.

SENATOR DOLLINGER: Senator Farley has my versions of earlier debates. Not much has changed. Except there's one added fact.

And that is, Senator Farley, you may recall last year when we did the Transportation Bond Act for this state, one of the things I proposed was an amendment to

require public disclosure of the costs of borrowing and financing with respect to that debt. This was unanimously rejected by all the members of the Majority, because they for some reason concluded that that wasn't the right thing to do in last year's Transportation Bond Act, when we would have given to the voters what we were going to do was borrow $3.1 billion.

And I think, Senator Farley, you and I both agreed that when all was said and done, over the 30-year term of that bond, even though the rate was only -- I think we talked about it -- 4 3/4 percent or 5 percent, tax-exempt borrowing, that nonetheless, over the course of the term of that bond, we'd end up paying back about a billion and a half dollars in interest costs.

So we had a chance to do it last year, and we didn't do it. And I just -- I'm always concerned that we talk about these things as being good ideas, but we don't seem to implement them. We've now done, I believe, four bond acts since you and I had the first debate about this bill.

I think it's a good idea. I think it would really strike a chord in New Yorkers to realize not only how much they're going to spend on a particular bond act but how much we spend now.

As you know, our bond costs, our direct bond costs for New York State as an entity is, I believe, about $2 billion a year that we spend just in interest payments. That doesn't include the vast amount that we're financing through our back-door borrowing practice, which is another thing you and I have talked about.

If they knew what we were doing to pay those costs through the Dormitory Authority and the Thruway Authority and the Facilities Development Corporation, they would know that that number is significantly greater than that, perhaps as much as double if not triple that size. We're actually paying back somewhere between 4 and $6 billion of interest.

The policy choice to do that is, is that a reasonable number to pay back considering our long-term needs. And we

should be financing certainly some appropriations and some expenses through long-term borrowing. But the broader question is should we disclose to the public what interest we put on all this, what we're paying, how much more they're paying. I absolutely, completely agree with you.

And I will continue to vote against this bill until we have a bond act in which we actually do it. Because rather than vote in the abstract for your bill, I'd rather vote in reality for a disclosure on a bond act.

And I would just ask you, Senator Farley, if perhaps the next time a bond act comes to the floor and someone from this side stands up and says, Remember Senator Farley's very good idea? Let's put it into practice - and yet everybody that votes in favor of this bill today will vote against that amendment to actually do it.

I think it's a good idea. I think we ought to have the courage of our good ideas and put them into practice. We get to the end of the session, it's June, nobody wants to deal with it, nobody wants to see that

headline that says we're borrowing $3.1 billion, it's really 4.6 billion, that's what it's going to cost to pay it back.

But I agree with you, Senator Farley, it's the right thing to do. Let's just do it. And until such time as we do do it, I'm going to vote no. Simply to say I like the idea, I'd like the reality even better. I'll vote for the reality when it comes along.

Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

198, by Member of the Assembly Magee, Assembly Print Number 4935, an act to amend Chapter 668 of the Laws of 1977.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Yes, Madam president, would you just lay this aside temporarily, please, and go on to the next bill.

THE PRESIDENT: The bill is laid aside temporarily.

SENATOR BALBONI: Thank you.

THE SECRETARY: Calendar Number 279, by Senator Spano, Senate Print 2901, an act to amend the Labor Law, in relation to providing.

SENATOR DOLLINGER: Explanation, please.

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

SENATOR SPANO: Yes, Madam President.

Currently the review of the minimum wage under the Labor Law is conducted either upon the Commissioner of Labor's directive or after a petition of fifty or more residents is

sent off to the Department of Labor.

This legislation would direct the Commissioner of Labor to undertake, every two years, a review of wages that are paid throughout the state.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Through you, Madam President. Just so I understand this bill, what's the current time period under which the Commissioner of Labor does that bill -- does the investigation?

THE PRESIDENT: Senator Spano, will you yield?

SENATOR SPANO: Yes, I will yield.

SENATOR DOLLINGER: I apologize, Madam President.

THE PRESIDENT: You may proceed, Senator Dollinger.

And you may answer, Senator Spano.

SENATOR SPANO: Senator Dollinger, current law requires the commissioner to investigate the adequacy of wages only if a petition has been filed with

fifty or more signatures on there. There's no provisions in the law right now to allow for or to mandate that the Commissioner of Labor would in fact do this.

This would put in place a mechanism to require the Commissioner of Labor every two years to make that type of report and report its findings to the Legislature.

SENATOR DOLLINGER: Through you, Madam President, if Senator Spano will continue to yield.

THE PRESIDENT: Senator Spano, will you yield?

SENATOR SPANO: Yes.

THE PRESIDENT: You may proceed.

SENATOR DOLLINGER: Is this investigation of wage levels in the state, is it confined simply to the commissioner's power with respect to minimum wage, or does it relate to the commissioner's ability to set prevailing wages as well?

SENATOR SPANO: No, this is just minimum wage issues, Senator Dollinger.

SENATOR DOLLINGER: And through you, Madam President, if the sponsor will

continue to yield.

THE PRESIDENT: Senator Spano, will you yield?

SENATOR SPANO: Yes.

SENATOR DOLLINGER: Could you briefly describe for me how that investigation is conducted, what tools the Commissioner of Labor uses?

SENATOR SPANO: There's a number of price indexes that the commissioner can use, the CPIs, that have different components, whether it be price of groceries to construction to gasoline. There's a number of -- dozens and dozens of statistics that would be made available by the U.S. Department of Labor that would -- that the commissioner would take into account.

SENATOR DOLLINGER: Through you, Madam President, if the sponsor will continue to yield.

THE PRESIDENT: Senator Spano, will you yield?

SENATOR SPANO: Yes.

THE PRESIDENT: You may proceed, Senator Dollinger.

SENATOR DOLLINGER: As I understand this bill, one of the other changes is that we're going to take the phrase "maintenance" and we're going to substitute "support of a family of three" as the criteria for determining the adequacy of the prevailing wage.

Could you explain to me why that determination of a three-member family is the criteria for determining it?

SENATOR SPANO: In looking at the criteria that the commissioner would have to take into account for making a report and finding to the Legislature, much of those reports are written in such a way where they talk about -- instead of maintenance, they talk about a family of three.

So in order for the commissioner to maintain some consistency in the accuracy of the information as it's sent to us and then - to the commissioner and then to us, we felt it was important to be consistent with those guidelines.

SENATOR DOLLINGER: Through you, Madam President, if the sponsor will continue

to yield.

THE PRESIDENT: Senator, will you yield?

SENATOR SPANO: Yes.

THE PRESIDENT: You may proceed.

SENATOR DOLLINGER: The bill also -- current law also includes reference to the health of the persons. It's not just for the wage level of -- to support - "maintenance" is the phrase now used. You're going to substitute "family of three." But you're also going to substitute a provision that talks about the health of the person in a region.

And my question is, does that mean that the Health Commissioner will evaluate the cost of health insurance in the bill?

SENATOR SPANO: What section of the bill are you referring to, Senator Dollinger?

SENATOR DOLLINGER: Well, I assume this is Bill Number 279; correct?

SENATOR SPANO: All right. No, no, I see it. In -- in -- that is the -

SENATOR DOLLINGER: I believe I'm

making reference to -- through you, Madam President, I'm making reference to the provision at lines 8 through 10.

SENATOR SPANO: The reference to protecting the health of the persons employed is current law. We're not changing that.

SENATOR DOLLINGER: Correct. But through you, Madam President, you're changing the phrase "occupation or occupations" into "regions."

SENATOR SPANO: This goes back to the same answer as previously. All of the statistical information that we receive from U.S. Department of Labor tells us that we would be better equipped to make intelligent decisions relative to all of that information if we maintain some consistency.

This is one of those recommendations that frankly was presented to us by the AFL-CIO as the way that they feel would put us in a better position to make judgments on the working men and women across the state.

SENATOR DOLLINGER: Through you, Madam President, if the sponsor will continue

to yield.

THE PRESIDENT: Senator Spano, will you yield?

SENATOR SPANO: Yes.

THE PRESIDENT: You may proceed, Senator Dollinger.

SENATOR DOLLINGER: Do you envision, Senator Spano, that this bill would be the first step down the road to a regional minimum wage established in this state in which the minimum wage would be differentiated depending on where you lived in the state?

SENATOR SPANO: Under current law, the commissioner has that option right now.

I don't know if that's a direction that we want to see the state going, frankly, in terms of establishing that type of differential. But the commissioner could, under current law, move forward in that direction right now.

SENATOR DOLLINGER: A final question, Madam President -

SENATOR SPANO: And that would all be part of the recommendation, Senator

Dollinger, and the findings after he or she conducts that investigation.

THE PRESIDENT: Senator, will you yield for a question? A final question.

SENATOR SPANO: Yes.

THE PRESIDENT: You may proceed.

SENATOR DOLLINGER: I just want to make sure I understand. Current law provides that minimum wage is calculated basically by occupation. That's what the current law reads. And you're substituting - you're removing the occupational classification and substituting the phrase "region."

Could you just explain to me why are we -- is the commissioner not going to be required to collect it by occupation and simply by region, or will we keep that old occupation relationship for our minimum wage?

SENATOR SPANO: The only reason we changed that, Senator Dollinger, is to maintain the consistency. The information is given to us, very often, by the U.S. Department of Labor by region. So it would make sense for us to analyze and make reports

to the Legislature by regions as well. And that's why we changed it.

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

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR DOLLINGER: I always find it's interesting to read these bills. I'm going to vote in favor of this bill, but I do so with two cautions.

First of all, I think that the change that Senator Spano is talking about, which is taking an old-time phrase like "maintenance" and substituting some standard for that maintenance -- the support of a family of three -- I would just suggest, Madam President, that that isn't enough. Support for a family of three is not going to be enough to significantly drive the minimum wage in this state to a point where it will really do the job that needs to be done.

And I would suggest that simply supporting a family of three is not enough. I would change the criteria, if I had had time to do an amendment, if those amendments might

be germane -- which Lord knows, under these rules these days, I'm never quite sure whether they will be. But I would suggest that doing it for a family of three is not enough. We ought to look to a family of five, given the enormous responsibilities that families encounter.

Because it's not just the number of family members. It can easily be the responsibilities for adults and parents. It can be other responsibilities outside the home beyond the family members that drive up the cost of keeping a family in New York.

And I would suggest that while I'm going to vote in favor of this bill, I don't want anybody to interpret the fact that I believe the minimum wage ought to be pegged simply for a household of three. It should be pegged higher than that.

And the last thing I would just suggest -- I highlighted it in my question with Senator Spano -- is that if what we're going to do is break down this state into regions and start collecting data on regions, so that what we might someday end up driving

this toward is a minimum wage based on the region of the state in which you live, which would then put competitive disadvantages and other problems into the way we administer the minimum wage, I don't want to be a part of that.

I understand from Senator Spano that this is done to create a correspondence with the way the federal government reports this data. But I for one, by voting to change from an occupational-based evaluation to a regional-based evaluation, do not want my vote to be interpreted as avoiding the consequence of a statewide minimum wage, which I think is one of the things that defines us as a state.

And if we someday get a proposal for regional minimum wages, I think that would be enormously counterproductive, counterproductive to our regions in competing against one another and counterproductive to the people of this state and the community of interests that binds them together.

So, Senator Spano, I understand this bill -- I think I understand it. And with those two caveats, I'm going to vote in

favor of it. But next time around, let's think about raising the family from three to five and maybe getting this question of regional collection of data better qualified so that it doesn't lead us down the path to a regional minimum wage.

SENATOR OPPENHEIMER: Madam President.

THE PRESIDENT: Senator Oppenheimer.

SENATOR OPPENHEIMER: I'd just like to speak on the bill.

I understand what my colleague Senator Dollinger is saying, and I perfectly well agree that the minimum wage is absurdly low and that it has to be moved up considerably.

But I have to speak on behalf of this study of -

THE PRESIDENT: Senator, would you like the sponsor to yield?

SENATOR OPPENHEIMER: I said I wanted to speak on the bill, Madam President.

THE PRESIDENT: All right, you may proceed on the bill.

SENATOR OPPENHEIMER: But I really have to speak out on this issue of the adequacy of wages in different regions.

Because very often I am told: Well, your wages are so high, for example, for your teachers in Westchester County, it's just drawing people from all over to Westchester County. Well, the fact is the cost of living is so much higher that, were we not to pay this amount of money, we would not have any teachers in our county.

Because you can't live in our county when you see that the median cost of a house is $440,000. So how are you going to live unless you have a wage that is going to support your living in that county?

And, unfortunately, what has happened is that we have very few people who are working at lower-wage salaries; i.e., let's say median -- middle income, middle income. They cannot live in the county anymore. So they are living in a variety of counties all around us, which are causing incredible problems on our transportation networks. And crossing bridges to come into

our county, you have to count on one hour's wait to get into the county. It's an absurd situation.

So I think we really -- there is a great need to regionalize some of our costs and to see what the cost of living is in that county so that we can pay a wage that is reasonable for people who want to work and live within the county.

I'll be voting yes.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 280, by Senator Spano, Senate Print 2930, an act to amend the Labor Law, in relation to

registration requirements.

SENATOR PATERSON: Explanation.

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

SENATOR SPANO: A couple of years ago we passed a bill that would require that apparel manufacturers who intentionally fail to comply -- require apparel manufacturers to maintain some registration requirements.

What this bill does is make those people who would knowingly permit those violations be guilty of a Class B misdemeanor.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, if Senator Spano would just yield for a couple of questions.

THE PRESIDENT: Senator, will you yield?

SENATOR SPANO: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR PATERSON: Senator, when you talk about those people who knowingly would do this, it's really more the board of the corporation, rather than attacking the

corporation as a whole, which may have defaulted and gone out of business and then you have a shell of a corporation or you have assets that are transferred to some other corporation and the individuals who were involved have shielded themselves from culpability.

So what you're saying is that we're going to put the onus of responsibility squarely on the individuals who took the responsibility; is that correct?

SENATOR SPANO: That's correct. We will -- we will -- the Class B misdemeanor will be held against the officers of the corporation.

SENATOR PATERSON: Madam President, if the Senator would yield for another question.

THE PRESIDENT: Senator Spano?

SENATOR SPANO: Yes.

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: Senator, quite often in these types of corporations the board delineates itself by dividing a lot of the

responsibility and has a supervising executive board, which are usually the officers, that I think too many times -- or at least it's been written about in a lot of literature on the operation of corporate boards, particularly in the profit area, where the executives are making most of the decisions. And so some of those whose names may be listed as members of the board are really not privy to that information.

Does your bill at all distinguish in terms of prosecution between those who are aware and those who are not?

SENATOR SPANO: Yes, this bill would be directed at the specific individuals who knowingly make the decision to violate the law.

SENATOR PATERSON: Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 198, by Member of the Assembly Magee, Assembly Print Number 4935, an act to amend Chapter 668 of the Laws of 1977.

SENATOR DUANE: Explanation, please.

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

SENATOR LAVALLE: Madam President, this is a two-year extender for the -- what we call the heart bill for the volunteer firefighters. This would extend the law that has consistently sunsetted every two years, would -- would expire in the year 2003.

SENATOR DUANE: Through you, Madam President, if the sponsor would yield.

THE PRESIDENT: Senator, do you yield?

SENATOR LAVALLE: Yes.

THE PRESIDENT: You may proceed, Senator Duane, with a question.

SENATOR DUANE: I'm curious, the bill is not very lengthy. And I'm wondering if the sponsor could just help me out a little bit with the -- more specifics about the disability, what that is, and what's meant by malfunction of the heart or coronary arteries.

SENATOR LAVALLE: Senator, I'd be delighted to.

I was the sponsor of this legislation in the year 1977 when it became law. Before 1977, volunteer firefighters, under the Volunteer Firemen's Benefit Law, VFBL, were not eligible for compensation if, while fighting a fire, they suffered a heart attack and died.

Under the Volunteer Firemen's Benefit Law, it provides for disabilities for firefighters. And of course the families, the widows of firefighters tried to put in claims, and of course the insurance companies disregarded them because it was not viewed as a disability.

And, for paid firefighters, there

was a heart bill where a paid firefighter who died while fighting a fire was able -- the widow was able to receive compensation.

And so what we did is to say, under the law, that where a firefighter introduced evidence that they suffered a malfunction of their heart that caused them to be disabled or to die, and, number two, that the disease or malfunction resulted from duties and activities of the volunteer fire person while they were engaged in the performance of their duties.

And so that's what the bill laid out, a very specific protocol that had to be established in order to receive benefits under the Volunteer Firemen's Benefit Law, whether they were disabled, just had a heart attack and survived, or had a heart attack and died.

SENATOR DUANE: Through you, Madam President, if the sponsor would continue to yield.

THE PRESIDENT: Senator LaValle, will you yield for a question?

SENATOR LAVALLE: Yes, I will.

THE PRESIDENT: You may proceed,

Senator Duane.

SENATOR DUANE: Who is responsible for providing the evidence that shows that the damage was not due to the job? In other words, the -

SENATOR LAVALLE: If -- as I indicated in the first part of my remarks, the claimant introduces that they had a heart attack, number one. Number two, it was - they received this heart attack while in the performance of their duties.

On the other hand, if the insurance company wants to show that it was some other reason, then they must show by substantial evidence that the evidence has shown, contrary to the fact, that it was not done in the performance of their duties. Or they could show, number two, that the injury or death resulted because the volunteer was intoxicated. Or, number three, that the death had nothing to do with the fact that they suffered a coronary, but it was because of some willful act that the volunteer did that brought their death or their injury, having nothing to do with the heart or coronary

disease.

SENATOR DUANE: Through you, Madam President, if the sponsor would continue to yield.

THE PRESIDENT: Senator LaValle?

SENATOR LAVALLE: Yes.

THE PRESIDENT: You may proceed, Senator Duane.

SENATOR DUANE: In that the bill has been extended since 1977, I'm wondering whether or not any statistics have been kept on how many firefighters have used this benefit and how many firefighters had the benefits disapproved.

SENATOR LAVALLE: Senator, I don't have any statistics.

But one of the reasons why we sunset this legislation is to ensure that the claims that are being filed are legitimate claims, that it is not abuse.

And I can tell you that -- I don't believe that there are any memos in opposition to this legislation. So that means that the insurers are satisfied that there is not abuse to this law by volunteer firefighters.

SENATOR DUANE: Through you, Madam President, if the sponsor would continue to yield.

THE PRESIDENT: Senator LaValle, will you yield?

SENATOR LAVALLE: Yes.

THE PRESIDENT: You may proceed, Senator Duane.

SENATOR DUANE: I was under the impression that the bill also covers, in addition to a heart attack, chronic artery disease. Is that one of the areas that's covered in the legislation as well?

SENATOR LAVALLE: Yes.

SENATOR DUANE: And through you, Madam President, if the sponsor would continue to yield.

SENATOR LAVALLE: Yes.

THE PRESIDENT: You may proceed, Senator Duane.

SENATOR DUANE: I appreciate the comment that there are no memos in opposition.

But I am wondering whether NYCOM, the New York Conference of Mayors, has ever taken a position in opposition to it in the

past, to the sponsor's memory.

SENATOR LAVALLE: Senator, as I had indicated, this has been extended -- was put into law in '77 and extended every two years since. To the best of my knowledge, there have only been memos in support, from the Association of Fire Districts, from FASNY, and from the State Chiefs Association.

I have not seen, nor do I recall, memos in opposition.

SENATOR DUANE: Thank you.

Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill, Senator Duane.

SENATOR DUANE: Thank you.

I don't in any way want to make it unnecessarily difficult for firefighters or survivors of firefighters who have died in the line of duty of fighting fires or who have been permanently disabled from getting benefits that are due to them.

However, I do think, though, that the burden of proof should be reversed and that the person claiming the benefit should have to prove that their disability was due to

what had happened to them on the job.

I am also concerned -- and I don't know for sure, but it seems to me that different -- smaller cities and towns around the state might have to be incurring more of a cost than they should, even while not wanting to make it more difficult to recruit people to volunteer firefighters' offices.

I'm going to vote against this, even though I do think that we have to make it possible for a larger pool of people, for a whole host of different conditions, be able to get disability or tax-free disability benefits. However, I do think, though, that the responsibility should be on the person who's getting the benefits to prove that they deserve it because of what happened on the job.

So with somewhat mixed emotions, because these are volunteer firefighters, I'm going to be voting in the negative on it, Madam President. Thank you.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 393, by Senator Wright, Senate Print 3930, an act to amend the Public Service Law, in relation to avoiding.

SENATOR ONORATO: Explanation, please.

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

SENATOR WRIGHT: Thank you, Madam President.

The bill this afternoon amends the Public Service Law. There's currently a provision in the Public Service Law that requires six months' notice for a change in terms of the county systems. This changes that provision so that it no longer requires

six months but is left to the discretion of the commission to direct the date or order that it be effective immediately.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Madam President, will the sponsor yield to some questions?

THE PRESIDENT: Senator Wright, will you yield?

SENATOR WRIGHT: I will, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR ONORATO: Senator, why was it necessary to put this notice requirement into statute in the first place back in 1910? What need did it meet?

SENATOR WRIGHT: Well, Senator, since neither one of us were here then, I'm told that the rationale for it was to deal with the systems that were in place in those days. And of course that was essentially a manual accounting system, and would therefore require significant changes. And an automatic six-month provision was built into the system

to allow for sufficient notice and time to make the necessary changes.

That of course is not necessary in today's age of modern technology and computerization.

SENATOR ONORATO: If the Senator will continue to yield, Madam President.

THE PRESIDENT: Senator Wright, will you yield?

SENATOR WRIGHT: I will, Madam President.

THE PRESIDENT: You may proceed, Senator Onorato.

SENATOR ONORATO: Why is it necessary to replace an outdated statute with another statute? If we can deregulate the entire electric industry without a statute, it seems unnecessary to statutorily mandate a deadline for a required accounting change. Why not just repeal the statute and require that the accounting change comply with the federal requirements?

SENATOR WRIGHT: That's a very good question, Senator. I asked the same one of my counsel.

And basically the answer was that there are two accounting systems at the present time, one that is developed by the Federal Energy Regulatory Commission, FERC, that is applicable to gas and electric; the second, which is a uniform system of accounts established by the FCC applicable to telecommunications.

New York has adopted conformance with one and not the other, so we are at a point that we are between systems. And therefore, the changes made at the federal level are then adopted and authorized by the Public Service Commission.

SENATOR ONORATO: If the Senator will continue to yield.

THE PRESIDENT: Senator, will you yield?

SENATOR WRIGHT: I will, Madam President.

THE PRESIDENT: You may proceed.

SENATOR ONORATO: Senator Wright, are you aware of any objection from Bell Atlantic or Verizon regarding this particular legislation?

SENATOR WRIGHT: I'm sorry, Madam President, I didn't hear that.

SENATOR ONORATO: Are you aware of any opposition from Bell Atlantic or Verizon regarding this piece of legislation?

SENATOR WRIGHT: No, I am not, Madam President.

SENATOR ONORATO: If he'll continue to yield, Madam President.

SENATOR WRIGHT: I will, Madam President.

SENATOR ONORATO: What kind of accounting changes are required by the federal government?

SENATOR WRIGHT: I'm not familiar with the specific changes themselves, Senator.

But it's a uniform set of accounting standards, trying to apply it to all of the systems nationally, since we're trying to move to a competitive market and want to create a level playing field for all of the participants.

SENATOR ONORATO: Through you, Madam President.

SENATOR WRIGHT: I will continue

to yield, Madam President.

THE PRESIDENT: You may proceed, Senator Onorato.

SENATOR ONORATO: I have two more questions.

Senator, do the new accounting methods improve the ability of the Public Service Commission to monitor if market power abuse is being exercised?

SENATOR WRIGHT: Frankly, I don't know, Senator, whether or not it would enable them to monitor market power. It certainly would be beneficial in terms of being able to compare the financial information of respective utilities.

And to the extent that in that comparison and reviewing that data, that can reveal the ability to drive market forces, it probably would be beneficial. But I don't know that that's the cause and effect directly.

Secondarily, I think you'll find that the ISO, as an oversight organization, will spend greater time looking at that issue than the PSC would.

SENATOR ONORATO: Through you, Madam President, one final question.

THE PRESIDENT: Senator Wright, will you yield?

SENATOR WRIGHT: I will, Madam President.

THE PRESIDENT: You may proceed.

SENATOR ONORATO: Now, do these accounting requirements apply to generators of power or just the regulated industry that transmits and delivers the power?

SENATOR WRIGHT: It would apply to all of the gas and electric corporations; therefore, generators as well as distributors.

SENATOR ONORATO: Thank you, Senator.

SENATOR WRIGHT: Thank you.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 400, by Senator Stafford, Senate Print 847, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to subjecting.

SENATOR ADA SMITH: Explanation.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: May we lay that aside temporarily, please, and proceed in regular order.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 445, by Senator Nozzolio, Senate Print 3239, an act to amend the Executive Law, in relation to enacting.

SENATOR PATERSON: Explanation.

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

SENATOR NOZZOLIO: Who asked for the explanation, Madam President?

THE PRESIDENT: Senator Paterson asked for the explanation.

SENATOR NOZZOLIO: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR NOZZOLIO: My colleagues, this measure replaces the existing outdated interstate compact for the supervision of probationers and parolees. It adopts a more comprehensive, workable interstate compact and allows New York to participate in this compact.

That there are currently a quarter million offenders that would be subjected to this compact among states which engage and join the same.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, if Senator Nozzolio would yield for a question.

THE PRESIDENT: Senator Nozzolio, do you yield for a question?

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR PATERSON: Senator, the

concern has been raised to me about this legislation that all of the parties involved who are traveling are in a sense immunized from any type of legal action taken against them, but I'm not sure if that's actually the case. Could you familiarize us to whether or not that's true or not?

SENATOR NOZZOLIO: I'm not sure I understand the question, Madam President. Would the questioner be so kind as to repeat it or somehow rephrase it?

SENATOR PATERSON: Madam President, I'm talking about the members of the commission. Are they immunized from any type of action that would be taken legally against them?

SENATOR NOZZOLIO: I'm advised by counsel, Madam President, that those who are making the decisions as members of the committee would not be subject to personal liability for those decisions.

SENATOR PATERSON: Madam President, if the Senator would continue to yield.

THE PRESIDENT: Senator Nozzolio,

will you yield for a question?

SENATOR PATERSON: Senator, why would we want that to be the case?

SENATOR NOZZOLIO: I'd be pleased to yield.

THE PRESIDENT: Thank you, Senator Nozzolio.

You may proceed with a question, Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

I was wondering if the Senator would enlighten us as to why we would want that to be the case. In other words, we've in a sense created a bar to any type of action which puts the onus of responsibility in the law rather than in the courts.

SENATOR NOZZOLIO: Madam President, these decisions made by board members would be indemnified under the action here. It does not make them totally insulated from litigation. There would be questions raised if they did act outside of the scope of their authority.

However, it is not inconsistent

with other insulations that we provide - judges, probation officers, parole officers, and the like.

SENATOR PATERSON: Madam President, if the Senator would continue to yield.

THE PRESIDENT: Senator Nozzolio, will you yield for a question?

SENATOR NOZZOLIO: Yes, Madam President, I'd be glad to yield.

THE PRESIDENT: You may proceed, Senator.

SENATOR PATERSON: What I'm seeing, Senator, is in a sense a conflict -- I think it's a conflict -- where the legislation in a sense indemnifies officers for what would be gross liability and yet at the same time it immunizes them from any action taken.

So I see that as something that - I supported the bill last year, and I suppose I will now. But I guess I'm just saying that I don't see that as consistent.

And so if the Senator would explain to me and to the rest of our colleagues how we rationalize that, it would make it a little

easier for me.

SENATOR NOZZOLIO: Madam President, I'm not in the business nor will I pretend to rationalize anything for Senator Paterson. That he can make his own rationalizations in any way, shape, or form that he wishes.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Paterson recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 492, by Senator Stafford, Senate Print 3760, an act to amend Chapter 485 of the Laws of 2000 amending the State Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 567, by Senator Balboni, Senate Print 856, an act to amend the Insurance Law and the Public Health Law, in relation to the confidentiality.

SENATOR BRESLIN: Explanation.

SENATOR PATERSON: Explanation, please.

THE PRESIDENT: Senator Balboni, an explanation has been requested by various colleagues.

SENATOR BALBONI: Madam President, this bill, which has been before the house before and has received unanimous support, I might add, is a bill that would amend Sections E and F of Section 2612 of the Insurance Law to direct that insurance companies who receive notice of orders of

protection then do not disclose the address or telephone number of the insured, so that we can prevent domestic violence occurring as a result of an industrious perpetrator that would want to use the insurance policy as a means to try to obtain information as to the current residence or whereabouts of the victim.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, I think this is a very good bill.

SENATOR BALBONI: Thank you.

SENATOR PATERSON: And I think that Senator Balboni clearly thinks it's a very good bill.

But I just want to ask Senator Balboni, even if we pass this legislation - and we will, probably unanimously -- do you see my concern that I had raised previously with Senator Nozzolio that even if someone who's put in the position as is described in your bill errs, not even as a matter of duty but errs benevolently, that to set up a system where they're immunized from any type of action taken against them is generally not a

good principle?

It may be one we want to make an exception for in this piece of legislation because it's such a serious problem that we're addressing, but it's generally not the greatest practice.

SENATOR BALBONI: Madam President, through you. Senator, you raise the point that has been the subject of some controversy regarding this bill.

Just a quick comment before I address your concern. This is one of these bills that wind up in this chamber where everyone sits around and says good idea, good idea, but yet it never sees the light of day because it never goes anywhere in the Assembly.

Now, in this case the Assembly is concerned with what you're concerned about. And that is on the second page, line 22 to 24, for those folks following at home -

SENATOR DOLLINGER: What about those in attendance?

SENATOR BALBONI: Those in attendance, yes. For those people listening

in the chamber too.

A health care plan that complies with paragraph (a) of the subdivision and acts in good faith shall not be subject to civil or criminal liability on account of compliance with such paragraph.

The policy reason for why that's in there is to encourage compliance with this section. We could have made a penalty, we could have made a violation. We instead said let's give the companies an incentive to comply and shield the victims of domestic violence from their perpetrators.

The concern, particularly from the Trial Lawyers -- which is why they have issued a memorandum in opposition to this bill - centers around the fact that this is an immunity clause that, quote, eviscerates the effectiveness of the bill and leaves domestic violence victims with a false sense of security and no remedy from the harm that results from the failure of insurers to comply with the bill.

That's reading from the first paragraph of the May 1, 2001, Trial Lawyers'

memorandum in opposition.

But I would ask -- and there are several very good attorneys in the chamber - I would ask you to read the actual language and see if you don't agree with this statement. Notwithstanding the language of the bill itself, a court of competent jurisdiction can analyze this section as saying if you receive a valid order of protection against a policyholder and then you do not disclose to the policyholder the address or the telephone number, then you have complied with the section. Anything short of that is noncompliance, which is outside the scope of protection as provided in lines 22 to 24.

So therefore, I respectfully disagree with the Trial Lawyers' position that says that this is an immunity clause. It is not an immunity clause. It says you must comply with the requirements of the statutory language, which is the point of the bill. And if you don't, you can be liable.

As the sponsor of this bill, that is my legislative intent.

SENATOR PATERSON: Madam President, if Senator Balboni would continue to yield.

THE PRESIDENT: Senator Balboni, would you yield?

SENATOR BALBONI: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: All right, Senator, I demur to your complaint. Let's say that you're right and the Trial Lawyers are wrong, that there is a scope in this legislation in lines 22 to 24 that delineates how far it goes, but that there is a -- there are actions that could be considered to be not in compliance. What would those actions be?

SENATOR BALBONI: Madam President, through you, the insurer receives a valid order of protection against the policyholder. And in response to a written inquiry from the policyholder, they send correspondence indicating where the individual lives. That would be in violation.

They reveal through a telephone

conversation -- you know, a phone call comes in to the company, and an individual says, you know, Mary Jones, look, I've got a check here for her and I'm trying to find a forwarding address. Do you have anything in your records? And instead of checking for the existence of a valid order of protection, they simply say, Oh, she's at, you know, 22 Maryland Drive. That would also be outside the requirements of the bill.

The same conversation: Oh, yeah, you can reach her at X phone number. All those actions are outside the mandate of this particular piece of legislation.

Is that the Trial Lawyers? Tell them we're still debating.

(Laughter.)

THE PRESIDENT: Senator Paterson, did you just signal you'd like to have the floor?

SENATOR PATERSON: Excuse me, Madam President?

THE PRESIDENT: Do you wish to be heard?

SENATOR PATERSON: Yes, thank

you.

THE PRESIDENT: All right. You may proceed.

SENATOR PATERSON: Senator, we've just gotten a call from the Trial Lawyers, and they don't necessarily agree.

But just to clarify what you were saying, the scenario that you just described, in that situation you think the insurance company would not be immune from civil or criminal liability?

SENATOR BALBONI: Right. It is my view as the sponsor of this bill that the insurance company would be liable.

SENATOR PATERSON: Okay. I'm glad that -- Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR PATERSON: I'm glad that Senator Balboni would qualify that and put it on the record here, because if that's the case, I really have to take a different look at it than I did before.

So that Senator Balboni, who often wonders if I'm actually listening to him, I

want all of you here to tell him the next time we have a disagreement that there was at least one time that you were a witness that I listened to him.

Thank you, Madam President.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Madam President, would the sponsor yield for a question?

THE PRESIDENT: Senator Balboni, will you yield for a question?

SENATOR BALBONI: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Breslin.

SENATOR BRESLIN: Did I understand you correctly, Senator, that you said those different examples that you presented, that in fact the insurance company would be liable?

SENATOR BALBONI: Yes, would be liable.

SENATOR BRESLIN: Okay. Again through you, Madam President, were there any examples prior to the presentation of this

legislation where insurance companies did in fact provide information which resulted in somebody who has an order of protection being injured or harmed?

SENATOR BALBONI: Senator, I do not know if there's any specific instances.

SENATOR BRESLIN: Again through you, Madam President, if the sponsor would yield.

THE PRESIDENT: Senator Balboni, will you yield for a question?

SENATOR BALBONI: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR BRESLIN: Do you envision a great deal of expense to the insurance company in order to set up an apparatus to control this?

SENATOR BALBONI: Madam President, through you. Senator Breslin, through the course of the two years that I've been sponsoring the legislation, we've heard from many different representatives of the insurance industry. Most of the concerns

center around liability and that they are afraid that they're going to be put now into the loop of liability as a result of this and somehow become parties to the order of protection process.

They have not come to me with concerns about costs associated with setting up a database.

I mean, as you and I know, the very nature of insuring an individual means establishing a file, keeping it updated, from anything from number of dependents to occupation to where they live to send any information in the policy. This would be one more item, albeit a very important and critical item, that would need to be put into the file also.

I mean, I don't believe in this electronic age that the actual, physical entry of this data is any way, shape, or form a burden.

SENATOR BRESLIN: I think one final question, if the sponsor would continue to yield.

THE PRESIDENT: Senator Balboni,

will you yield?

SENATOR BALBONI: Yes, Madam President.

THE PRESIDENT: You may proceed.

SENATOR BRESLIN: In your scenario, if an employee checked a file, didn't find any order of protection but there was one there, and gave information out which resulted in injury to the person who possessed the order of protection, that would be, in effect, negligence under which the person with the order of protection would be able to sue the insurance company; is that correct?

SENATOR BALBONI: Madam President, in response, it's always a difficult -- in my opinion, it's always a difficult cause of action to bring against a third party when you don't instigate or perpetrate the assault. As we all know, it's a third party coming in, breaks the chain of liability, necessarily. You know, a criminal act can never be foreseeable. That's the tort concepts I remember from school and from my practice.

So I think it would be difficult

from a purely legal perspective to hold the insurance companies liable.

However, there are certainly very creative members of the bar. And the question becomes were they in violation of this, did they facilitate the assault and could they be held responsible. That's going to be for the court to decide.

SENATOR BRESLIN: One final question, again.

THE PRESIDENT: Senator Balboni, will you yield?

SENATOR BALBONI: Yes, I will yield.

THE PRESIDENT: You may proceed.

SENATOR BRESLIN: Would it not increase the level of foreseeability just by the fact that there's an order of protection in existence?

SENATOR BALBONI: I would agree with that.

SENATOR BRESLIN: On the bill.

I think that -- and this bill I voted for last year, and I will vote for it again this year. But I do see the possibility

of litigation when in fact an insurance company might be trying to adhere to the law as it's been presented and inadvertent mistakes are made, thus bringing an insurance company -- and I think -- I'm not trying to defend insurance companies, but I would suggest that with an order of protection in existence and the name of an insurance company as the defendant, that might present the opportunity for, as my friend Senator Balboni has said, for creative lawyers to increase the amount of litigation.

Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Senator Dollinger.

SENATOR DOLLINGER: Madam President, I'll be very brief.

THE PRESIDENT: On the bill.

SENATOR DOLLINGER: I have just a couple of thoughts for Senator Balboni. I'm going to vote in favor of this bill.

One, I think that the bill should be redrafted to specifically state that the terms of the protection order prohibit the

release of information from any person to the protected party. Because, as I think Senator Balboni well knows, there are all kinds of protection orders. There are protection orders that require no contact at all, there are protection orders that prohibit physical contact, there are protection orders that prohibit locations of particular places or things.

What I would rather have, to minimize the liability to the insurance company or the health care plan, is a specific direction in the order that says that the order applies and prohibits the disclosure of information about the whereabouts of the protected party by any party.

That way the insurance company, upon reading the protective order, would know that they have a specific direction not to release the kind of information that this bill deals with.

I would rather see the protection of the protective order be more explicit about requiring that information in disclosure to the insurance company so there would be no

question about whether they could release the information. There's a wide scope of potential protective orders in this state. We give judges lots of flexibility.

What I would recommend you do, first and foremost, is include a provision in the standard protection order that says that you shall prohibit any third party from disclosing the whereabouts, the identity, or the name and location of wherever the party lives. That way there would be no question.

The second thing I would just suggest is I think you have to redraft the liability clause because, in my judgment, it doesn't do what I think you want it to do. The way it reads right now is it says if they comply with the paragraph (a) and they do what they're told and they act in good faith - which I'm always wary of, because if you comply with the statute, who cares about good faith.

I think Senator Breslin made much the same point. Good-faith compliance with the statute doesn't mean much. They either comply with the statute, and therefore they

get immunity. Good faith isn't needed.

Then the last thing I would suggest is, at least from my point of view -- again, I'm not comfortable with granting anybody immunity. But it would seem to me that you accomplish that by saying they shall be subjected to criminal or civil liability, period. You've got the phrase in "on account of compliance" with the section. I think that ends up being confusing.

I'm going to vote -- I think I'm going to vote in favor of this bill because I like the concept. But I would just suggest that whether you -- if you're saying that upon compliance with the statute they shall not have any civil liability, that's one thing. But if you're suggesting that they have to comply and have to exercise some other concept of good faith and that -- I just think it gets too convoluted.

I think it's a good idea. I would suggest, through you, Madam President, that the bill be redrafted in discussions with the Assembly to specifically -

THE PRESIDENT: Senator Balboni.

Excuse me, Senator Dollinger.

SENATOR BALBONI: Would you yield to just one inquiry -

SENATOR DOLLINGER: Sure. I'd be glad to, Madam President.

SENATOR BALBONI: -- point of information?

THE PRESIDENT: You may proceed, Senator Balboni.

SENATOR BALBONI: Would your opinion as to that "good faith" language change if I told you that when we were discussing this bill with insurance companies they were very wary of a straight compliance standard, because you would then have to get much more specific?

In other words, an order of protection is mailed to an insurance company. Well, if it arrives on a Tuesday morning, when must it be up in the system? Immediate? 24 hours? 48?

And so what we did was we gave courts who would review this a standard against which they would view their compliance as being in good faith. Because to have an

absolute compliance policy, I think you would need more. Because otherwise, everyone would sit back and say, Well, what do you mean by compliance? You know, when would I have to register this? How would I have to do it? And when would it be up in the system?

You know, what if your mail only came on -- what if one company got mail on a Saturday and registered, but the other company decided as a matter of policy they didn't open their mail that they received on Friday until Monday? Would one company be in compliance and the other company be out of compliance?

So I don't know if that would change your opinion, Richard, but that's why we included the good faith.

SENATOR DOLLINGER: Through you, Madam President, to respond to Senator Balboni's question.

I'm always nervous -- and we do this all the time, but it doesn't make my nerves any less jangled. Because what we do, Senator Balboni, is we cast these big, huge concepts for a court to interpret, and then what we do is when they interpret the good

faith and it comes out contrary -- because of the exigencies of the case, it comes out contrary to what we wanted or what we intended, we're suddenly aghast that they're not applying the statute that we've enacted into law.

Which is why what I would suggest is that if we get to a point where this is in serious discussions with our colleagues in the Assembly, that we be very specific about what the protective order says, if it says you may not -- to all third parties, do not disclose information of the whereabouts of the protected party to the person against whom the order is issued.

Number two, if we set up a standard that said we'll give you three days or five days to comply, then we eliminate that good-faith exception, because we define it. We create a standard, which could be three days, five days, seven days -- 30 days, for heaven's sakes -- but some standard that we could rigidly hold them to.

And then the final question is - you know, and I'm putting aside sort of that

issue of when the immunity attaches. It seems to me that we ought to set those standards for what good faith is. We ought to make compliance absolute with a reasonable period in which to do it. We should define that period rather than punt that issue to the courts.

Because what they will inevitably do is create some other good-faith exception that defeats the purpose for which this laudable bill aims, and you end up with a judicial gap that we'll try to go back and fill later.

I'm always nervous about including the phrase "good faith" because I think it gives tons of discretion to our courts. It may be the only way that we get an agreement with the Assembly to do the bill. But I just think it's -- from the point of view of a judge looking at this, he'd say, what does this thing really mean? What did the Legislature -- and I appreciate your effort to provide a guidance to the courts through this debate and through the discussion on the floor. But the bottom line is I think the

good-faith exception, we ought to define exactly what it means to really make it work right.

I'm going to vote in favor of the bill. I think it ought to go off to a conference committee. Senator Balboni, I'll extend this invitation as I have to other people. If what you need is a message from this house, a formal message from this house -- we don't send a lot of messages to the Assembly, but we ought to send a message to the Assembly at some point before the end of this session that there is a backlog of good bills that we've passed which we think are good ideas to attend the significant problems in this state.

We ought to send that over to the Assembly and ask them to convene a conference committee to resolve disputed bills between the two houses this year so that we can put this bill or something close to it into law.

I'll be voting in favor, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 612, by Senator Larkin, Senate Print 1039, an act to amend the Vehicle and Traffic Law, in relation to authorizing.

SENATOR OPPENHEIMER: Explanation, please.

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

SENATOR LARKIN: Madam President, who asked?

THE PRESIDENT: Senator Oppenheimer and others, I believe.

SENATOR LARKIN: Senator Oppenheimer, this bill here is requested by the City of Newburgh. They're looking for a tribunal that is similar to that which is in

Peekskill, Yonkers, portions of Suffolk County, which has a district court, in all cities with a population over 200,000.

The main problem here with this, there are over 58,000 outstanding tickets with fines totaling over 2½ million dollars. And the only way that they can get this done is to have this tribunal. They've looked at every other way to do it, and this is the recommendations the courts give them.

SENATOR OPPENHEIMER: Thank you, Senator.

THE PRESIDENT: Senator Oppenheimer.

SENATOR OPPENHEIMER: If the Senator would yield for a question.

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: Senator Larkin yields.

You may proceed, Senator.

SENATOR OPPENHEIMER: Senator Larkin, how much backlog is there, please?

SENATOR LARKIN: Right now, there's 58,000.

SENATOR OPPENHEIMER: Oh, my God.

SENATOR LARKIN: Nobody shows up to pay the bill.

And this is the key to doing it, as was done when we did one for Peekskill over in your neck of the woods. We did one for the City of Yonkers, which is near and dear to your heart and Senator Spano's heart. And we did it in Suffolk County, and we did it for cities with a population of over 200,000.

This is a city that has one full-time judge and a half-time judge. It is home to about 27,000 people. It's a cornerstone on the eastern end of the county where they have quite a bit of development and entertainment and whatnot. They never can seem to get these cases up to doing.

SENATOR OPPENHEIMER: Madam President, if the Senator would yield again.

THE PRESIDENT: Senator Larkin, will you yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Oppenheimer.

SENATOR OPPENHEIMER: Would this tribunal take place in the same location as the judge? In other words, the person would first go to -

SENATOR LARKIN: It doesn't have to. The tribunal can be set up in some other location within the city.

SENATOR OPPENHEIMER: Well, then through you, Madam President, the person would not first go to the judge and then be referred to the tribunal?

SENATOR LARKIN: No, they wouldn't have to be.

SENATOR OPPENHEIMER: Direct to the tribunal?

SENATOR LARKIN: Yes. That's the only way you're going to clear up the backlog.

SENATOR OPPENHEIMER: No, I understand what you're saying.

SENATOR LARKIN: They've been looking for this out of this legislative body for the last couple of years, and we haven't made it. But if we really talk about helping municipalities, here's a good way to help a municipality recoup 2½ million dollars.

And you represent a city, and you know the small cities are hurting. They're always coming here to Albany, to us, looking for extra money. Here's something that's on their plate that they can use if we're willing to help them.

SENATOR OPPENHEIMER: Through you, Madam President, if you would continue - if the Senator would continue to yield.

SENATOR LARKIN: Yes, Madam President.

SENATOR OPPENHEIMER: Last question.

THE PRESIDENT: You may proceed, Senator.

SENATOR LARKIN: Promises.

(Laughter.)

SENATOR OPPENHEIMER: No, this is it. Unless you answer wrong.

This only refers to nonmoving traffic violations?

SENATOR LARKIN: Yes.

SENATOR OPPENHEIMER: Okay, thanks very much.

Okay, on the bill. I think this is

a great bill -

THE PRESIDENT: You may proceed on the bill, Senator Oppenheimer.

SENATOR OPPENHEIMER: I cannot understand, and maybe -- maybe -- I actually did have one more question. But I don't understand why this hasn't moved. This makes such incredibly good sense that it sometimes is mind-boggling some of the things that don't happen here that ought to be happening.

With 1½ judges, I don't know how they get to 58,000 violations. I think they either need another judge or this tribunal court. And I can't imagine why there wouldn't be an administrative tribunal. So I'm certainly voting for it. I can't understand why it hasn't passed in the past.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

There is a home rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 659, by Member of the Assembly Glick, Assembly Print Number 3535A, an act to amend Chapter 942 of the Laws of 1983.

SENATOR KUHL: Would you lay that bill aside temporarily, please.

THE PRESIDENT: The bill is laid aside, Senator Kuhl.

THE SECRETARY: Calendar Number 703, by Senator Farley, Senate Print 4633, an act to amend the Banking Law, the Criminal Procedure Law, and the Penal Law, in relation to the regulation of licensed transmitters of money.

SENATOR ONORATO: Explanation.

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

SENATOR FARLEY: Thank you. I already started to explain this bill, I think. But if you've got more questions, I'll be

happy to answer them.

Actually, this would strength the regulations of money transmitters and the whole industry in New York State. It includes some amendments which would ensure that licensed money transmitters are subject to certain general powers of the superintendent.

It authorizes the issuance of eavesdropping and video surveillance warrants for illegal money transmission activities, which are designated as felonies, and it ensures that money-laundering laws apply to any money laundering which utilizes or involves subagents -- that's kind of important -- of a money transmitter. Current law only applies to licensed transmitters. And this is these subagents that are doing mischief.

It also increases the daily penalty for the failure of a money transmitter to make a required report to the Banking Department.

Money transmitters provide a valuable service to consumers. They can wire money from a New York residence to family members in other states and countries. They

may also sell money orders and travelers checks and that sort of thing.

But this bill is kind of important to strengthen the regulatory and enforcement provisions. Because what we're talking about here is looking after drug money and so forth that is being transmitted illegally.

One of the major problems, and something that this does, misdemeanors, I think that you know, are not usually prosecuted because the prosecutors are pretty busy doing felonies. And this kind of strengthens the law in this area.

Federal law officials have continued to be concerned about this in the area of money laundering. And over the past two decades, much progress has been made in preventing money laundering in banking institutions. As a result, money launderers have increasingly turned to other methods, including using these transmitters, money transmitters.

Now, the industry is anxious to have these subagents licensed, because this is where the mischief is taking place. So that's

a very important facet, that these subagents, at least the Banking Department and the enforcement industry can monitor them.

And I think with that, I'll be happy to answer any questions.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Madam President, will the sponsor yield to a couple of questions?

THE PRESIDENT: Senator Farley, will you yield for a question?

SENATOR FARLEY: Sure.

THE PRESIDENT: You may proceed with a question.

SENATOR ONORATO: Senator Farley, this bill appears to give the Superintendent of Banks additional powers for regulatory oversight. Doesn't he already have these powers?

SENATOR FARLEY: No.

SENATOR ONORATO: He currently does not have these powers?

SENATOR FARLEY: No, he does not.

In this respect, Senator Onorato. That, for instance, subagents are not

licensed. Okay? They're going to be licensed by the Banking Department now, and the Banking Department can monitor them. And that's again where I said a lot of mischief takes place.

SENATOR ONORATO: If the sponsor will continue to yield.

SENATOR FARLEY: It also ups the penalties.

THE PRESIDENT: Senator, do you yield?

SENATOR FARLEY: I certainly will, Madam President.

THE PRESIDENT: You may proceed, Senator Onorato.

SENATOR ONORATO: Has there been some specific violations of money transmitters that have prompted this legislation?

SENATOR FARLEY: Yes, there has been. There's been specific violations, particularly that -- on behalf of these subagents and so forth.

And we're concerned about monitoring this. The federal government has really cracked down on money laundering pretty heavy. And this is just another avenue which

has become a loophole, if you will, for these criminals to try to -- you know, no matter what we do, Senator Onorato, the crooks and the thieves will find some sort of another way to skirt the law or to find a loophole.

This is one of the loopholes we're trying to plug.

SENATOR ONORATO: Madam President, will the sponsor continue to yield?

SENATOR FARLEY: Certainly.

SENATOR ONORATO: This bill allows for the use of eavesdropping and video surveillance against money transmitters that have committed certain felonies. Can you give me some example of the felonies that it would cover?

SENATOR FARLEY: You realize I'm a law professor in the civil law more than - I'm not that schooled in the criminal law. But let me just -- I think I can answer your question.

In this area, money-transmitter felonies relate to unlicensed persons who know they are dealing with criminal proceeds. Okay? In other words, if a licensed money

transmitter is dealing with a criminal and they know that they're dealing with criminal proceeds -- drug money, for instance, since that's what we're talking about -- for investigators to prove such knowledge, it is almost always necessary to conduct a surveillance.

This will -- the bill will ensure that law enforcement can use this tool in investigating money transmitter felonies. It's one of the few areas ways -- it's about the only way that they can catch them.

SENATOR ONORATO: Thank you, Senator.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. Could you call up Calendar Number 659, please.

THE PRESIDENT: The Secretary will read Calendar Number 659.

THE SECRETARY: Calendar Number 659, by Member of the Assembly Glick, Assembly Print Number 3535A, an act to amend Chapter 942 of the Laws of 1983.

SENATOR PATERSON: Explanation.

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

SENATOR SALAND: Thank you, Madam President.

Madam President, this is a bill which extends the foster family care programs, programs which effectively provide care for the elderly. It's treated as a local -- in effect, a local treatment at some local site, instead of resorting to some type of institutionalized program.

It's a cost-effective program and one which was originally introduced a number of years ago, is due to expire at the end of

this calendar year, has been already passed by the Assembly. And we would very much like to follow on the heels of the Assembly and extend this for an additional two years.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR HASSELL-THOMPSON: Through you, if the Senator will yield.

THE PRESIDENT: Senator Saland, will you yield for a question?

SENATOR SALAND: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR HASSELL-THOMPSON: Thank you. I just had a couple of questions. And it's always the question that I continue to be the one that asks, it seems.

These programs have been very successful, or considered to be. Why aren't we making it permanent?

SENATOR SALAND: Senator, this program is one which I would welcome permanentizing.

On the whole -- and I can't tell you that I've had any recent discussions with the Assembly regarding this, but on the whole the resistance generally to permanentizing these types of programs have been really resonating through or coming from the Assembly. I'd be more than happy to permanentize the program.

The fact of the matter is this program has been on the books for nearly twenty years now, and certainly permanentizing it would be most appropriate.

SENATOR HASSELL-THOMPSON: If the Senator will continue to yield.

THE PRESIDENT: Senator Saland, will you yield for a question?

SENATOR SALAND: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Has there been any consideration or any interest

expressed in opening up more? I'm assuming that there's ten entities that I've read about. Is there an interest in increasing that number?

SENATOR SALAND: My experience has been -- because one of these programs is found in my district, and I helped create it a number of years ago when I was serving in the Assembly -- it certainly has been a very successful program.

I can't tell you that somebody has contacted me in my capacity as the chairman of the Senate Children and Families Committee nor as the chairman of the Human Services Budget Conference Subcommittee asking for yet some additional programs in some other venue.

I think the best source of that would probably be either the Office for the Aging or the Department of Health.

SENATOR HASSELL-THOMPSON: On the bill.

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR HASSELL-THOMPSON: Just very briefly.

You know, from the information that I've been able to discern, Burke Rehab, which is a part of the Westchester community, is one of these such centers. And in terms of people with long-term care, this is always a greater option, a better option than nursing homes.

So I am in support of this bill, and I commend you, Senator Saland, in the continuance of proposing it.

And I would like to hope that as we talk about continuing resolutions that we would use some standard by which we can determine a success or failure rate to ensure that programs that are successful, fiscally sound, has all the proper components, will be made permanent. As opposed to every two years waiting for the sunset, as opposed to something much more long-term that we have the capacity and we have the ability to do.

Thank you. Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Is there any housekeeping at the desk?

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

SENATOR KUHL: Would you recognize Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: I just give notice -- there is at the desk a written notice of our intention to move to amend the rules. That notice is given pursuant to Rule XI. The notice is an indication of an intention to create a new rule, XV, which will establish ethical standards for members,

Officer, and employees of the Senate. I would ask that it be recorded in the Journal, Madam President.

THE PRESIDENT: The notice has been received, Senator, and it will be recorded in the Journal.

Senator Kuhl.

SENATOR KUHL: Madam President, would you recognize Senator Paterson, please.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, there will be an immediate meeting of the Minority in the Minority Conference Room, 314, where we may discuss this long-awaited Rule XV and other things.

But right after session, an immediate meeting of the Minority Conference in the Minority Conference Room, Room 314.

THE PRESIDENT: Immediately after session there will be a meeting of the Minority in the Minority Conference Room, Room 314.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. There being no further business to

come before this house this date, I move the Senate stand adjourned until tomorrow, Tuesday, May 15th, at 11:00, I say 11:00 a.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Tuesday, May 15th, at 11:00 a.m.

(Whereupon, at 4:50 p.m., the Senate adjourned.)