NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:11 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT McGEE: The Senate will come to order.

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

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

ACTING PRESIDENT McGEE: In the absence of clergy, would everyone bow our heads and we'll have a moment of silence.

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

ACTING PRESIDENT McGEE: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Morahan, from the Committee on Veterans and Military Affairs, reports:

Senate Print 6630, by Senator Larkin, an act to amend the Vehicle and Traffic Law.

Senator Lack, from the Committee on Judiciary, reports:

Senate Print 4090, by Senator Lack, an act to amend the Real Property Law.

Senator Leibell, from the Committee on Civil Service and Pensions, reports:

Senate Print 7367, by Senator Maltese, an act to amend the General Municipal Law.

Also, from the Committee on Elections, Senator Maltese reports:

Senate Print 1020, by Senator Lack, an act to amend the Election Law;

1040, by Senator Maziarz, an act to amend the Election Law;

2504A, by Senator Mendez, an act to amend the Election Law;

2887A, by Senator Maltese, an act to amend the Election Law;

3888, by Senator Maltese, an act to amend the Election Law;

3889, by Senator Maltese, an act to amend the Election Law;

And 6747, by Senator Maltese, an act to amend the Election Law.

Senator Farley, from the Committee on Banks, reports:

Senate Print 3391, with amendments, by Senator Alesi, an act to amend the Banking Law;

3791B, by Senator Farley, an act to amend the Banking Law;

4635, by Senator Farley, an act to amend the Banking Law;

5571, by Senator Maltese, an act to amend the Banking Law;

And 6514, by Senator Farley, an act to amend Banking Law.

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

Senate Print 1363, by Senator Kuhl, an act to amend the Education Law;

2356, by Senator LaValle, an act to amend the Education Law;

4021, by Senator Balboni, an act to amend the Education Law;

4287, by Senator LaValle, an act to amend the Education Law;

5334, by Senator Velella, an act to amend Chapter 576 of the Laws of 1975;

5470A, by Senator LaValle, an act to amend the Education Law;

6138, by Senator Maltese, an act to amend the Election Law;

6284, by Senator McGee, an act to amend the Election Law;

6602, by Senator Stafford, an act to amend the Education Law;

6614, by Senator LaValle, an act to amend the Education Law;

6822, by Senator Espada, an act to amend the Education Law;

7064, by Senator LaValle, an act in relation to authorizing;

7065, by Senator LaValle, an act to amend the Education Law;

7121, by Senator Rath, an act to

amend the Education Law;

2951A, by Senator Velella, an act to amend the Education Law;

And Senate Print 7147, by Senator LaValle, an act to amend the Education Law and the Public Health Law.

All bills ordered direct to third reading.

THE PRESIDENT: Without objection, all bills reported direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR FUSCHILLO: Amendments are offered to the following Third Reading Calendar bills.

Sponsored by Senator Marcellino, page number 56, Calendar Number 964, Senate Print Number 4164A.

By Senator Bonacic, page number 61, Calendar Number 1016, Senate Print Number 6502A.

By Senator Marcellino, page number 70, Calendar Number 1102, Senate Print Number 4755C.

By Senator Leibell, page number 72, Calendar Number 1125, Senate Print Number 3245.

By Senator Leibell, page number 73, Calendar Number 1139, Senate Print Number 5286.

And by Senator Johnson, page number 78, Calendar Number 1161, Senate Print Number 7209.

I now move that these bills retain their place on the order of Third Reading Calendar.

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

SENATOR FUSCHILLO: Madam President.

THE PRESIDENT: Senator

Fuschillo.

SENATOR FUSCHILLO: On behalf of Senator Espada, I move that the following bill on the order of third reading be recommitted to the Committee on Higher Education: Senate Print Number 6680, Calendar Number 1074.

THE PRESIDENT: So ordered, Senator Fuschillo.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: 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 56, Senator Spano moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 5973B and substitute it for the identical Senate Bill Number 4697C, Third Reading Calendar 966.

On page 57, Senator Kuhl moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 9980 and substitute it for the identical Senate Bill

Number 6332, Third Reading Calendar 970.

On page 57, Senator Hannon moves to discharge, from the Committee on Social Services, Assembly Bill Number 4386 and substitute it for the identical Senate Bill Number 2821, Third Reading Calendar 979.

On page 58, Senator Hoffmann moves to discharge, from the Committee on Judiciary, Assembly Bill Number 10454 and substitute it for the identical Senate Bill Number 6607, Third Reading Calendar 990.

On page 60, Senator Spano moves to discharge, from the Committee on Labor, Assembly Bill Number 7001 and substitute it for the identical Senate Bill Number 4382, Third Reading Calendar 1002.

On page 61, Senator LaValle moves to discharge, from the Committee on Local Government, Assembly Bill Number 860A and substitute it for the identical Senate Bill Number 6673, Third Reading Calendar 1018.

On page 63, Senator Morahan moves to discharge, from the Committee on Transportation, Assembly Bill Number 614A and substitute it for the identical Senate Bill

Number 1115A, Third Reading Calendar 1038.

On page 66, Senator Farley moves to discharge, from the Committee on Veterans and Military Affairs, Assembly Bill Number 1736 and substitute it for the identical Senate Bill Number 3129, Third Reading Calendar 1063.

On page 66, Senator Morahan moves to discharge, from the Committee on Veterans and Military Affairs, Assembly Bill Number 7063A and substitute it for the identical Senate Bill Number 4739A, Third Reading Calendar 1068.

On page 66, Senator Morahan moves to discharge, from the Committee on Veterans and Military Affairs, Assembly Bill Number 1687 and substitute it for the identical Senate Bill Number 6185, Third Reading Calendar 1070.

On page 67, Senator Stafford moves to discharge, from the Committee on Veterans and Military Affairs, Assembly Bill Number 9917 and substitute it for the identical Senate Bill Number 6315, Third Reading Calendar 1071.

On page 67, Senator Maltese moves

to discharge, from the Committee on Education, Assembly Bill Number 2782 and substitute it for the identical Senate Bill Number 443, Third Reading Calendar 1076.

On page 70, Senator Kuhl moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 10685 and substitute it for the identical Senate Bill Number 6160, Third Reading Calendar 1103.

On page 76, Senator Skelos moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9870A and substitute it for the identical Senate Bill Number 6288A, Third Reading Calendar 1149.

And on page 78, Senator LaValle moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9011B and substitute it for the identical Senate Bill Number 4643B, Third Reading Calendar 1163.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 248, by Senator Libous, Senate Print 4106, an act to amend the Executive Law, in relation to requiring consent.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 636, by Senator Saland, Senate Print 5199, an act to amend the Family Court Act and the Executive Law, in relation to orders of protection.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 704, by Senator Fuschillo, Senate Print 3901, an act authorizing the assessor of the County of Nassau to accept an application.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44. Nays, 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 798, by Senator Kuhl, Senate Print 2315, an act to amend the Agriculture and Markets Law and the Vehicle and Traffic Law, in relation to exempting farm vehicles.

SENATOR PATERSON: Lay it aside,

please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 823, by Senator Skelos, Senate Print 6383, an act authorizing the assessors of the Village of Valley Stream.

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, 44. Nays, 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 824, by Senator Skelos, Senate Print 6386, an act authorizing the assessor of the County of Nassau.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 12. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Dollinger, to explain your vote.

SENATOR DOLLINGER: Just to explain my vote, Madam President.

The trend continues in Nassau County. As Senator Skelos has suggested, this may be the last of the batch. But unfortunately, my prediction made years ago is coming true.

We're doing three property tax exemptions in Nassau County. In some cases they involve taxes over a four- or five-year period. I have to ask, what are people doing in Nassau County when they're not-for-profit and a property tax bill shows up in the office? Doesn't someone say, Gee, we shouldn't be having to pay these?

I would suggest I've got a solution. I've advocated for a statewide bill for years. But I've got another solution. This is a solution -- it's a simple one. I would ask my five brethren from Nassau County

to do this. It's very simple. Throw a little bit of money in a member-item pot and just put up the following sequence of signs. And it will say: "If you're a not for profit and you buy a piece a land, do yourself a favor, have a property tax exemption form in hand."

Burma Shave. That simple. Let's do it in Nassau County. We can bring back the Burma Shave signs, little sequential signs. It will be such a wonderful thing.

And then, Lord knows, we'll have to figure out what to do in late April and late May while we're waiting for a budget and we seem to have nothing else to do except act as the grand poo-bah of the Nassau County reassessment system.

I'll vote no, Madam President.

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: Ayes, 48. Nays, 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

826, by Senator Bruno, Senate Print 6531A, an act to authorize the City of Saratoga Springs.

THE PRESIDENT: There's a home-rule message at the desk.

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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 842, by Senator Saland, Senate Print 6399A, an act to amend the Highway Law, in relation to designating a portion of interstate Route 84.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 881, by Senator Saland, Senate Print 396B, an act to amend the Social Services Law, in relation to training requirements.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 931, by Senator LaValle, Senate Print 2352, an act to amend the Education Law, in relation to unlawful sale.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 951, by Senator Nozzolio, Senate Print 4527, an act to amend the Public Housing Law, in relation to members.

SENATOR HEVESI: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1001, by Senator Spano, Senate Print 4155, an act to amend the Labor Law, in relation to limited liability companies.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1053, by Senator Morahan, Senate Print 7322, an act to amend the Public Authorities Law, in relation to the use of monies.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT McGEE: The bill is passed.

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

SENATOR SKELOS: Madam President, if we could go to the controversial calendar.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: On page 42, Calendar Number 798, by Senator Kuhl, Senate Print 2315, an act to amend the Agriculture and Markets Law and the Vehicle and Traffic

Law, in relation to exempting.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT McGEE: Senator Kuhl, an explanation has been requested.

SENATOR KUHL: Thank you, Madam President.

This is a proposal that would essentially remove a mandate that was placed on farmers back in 1994 by this Legislature which required them to take out a secondary insurance policy on what were termed to be farm-plated vehicles.

ACTING PRESIDENT McGEE: Read the last section.

Senator Paterson, why do you rise?

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

ACTING PRESIDENT McGEE: Senator Kuhl, do you yield for a question?

SENATOR KUHL: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: Madam President, I'm interested in whether or not

the Motor Vehicle Accident Indemnity Corporation would provide any assistance if we were to pass this legislation today and there would no longer be the requirement of insurance.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: To answer the Senator's questions, I don't believe that really that would be necessary. As we all know, most farmers have a general liability policy. The farm-plated vehicles were previously covered under that policy and would continue to be covered under that policy.

So any reference to the Motor Vehicle Accident Indemnification Corporation I don't think really is or would be necessary, Senator.

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

ACTING PRESIDENT McGEE: Senator Kuhl, will you continue to yield?

SENATOR KUHL: Yes.

ACTING PRESIDENT McGEE: The

Senator yields.

SENATOR PATERSON: These policies quite often have exclusions whereby the accident would not necessarily be covered. So we don't have a -- actually, it's not even that we don't have a problem with it. The idea of providing the assistance for the farm-plated vehicles so there isn't a greater expense to the farmer is fine.

But if indeed the possibility of there being an accident is so unlikely, then it would seem to me that somebody should at least provide insurance for perhaps the other farmer or the other resident that would potentially be injured just if, in an extraordinary case, there was an accident.

So since it's not likely to happen, it would seem to me to be a perfect opportunity to provide some form of coverage.

And I guess what I'm really looking for is the answer to where that coverage would come from. Because I think that a lot of the policies have exclusions, and that's why I thought that perhaps MVAIC would provide some assistance there.

SENATOR KUHL: Senator, I never have explored that possibility. And I appreciate your raising the question, because that certainly is an avenue that we'll explore as we go further down the line.

But as you may know and may remember -- you were here in 1994 when in fact we passed this mandate on farmers. And it came about as a result of new legislation from the federal government where they were upgrading truck standards and things of that nature.

This was included, I think, as an oversight. And what it essentially did was to put every farmer who has a farm-plated vehicle in the position now that they would have to go and obtain a new insurance policy for each one of these farm-plated vehicles. That was not the case prior to 1994.

And certainly our experience is that there virtually were no accidents with these vehicles. I mean, these are essentially the lawnmowers, if you will, that we all have as homeowners, that farmers have just to allow them to carry on their functions in the

fields. And that they are on -- as you know, farm-plated vehicles can only travel 25 miles from their source anyway, Senator.

And so our experience is that this was really an unnecessary mandate, because there was no need for insurance coverage over and above what was currently being provided under general liability policies.

Now, let me carry it one step farther. If you had -- and I know you represent the New York City area, Senator, so you don't have the luxury or the good fortune to have many farmers in your district who have expansive farms.

These farmers are traditionally what they call "land poor." They have acres and acres and acres of land that they utilize and they pay taxes on, and really it's very difficult for them to essentially protect all of their assets.

One of the things -- and this goes as just an aside in our debate here. One of the things that we have traditionally struggled with in this Legislature has been the estate and gift tax laws. Because what we

have found is that when farmers die and try to leave the farm to their family, that they leave this huge asset that they have been working.

Okay, well, now their method of protecting themselves is to have a general liability policy. And certainly they're not going to put this huge and very lucrative and expensive asset at risk for having an accident with a farm-plated vehicle on a highway.

Now -- and my point to you, Senator, is that the general liability policies are not going to have exclusions for farm-plated vehicles. And I've never seen one. Now, that is a potential possibility, sure. But it's never been a liability such that there would be significant savings on a premium to actually exclude it.

As you know, there are some in our general liability policies. If you're a homeowner, I think they cover you for something like $5,000 for expensive items like rings or furs or guns, things of that nature. And if you want to have coverage for those items over and above that initial threshold,

then you have to have an additional policy.

I have never heard, in any of the discussions we have had with farmers and people from Farm Bureau, who represent thousands of farmers across the state, that there have been exceptions from this general liability. As a matter of fact, it has been just the opposite.

And that's my point, is that they use the general liability policy to actually cover their exposure as a result of the very limited transportation of these farm-plated vehicles on the highways.

SENATOR PATERSON: Madam President, I hope that the members who don't have too many farms in their districts, such as myself, appreciated the plight of the farmer as it is today, as quite eloquently exhibited by the remarks that Senator Kuhl just offered us.

And it makes it very difficult to add to the encumbrances that they feel by making them insure each of these vehicles, where particularly the farm-plated vehicles are really just used to transport materials,

they don't go very far from the farm, they don't drive very quickly. And the likelihood of any kind of accident -- as Senator Kuhl has pointed out, I guess, nine times to the body -- is very little.

Nonetheless, sometimes when we regulate conduct through law, what we want to establish is equity in the law, even if we want to try to create a special circumstance for situations that compel us to do so.

And so while I probably will vote no for the bill, I really wish I could vote no contest. Because I am very much in sympathy with what the farmers feel and what Senator Kuhl is averring in the discussion today.

But what I would suggest as a solution to this is that we draft legislation that would compel the insurance companies not to be able to exclude, in this case, the farm-plated vehicles from the umbrella policy that would cover the entire farm. It would be almost no additional cost, because nobody can really think of the last time a farm-plated vehicle got into an accident.

And yet at the same time, it would

be in compliance with the law and would conform to the standards that we try to set in this chamber when we write laws such that there would not be a situation where even in a highly extraordinary case there was some kind of an accident and someone who might well be another farmer might be victimized because somebody's teenage child took the farm-plated vehicle out just to see what it was like and was involved in some unfortunate accident.

So what I'm suggesting is that we close the loophole by making an addendum to the legislation and compelling the insurance companies to cover this. And just by the actuarial tables, I don't think there would be any particular cost to the farmer that would accrue. And at the same time, we would accomplish the goal of really taking the farm-plated vehicles out of the mandate that the federal government put on farmers about a decade ago.

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

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you,

Madam President. If you could ask the sponsor if he would yield to a question, please.

ACTING PRESIDENT McGEE: Senator Kuhl, will you yield for a question?

SENATOR KUHL: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

I am sorry that I missed previous years' debate around this bill. I was reading the transcripts. And I still need a little clarification, Senator Kuhl.

You were describing the vehicles that would be covered under this change in liability insurance to be, to some degree, off-road vehicles that only went 25 miles maximum. But it's my understanding from reading some notes, so I'd like to ask you whether it's your understanding that I'm right or not, that these vehicles are, by and large, pickup trucks, dump trucks, and other trucks used to haul farm produce, fertilizer, and other supplies between farms, up to 25 miles one way.

Is that your understanding of the

vehicles we're talking about?

SENATOR KUHL: It could be any of those, Senator.

SENATOR LIZ KRUEGER: Could be any of those?

SENATOR KUHL: Yeah. The farm-plated vehicle has a restriction of -- a limitation of being able to travel only 25 miles from its source. And actually, I believe that the pattern or the plot of that travel is actually written down when the application for the farm plate is actually rendered.

And it's done for very specific reasons. And most of them are not going 25 miles; they're going from basic farm across the road to the field to take fertilizer, or they may be going across there to pick up watermelons and bring them back, or something like that. They're just vehicles that are used in production that on a rare occasion are traveling on the highway.

And that's why there are some exclusions, or I should say exemptions from some of the safety regulations that are

necessary. For instance, if you're going to have a truck who is going to -- and you're going to be out harvesting only during the day, is it necessary to have lights functioning on that truck? The answer is no. Okay?

And one of them may get broken down or something like that in the field because of the rough use of that in its combination with other farm vehicles. So there are specific regulations that exempt that vehicle from certain types of requirements.

And also there is a very small limitation on the travel on the highway. You may remember that we have passed a bill in this house that would change that slightly - that I sponsored also -- that would allow these vehicles to actually be driven to a repair station so they can be repaired.

Currently, they can't. So if a vehicle has a problem with a repair, they actually have to take that vehicle put it on another trailer and then drive it that way, which gets to be very expensive and very cumbersome for a lot of farmers when they

don't necessarily have that type of equipment to do that.

SENATOR LIZ KRUEGER: Madam President, if the sponsor would continue to yield to an additional question.

ACTING PRESIDENT McGEE: Senator Kuhl, will you continue to yield?

SENATOR KUHL: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Senator, thank you for the clarification.

I guess I'll tie this into the liability discussion that Senator Paterson was having. If I am hit by a dump truck or a truck or a pickup truck carrying watermelons less than 25 miles from the farm, how am I less hurt or less entitled to liability response than the fact that the vehicle might have had a New York State regular license plate? How does it change the reality for the person or the other vehicle who gets damaged in an accident?

SENATOR KUHL: Well, Senator,

there's no diminution of any kinds of relief that you might have in any kind of judicial structure, none whatsoever in this bill.

This bill simply says, look, back in 1994 this Legislature imposed a new mandate that's very expensive to farmers on them. They already had a coverage for their vehicles. Now you're telling them they've got to go out and get another policy and pay for a separate policy on each one of these farm vehicles.

Now, to me, that's double coverage that's unnecessary. And it certainly is very expensive in the operation.

What we've seen in this state, Senator, has been this kind of overregulation, this kind of burden, this kind of financial cost to farmers that has driven them out of business. We have lost something like 9,000 farms in the last ten years. There's a million acres less that are being harvested in this state because of overregulation.

This is one of the things that's doing that. And this Legislature has done that. And I think it's unfair, it's

unnecessary. And your -- in your particular case that you've posed, you still have a right to relief. You can still sue the farmer.

Now, it's unlikely that one of these farm vehicles going 10 miles an hour from one field to the other is going to harm you very dastardly. You're not going to be destroyed. Probably you're going to be the reason for the accident, because you're probably coming down this highway where this farm vehicle is, with this big orange plate that says it's a slow-moving vehicle, at 55, 60, 65, or 70 miles an hour.

SENATOR LIZ KRUEGER: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator Kuhl, will you continue to yield?

SENATOR KUHL: I'd be happy to.

ACTING PRESIDENT McGEE: The Senator is happy to yield.

SENATOR LIZ KRUEGER: Thank you, Senator. I don't think that either of us could actually debate who would be most likely responsible, the farmer or the other party, in

any given accident -

SENATOR KUHL: Senator, I only say that because there is not on record a recorded accident with a farm vehicle.

SENATOR LIZ KRUEGER: Okay. But again, on the bill, you agreed before that you thought there should be liability insurance for farmers and that -

SENATOR KUHL: And there has been, Senator. That's my point.

SENATOR LIZ KRUEGER: And that this is a double requirement on them because they do have farm liability insurance policies.

Senator Paterson brought up before the question of whether farm liability policies require inclusion of motor vehicles. And it's my understanding that it doesn't require that now.

So assuming we all agree that there should be liability insurance and that your point, which I think is well taken, that we shouldn't require double insurance to cover the same issue for farmers, if in fact farm liability insurance covers the potential

accident -- and as you've pointed out, and the transcripts from previous years have also shown, that nobody has shown much evidence of this kind of accident occurring -- my question to you is, if the liability risk is the same, quite low, whether it's motor vehicle insurance liability or farm liability, and we all agree that there ought to be liability insurance, that we're to some degree debating whose insurance coverage should be in place, what is your understanding of why it would be less costly to farmers to have motor vehicle insurance under farm liability insurance as opposed to the premiums they're paying for these low-risk vehicles under motor vehicle insurance?

SENATOR KUHL: Well, Senator, it's my understanding when you write an individual policy for an individual vehicle that you're not exempting it as a farm vehicle. So it is insured just like the car that you drive. And that's a very expensive premium, I assume, as you know.

This was never the case before. Now, my good friend David Paterson I think has

come up with a marvelous idea, a marvelous idea. And in an attempt to try to get him to vote for this bill today, I'm going to assure him that I am going to put in a chapter amendment to this bill that will essentially prohibit the exemption of a farm vehicle from a general liability policy if in fact this bill passes both houses and is signed into law. Because I think that's an excellent idea.

Because he makes the point that there's nothing to preclude a farmer from then, after having a general policy, to exclude that vehicle from that general policy. I think that's wonderful.

I don't think that that is the case that's happening today. I've never heard of it. So I have no problem in passing a chapter amendment that would prohibit an activity that isn't occurring today.

And I think his idea is an excellent one, because that gives his constituency who's concerned about this bill, you know, the assurance that in fact there will be a liability policy covering this

vehicle if it in fact is on a state highway.

SENATOR LIZ KRUEGER: Madam President, if I might speak on the bill.

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I'm very glad to hear Senator Kuhl's proposal to amend his own bill. That I think would at least partially address the concern that I believe Senator Paterson and I have raised today.

I would actually ask that you amend your amendment to not only include a requirement that farmers have to have the liability insurance under their coverage, but, perhaps more importantly, mandate that the issuers of farm liability insurance must include motor vehicle liability insurance in their policies for farm vehicles.

Because while my research is very new, and again, as I said, I have not been here for the previous years of debate, it's my understanding that a concern we ought to have is that the issuers in the insurance industry for farm liability insurance will purposely

exclude farm vehicle insurance.

So it's not the question of is the farmer prepared to take that option, but rather that the insurance company isn't prepared to provide that option.

And I think that if this house was to go forward and pass this into law through both houses, what would be necessary to address the standard of liability that I think we all agree that if there is accidents, there should be liability coverage, that we need to ensure that insurance companies have to provide this coverage under umbrella farm liability policies.

So again, I will withhold voting yes today. I would be open to changing my vote to yes with the amendments that require that we have equal coverage under farm liability insurance both mandated for the insurance companies and required for the farmers, to ensure that we have adequate insurance.

And I hope, based on your analysis, if this was done, it would be a lower cost than is currently the option under motor

vehicle insurance. Because I agree our goal is not to overregulate farms, it is not to overburden New York State farmers with unnecessarily expensive insurance coverage.

And that basically, if your proposal is really one to lower the cost of insurance for farmers for their vehicles that are lower-risk vehicles, and that can be done by protecting the rights of people if accidents occur by providing a lower-cost insurance plan through farm liability insurance, I think that would be an excellent model.

So I will vote no today, but I am optimistic that an amended bill might be one that we would all agree is in the best interests of all New Yorkers.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you, Senator.

Any other Senator wishing to speak on the bill?

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

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

SENATOR PATERSON: Madam President, I'm going to vote no, just in the sense that this is the bill that was put before us today.

But I think that this is one time that we actually heard a debate that influenced the opportunity of actually doing something, as we have not for nine years, for those farmers who are in that particular situation and have really lost a lot, as we as a state have lost a lot from the source of the work -- from the work that they actually do.

I do think that by next year we'll all be voting for this. And I want to thank Senator Kuhl for his years of working on this issue and all the exhaustion he's gone through trying to convince me that he's right. But I did always understand the effect of these added encumbrances that farmers feel from the federal legislation of some time in the past.

ACTING PRESIDENT McGEE: How do you vote, Senator?

SENATOR PATERSON: Oh, I vote no, Madam President.

ACTING PRESIDENT McGEE: Senator Paterson in the negative.

SENATOR PATERSON: With a heavy heart.

ACTING PRESIDENT McGEE: With a heavy heart.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 798 are Senators Breslin, Connor, Dollinger, Duane, L. Krueger, Montgomery, Onorato, Paterson, and Stavisky. Ayes, 47. Nays, 9.

ACTING PRESIDENT McGEE: The bill is passed.

Calendar Number 951, by Senator Nozzolio, Senate Print 4527, an act to amend the Public Housing Law, in relation to the members.

SENATOR HEVESI: Explanation.

ACTING PRESIDENT McGEE: Senator Nozzolio, an explanation has been requested.

SENATOR NOZZOLIO: Madam President, who requested the explanation?

ACTING PRESIDENT McGEE: I think Senator Schneiderman -- Senator Hevesi, I'm sorry.

SENATOR NOZZOLIO: Senator Hevesi. Thank you.

Senator Hevesi, my colleagues, this measure was introduced at the request of the Geneva Housing Authority and the Geneva City Council. It was a measure that exempts the housing authority from the requirement that their local legislative body must approve a compensation.

It authorizes -- the current law authorizes the housing authority to hire their employees, fix their compensation subject to the approval of the local legislative body. In this case, it's the City of Geneva.

Geneva local officials said that that may have been appropriate when the housing authority was first created, it was operated. But through time, that the city has had the responsibility should there be any deficits of the housing authority.

That has since been changed, because the city housing authority has become a federally assisted project. The city no longer faces these financial risks or bears such responsibility. Therefore, it makes sense that the city no longer have to micromanage the day-to-day operations of the housing authority.

ACTING PRESIDENT McGEE: Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President. Would the sponsor please yield?

ACTING PRESIDENT McGEE: Senator Nozzolio, do you yield?

SENATOR NOZZOLIO: Yes, Madam President, I'd be happy to yield to Senator Hevesi.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR HEVESI: Thank you, Madam President.

I voted for this last year. I understand the logic behind it. I'm just a little bit concerned about the lack of oversight on public authorities.

So my question would be since we have moved here, evidently, to a funding source from the federal government, is there any federal oversight over staffing, salaries, and the like currently which would obviate the need for local oversight?

SENATOR NOZZOLIO: Madam President, certainly that's a very relevant question. I'd have to say that every grant, every authorization of funds from the federal government to the city housing authority is subject to appropriate audits, appropriate standards that the federal government sets.

The City of Geneva -- a small city, fewer than 15,000 people -- has enough on its plate. It's really ill-equipped to be a manager of -- an auditor, in effect, of an authority that is largely funded, if not totally funded -- totally funded by the federal government.

SENATOR HEVESI: Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Hevesi, on the bill.

SENATOR HEVESI: Thanks. Madam

President, briefly on the bill.

This bill seems to make sense. I voted for it last time. I guess I'm just venting a little bit and feel the need to articulate the need to have much greater oversight of public authorities.

And while this may be a bad example of it, we have created, in New York State, public authorities pretty much for their ability to float revenue bonds to circumvent debt limits and have not provided any kind of adequate oversight over these entities. And ultimately, the taxpayers are responsible.

There are billions and billions of dollars' worth of debt, and practices within the public authorities that the public just doesn't know about. Things go on behind closed doors. And some things that go on behind these closed doors we never hear about.

And so while this may be a good bill, I just want to point out the need - maybe not in this particular instance, where Senator Nozzolio's legislation makes sense - but generally, as a principle, I think our public authorities have gotten way out of

hand. Though they were needed and still are needed for good purposes, there was no reason to have much more stringent oversight over these entities. That the public really doesn't know who controls them, how decisions get made, how things happen, what -- the extent of the borrowing that ultimately they are responsible for, how those decisions are made, and profligate spending.

In certain cases, when we hear about -- for example, every year or every two years we hear about outrageous salaries at the Port Authority or artwork being purchased or what have you. And I'm pretty sure, Madam President, that if there was legislative oversight of these entities, that there would be much less of those type of activities.

So I'll support this bill, but just felt the need to speak out on that matter.

Thank you.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Alesi.

SENATOR ALESI: Thank you, Madam President. Is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: Yes, there is.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President. I wish to call up Senator Larkin's bill, Print Number 6580, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 581, by Senator Larkin, Senate Print 6580, an act to amend Chapter 478 of the Laws of 1969.

ACTING PRESIDENT McGEE: Senator Marcellino.

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

ACTING PRESIDENT McGEE: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: Senator Marcellino.

SENATOR MARCELLINO: In the hopes that this bill will also be restored to its place on the Third Reading Calendar, I now offer the following amendments.

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

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT McGEE: Thank you.

Senator Alesi.

SENATOR ALESI: Thank you, Madam President. There being no further business, I move we adjourn until Monday, May 13th, at

3:00 o'clock p.m., intervening days being legislative days.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Monday, May 13th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:50 a.m., the Senate adjourned.)