NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:02 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, April 9, the Senate met pursuant to adjournment. The Journal of Saturday, April 8, 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 Seward.

SENATOR SEWARD: Yes, Madam President. I move to amend Senate Bill Number 6766B by striking out the amendments made on March 15 and restoring it to its previous print number, 6766A.

THE PRESIDENT: So ordered, Senator.

SENATOR SEWARD: Thank you.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: Madam President, on page 22 I offer the following amendments to Calendar 335, Senate Print Number 2271A, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Madam President, there are two resolutions at the desk, 4506 and 4507, by Senator Flanagan. Could we have the titles read and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Flanagan, Legislative Resolution Number 4506, commending Abby Cassella-Graeser upon the occasion of receiving the State University of New York Chancellor's Award for Student Excellence.

And by Senator Flanagan, Legislative Resolution Number 4507, commending William Lahti upon the occasion of receiving the State University of New York Chancellor's Award for Student Excellence.

THE PRESIDENT: All in favor of the resolutions please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are adopted.

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 188, by Senator Larkin, Senate Print 6259, an act to amend the Alcoholic Beverage Control Law, in relation to sale.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Duane, to explain your vote.

SENATOR DUANE: Thank you, Madam President. To explain my vote.

I'll be voting no for this bill. First, I don't really understand this bill. I understand that currently the only soju that can be sold in restaurants is soju imported from Korea, but I don't know who makes soju in

New York and how much of an impact this will have. So I'd like to take a closer look at this.

Secondly, it of course makes it easier for people to consume alcohol. And while this may not be a problem for most New Yorkers, for a large number of New Yorkers I think it's safe to -- it's clear that many New Yorkers have an addiction to alcohol. And since we haven't passed Timothy's Law in this house, a lot of New Yorkers are going to be denied the alcohol and drug treatment they desperately need, as well as other kinds of mental health treatment. And so not passing Timothy's Law hurts New York's families.

So in an effort to get this bill into law, I want to point out to everyone that this is the middle of April and we're going away on break, and then we only have two months after that. And we need to get this bill done. The mental health of New Yorkers is obviously too important to ignore.

So I vote no on the bill, but I'm looking forward to voting yes on Timothy's Law this session.

Thank you, Madam President.

THE PRESIDENT: You will be recorded as voting in the negative, Senator.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 188 are Senators Duane and Padavan.

Ayes, 43. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 345, by Senator Nozzolio, Senate Print 1324, an act to amend the Correction Law, in relation to requiring.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 411, by Senator Little, Senate Print 3376D, an act --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 586, by Senator Fuschillo, Senate Print 1951, an act to amend the Education Law, in relation to the transportation of children.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 588, by Senator Saland, Senate Print 5416, an act to amend the Education Law, in relation to the streamlining of planning.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 29. 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 594, by Senator Spano, Senate Print 5208, an act to amend the Tax Law, the Administrative Code of the City of New York, and the Codes and Ordinances of the City of Yonkers.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 13. This act shall take effect upon enactment.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 598, by Senator Nozzolio, Senate Print 1973C, an act to amend the Energy Law, in relation to implementing.

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, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 619, by Senator Alesi, Senate Print 970A, an act to amend the Correction Law, in relation to the penalty for a sex offender.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 1. Senator Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Yes. If you would recognize Rabbi Butman, please.

THE PRESIDENT: Yes, I will. Thank you, Senator Skelos.

With us this afternoon now to give

the invocation is Rabbi Shmuel Butman, from Lubavitch Youth Organization in Brooklyn, New York.

RABBI BUTMAN: Our Heavenly Father, we have gathered here today as we have once every year, and this year in honor of the 104th birthday of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson.

The Rebbe is the one who said that every person, regardless of race, religion, color or creed, has a special spark and it is our obligation to ignite that spark. And therefore the Rebbe encouraged all people, regardless of affiliation, to a greater plateau of dedication and service.

The Rebbe also said that this is the last generation of exile and the first generation of redemption. And we can do -- we can bring the redemption even closer by doing more deeds of goodness and kindness.

The Rebbe also encouraged the seven Noahide Laws, which are the seven universal laws that govern honest and decent societies. Each and every single one of you was chosen by Almighty God and by divine providence to

represent goodness and kindness, morality and decency in the state of New York. And you are the ones who are the custodians of the laws of morality, of goodness and kindness and decency in the state of New York. And you have a special -- you have a special mission that Almighty God gave you.

And I want you to know that every Saturday in our synagogues we pray for you. We say the [Hebrew], that all those who serve the public faithfully, Almighty God should send them a special blessing. We ask for a blessing for everyone, but then for a particular blessing for all of you who serve the public faithfully.

When I opened the Senate the first time, the Rebbe said to me that I should bring a pushkeh and we should give charity while we're doing the prayer, so everybody should see what we are doing and they should know the purpose of funds and of money. So therefore I will offer a dollar, where it says "in God we trust," in this pushkeh.

I don't want you to think that this is a fundraising campaign. Nevertheless,

anyone who wants to do an act of goodness and kind is very, very welcome to join me.

So in the -- in the merit of the Rebbe, we ask You, Almighty God, to bestow Your blessing upon all the members of this great assemblage, the Senate of the State of New York, to their families. Grant them, Almighty God, health, happiness, and fulfillment in all of their endeavors.

And let us together say amen.

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: The Secretary will read first ring the bell. The members should take their seats so we can begin the controversial calendar.

Senator Skelos.

SENATOR SKELOS: If we could go to the controversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 345, by Senator Nozzolio, Senate Print 1324,

an act to amend the Correction Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President and my colleagues, the measure before us was originally passed by this body in 1997 and has been passed in each year subsequently to that year. The purpose of the measure is to require inmates in state correctional facilities to pay a modest $7 copayment for medical treatment. This makes inmates partially responsible in some way for their medical treatment.

But that responsibility is in no way going to, under this legislation, deny any inmate medical treatment for a lack of ability to pay. Emergency care would not be denied under this legislation. Medical care for chronic conditions would not be denied by this legislation.

The requirement for a medical copayment is simply a way that we can say to

the citizens of the state that yes, inmates should pay a small portion of the cost of their incarceration.

And as some of you have consistently shaken your heads against this measure, I say to you this, that you have to tell me why -- and, more importantly, the taxpayers of this state -- why the states of California, Connecticut, Ohio, Pennsylvania, and New Jersey can require a copayment similar if not identical to this copayment and have any system of healthcare that's any less caring and supportive of inmates' needs than our healthcare system.

Frankly, it's an argument I believe that has been made against this measure that is totally indefensible, and that one need look only to those states and, if those states in and of themselves don't change your minds, certainly look to the federal prison system, which has also an identical copayment for healthcare as this one measure before us requires.

THE PRESIDENT: Senator Serrano.

SENATOR SERRANO: Madam

President, I have an amendment at the desk. I'm asking that the reading of the amendment be waived and that I be heard on the amendment.

THE PRESIDENT: The reading is waived, and you may proceed on the amendment.

SENATOR SERRANO: Madam President, my colleagues, this amendment to Calendar Number 345 would replace the $7 inmate medical copay with a copay of 50 cents. It would also require the Department of Correctional Services to facilitate each inmate's medical application at least 90 days before the inmate's release, which would begin the process of enrollment before release so that there are no gaps in service for those who need medical and mental health services.

Now, I know that this bill precedes me coming to the Senate. It's actually been coming before this house since 1997. And while I firmly believe that inmates, based on the fact that they're not making any real money, should not be held responsible for any copays, I see this amendment as a sign of, hopefully, a compromise, to move this bill

along once and for all in the direction that it should be going.

It's really, I think, not the right way to go to require inmates to pay $7. That may seem reasonable to the general public, but for those making 17 cents an hour, which is what the average inmate is making, that would be more than a week's pay.

So one of the greatest challenges for newly released inmates is avoiding returning to drug use and to incarceration. And I believe that the other part of this amendment, which would begin the enrollment process ahead of time, would also alleviate in that area.

So I hope that we can move this amendment along, and I ask my colleagues to support it. And hopefully we can move this bill along here in this house with a much more reasonable 50-cent copay instead of $7, which I think is just unrealistic, given that inmates make 17 cents an hour.

Thank you.

THE PRESIDENT: All those Senators in agreement please signify by

raising your hands.

THE SECRETARY: Those recorded in agreement are Senators Breslin, Coppola, Dilan, Gonzalez, L. Krueger, Oppenheimer, Parker, Sabini, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stachowski, and Stavisky.

THE PRESIDENT: The amendment is not agreed to.

Senator Krueger.

SENATOR LIZ KRUEGER: Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR LIZ KRUEGER: Thank you.

Well, I'm sorry that our amendment did not carry, because I think that Senator Serrano, through his amendment, was attempting to highlight what the real problems are with this legislation.

We've had this debate several years in a row. Senator Nozzolio referenced that debate. And while it is true this bill has passed this house, it hasn't gone anywhere in the Assembly, and actually each year there are more people who vote against this bill when we

have this debate.

So again, I'd like to just highlight some of the arguments of why it is necessary that when we imprison people we ensure they have access to healthcare. Because it's not just a humane question of ensuring that prisoners in the New York State correctional system have access to healthcare for themselves, it is a public health issue to ensure that an exceptionally ill population -- because in fact the prisoner population of New York State is significantly more sick than the overall population of New York State. We have disproportionately high rates of people who are chronically ill, who are HIV positive, have AIDS, have hepatitis C, have tuberculosis, have illnesses that not only put themselves at risk but put the overall prison population at risk, put the staff at prisons at risk.

And of course as people move out of prisons into their communities, if in fact they have long-term illnesses that may in fact be contagious that are not treated, they put the overall broader community at risk. If

they are not treated appropriately through healthcare when they are in prison and they end up leaving the prison system far sicker than they would have been without good healthcare, they in fact then become a greater burden on the public when they leave the prison system.

So in fact I would argue that the prison population is the last population you want to decrease access to healthcare for, because it is a price then paid not just by the prisoners themselves but by the staff in prisons and by the greater community overall, a cost not just --

SENATOR NOZZOLIO: Madam President.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Will Senator Krueger yield?

THE PRESIDENT: Senator Krueger, will you yield?

SENATOR LIZ KRUEGER: Yes, I will, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President, the question I have, does Senator Krueger have any evidence that the healthcare system for prison inmates in New York is deficient when compared to the states of California, Connecticut, New Jersey or the federal system?

SENATOR LIZ KRUEGER: Thank you, Madam President.

I appreciate the question, Senator. Yes, I do. In fact, there have been a series of reports done, newspaper proceedings, and even lawsuits arguing that in fact the healthcare system in our jails in New York State can, to quote The New York Times, be a death sentence: "Private Healthcare in Jails can be a Death Sentence," February 27, 2005, The New York Times. "A year-long examination of the prison health system by the Times reveals repeated instances of medical care that has been flawed and sometimes lethal."

SENATOR NOZZOLIO: Madam President.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Will Senator Krueger yield to a question?

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

SENATOR LIZ KRUEGER: I'd like to answer the first question on the floor before I yield, Madam President. Might I continue?

THE PRESIDENT: You may complete your answer, Senator.

SENATOR LIZ KRUEGER: Thank you.

So this series, which I'm happy to share with all of my colleagues, actually was a 15-page series in The New York Times.

There was also a study done, a background briefing paper on healthcare in California prisons, a comparison. A report on organizing principles of care and the importance of ensuring access to healthcare in our prison system.

So there are a series of reports that have been done that in fact argue that New York State's prison healthcare system actually is inferior to several other states, including California's. And again, I think most tellingly, the series in The New York

Times just a year ago highlights the answer to the first question by the Senator.

I'm happy to take an additional question.

THE PRESIDENT: Senator Nozzolio, you have another question?

SENATOR NOZZOLIO: Senator Krueger, I heard with some interest your bibliography, yet you didn't answer my question.

My question was whether or not if our system is inferior -- I think you answered the opposite of my question. I asked was the states of California, New Jersey, Connecticut, or the federal system, who are requiring a copay, in some way inferior to our healthcare system. You're saying that it sounds like it is -- like our system, which does not require a copay, is in fact inferior to those states, by your studies.

So if those states which have a copayment -- my question is this. If those states which already have copayments required are superior to our healthcare system, then how could you be opposed to a copayment when

in fact we are not requiring a copayment now, those other states and the federal system are requiring a copayment now?

You are stating -- somehow listing studies that show our system is inferior to those states. Well, if our system is inferior to those states, Senator -- we are not having a copayment, they do have a copayment -- I think you're making the case that says a copayment is irrelevant to whether a state's healthcare system is in fact inferior to another state's.

SENATOR LIZ KRUEGER: I'm sorry, Madam President, is that a question?

THE PRESIDENT: That is a question, Senator Krueger.

SENATOR LIZ KRUEGER: All right. Well, then, I'll try to continue as best I can in response.

First off, my point in response to your first question is that yes, our healthcare system in our prisons is not a good healthcare system and we do need to improve it.

If your question is will copays in

some way improve it, since my understanding is the copays would go into the General Fund, not into the healthcare system in our prisons, it's not at all clear how payment through copayments would improve the healthcare system in our prisons, although I do believe we need to improve the healthcare system in our prisons.

As regards to California, conceivably California's system is also not a perfect system. The report I referenced actually is a comparative study of many reports. And I would like the time to actually review it with you, if you like, after session, as to what we learned from it.

The arguments on the federal system I think to some degree are a separate issue, because of course it's a very different prison population in the federal prison system than in New York.

To continue with my points about why I think this bill is not in the best interests of the people of New York State is does it answer that question of the Senator, will copay payments improve the quality of

healthcare in our prison system. And I don't believe there's a basis to argue that it will, particularly since the money won't go into our prison system.

I would also argue that we know that copays decrease access, particularly when the cost of the copay is so disproportionately high in comparison to the available income.

And, Senator --

SENATOR NOZZOLIO: Madam President.

THE PRESIDENT: Senator Nozzolio.

SENATOR LIZ KRUEGER: If I could finish my thought.

SENATOR NOZZOLIO: Madam President, will Senator Krueger yield?

THE PRESIDENT: Senator Krueger, will you yield for another question?

SENATOR LIZ KRUEGER: I would like to finish my thought, and then I'll be happy to yield, Madam President.

THE PRESIDENT: Please finish your thought.

SENATOR LIZ KRUEGER: Thank you.

That again, as Senator --

SENATOR NOZZOLIO: Point of order, Madam President. Is Senator Krueger refusing to yield?

THE PRESIDENT: Senator, are you refusing to yield?

SENATOR LIZ KRUEGER: No, I asked to continue my thought on my statement on the bill before I accepted another question.

THE PRESIDENT: I understood you to say you do yield. You'd like to finish your answer, and then you will yield.

SENATOR LIZ KRUEGER: Thank you, Madam President, yes.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

THE PRESIDENT: Senator Krueger, please finish your answer.

SENATOR LIZ KRUEGER: Thank you, Madam President. Thank you so much.

So to continue my thought, my concern is that with Senator Nozzolio's bill, with the price of the copay being so excessively high in comparison to the actual possible income stream of prisoners -- and I

believe that my colleague Senator Serrano's amendment that just failed to pass highlighted that the average pay of a person in our prison system works out to an average of 17 cents an hour -- that the proposed cost of $7 of a copay to see a doctor will result in fewer prisoners having access to our healthcare system.

And as we know, when you are ill and you cannot get access to healthcare, you are more likely to continue to be ill, to become more ill, and to have increased costs associated with when you are finally seen. We all know that it is far more expensive to be seen for emergency care than for ongoing care.

And we all know that there are long-term risks to a prison population, both the prisoners and the staff that work with them, to have people with illnesses that are easily transferable -- particularly in a closed population, as they are in prison -- not having access to the appropriate medications and treatments to decrease their illnesses and to decrease the spread of their illnesses.

I'd now be happy to respond to Senator Nozzolio's additional question.

THE PRESIDENT: Senator Nozzolio, you may proceed with a question. If you still have one.

SENATOR NOZZOLIO: Thank you, Madam President.

Senator Krueger's comments are all well and good, except she continues to fail to make the case that there is any causal connection between a state or the federal system requiring a copayment and the provision of medical services.

I think that, Senator, you certainly show compassion and concern -- at least you're talking about -- your interest is certainly an interest of having high-quality care for inmate medical services. And on that score, we're certainly sharing your objective.

However, you continually spout study after study, newspaper report after newspaper report chastising the services provided in New York State, yet you fail to say how the states that require copayments already have any diminution of medical care.

And that, I think, is the essence of this debate.

The debate is to focus on the provision of services and how we should spread the cost of incarceration to those who are receiving benefits while incarcerated. There is no causal connection that any of these studies have made or certainly that you have made on how copayments in any way, shape or form diminish the provision of services for inmates.

SENATOR LIZ KRUEGER: Thank you, Madam President. I would like to answer.

I think to some degree the Senator is asking me to prove a negative: if we had copayments, would that decrease the quality of care in the New York State prison system. And I suppose the dilemma is, since we are already starting with a very bad model of quality of care in the New York State prison systems, would it continue to harm it further if you made it harder for prisoners to get access to this healthcare system.

I hope, even though the Senator and I disagree on his bill, that where we do agree

is we want a better quality of care in our prison system, in our healthcare system, and that that really is the assignment in front of us.

That in the State of New York, where we are legislators overseeing the Department of Corrections and the prison system, that it is not in the best interests of the public or the prison system to have a bad model of delivery of healthcare. That unfortunately, based on the evidence before us, we do have a bad quality of healthcare, that we should do better. And where we disagree is whether copays will get us there.

I argue copays will not get us to where we need to go, because there is data that shows that copays for very low income people ends up decreasing their ability to access healthcare.

I respect that the Senator and I may disagree on whether or not copays will decrease access to healthcare for prisoners. But I assume we do agree that a problem we face in our prison system is that the quality of our healthcare is not at the standards it

ought to be and should be. And I hope that that's where we can move forward in agreement in the future in both houses, and with the Governor and with the agency, that it is not acceptable to have a healthcare system where prisoners currently have such desperate healthcare needs that are not addressed.

And no, I do not believe that copays will increase the chances of improving the system.

Thank you, Madam President.

THE PRESIDENT: Senator Nozzolio, on the bill.

SENATOR NOZZOLIO: Thank you, Madam President. On the bill.

My colleagues, I believe that the other side has tried to confuse the debate. This is -- the issue of healthcare in our prison system is certainly an important issue.

But the bill before us is trying focus on another important issue, and that important issue is that while our senior citizens are scraping to make copayments on their medical insurance, while state employees have to provide a copayment for receiving

benefits, while those who are abiding by the law are scraping to provide those copayments, those who are breaking the law are in effect given free medical care at taxpayers' expense with no sense of responsibility whatsoever for the cost of that payment.

This is not a unique issue. It's one that other states have aggressively addressed. And states larger than New York -- witness California -- systems that are larger than the state system, the federal system, those prison systems require a copayment.

I was very pleased to see Senator Serrano stand up and support the concept of copayment. At the risk of sounding like Senator Volker, I was honored to serve with Senator Serrano's father. And that I know that his sincerity in bringing this amendment was one certainly that should be recognized.

I would ask Senator Serrano to go into the house where his father and I served and get the Assembly to also pass a copayment for the amount that Senator Serrano suggested. If they did, I certainly would look at this measure and move to compromise.

But it's my understanding, Senator, that the Assembly has yet to support any type of copayment. If you could get them to support the type of amendment that you put forward, I would move to support a similar type of procedure in this house.

So I think that your movement was fine, to a point. But frankly, the Assembly has never moved on this issue. That we in the Senate have taken leadership and have demonstrated what other states have already said to their taxpayers, to their senior citizens, to their government employees -- all of whom have not broken the law -- that we believe that the inmates in our prison system should not be denied medical care, but those who do have inmate accounts, those who do have funds to pay a modest copayment should be required, as the states that have been already enumerated, and the federal system, require copayments to be made.

Parenthetically, the $7 copayment that is part of this legislation was chosen at the time that the state employees' copayment was at a $7 level. Since the time this

legislation has been drafted, the employees of the state have had to pay considerably more, almost 50 percent more -- more than that, in some cases -- where their copayments are greater. So we took the model of the state employees' healthcare insurance.

If you're lucky enough to have healthcare insurance in this state, you are required in most cases for some modest copayment. We believe that should be placed for everyone in the prison system who gets medical care at the expense of our taxpayers.

Before I sit down, I'd just like to address one other thing. I don't know how many of you have visited our prison facilities or visited the healthcare systems in our prisons. But I have, and I've heard from the doctors who work there, the physician's assistants who work there, and from the correction officers who work there. And they can tell you, as they've told me time and again, that there are literally hundreds of inmates in our prison system that are using sick call as a form of sport; in effect, a hobby by many who are trying to get out of the

daily routine of prison and utilize sick call as a way to get out of that routine -- whether it be to avoid work, avoid the prison drudgery.

Whatever their motives, they're using sick call not because they're sick, but because they want something to do. And those are the folks that -- the inmates that we are focusing this measure's attention on.

We believe the taxpayers deserve better. We believe that those who are abusing the system should be held accountable. And frankly, a modest copayment would tell the abusers, find another hobby. That we believe that the hobby paid for at taxpayers' expense cannot be justified to the senior citizen, to the person on Social Security that is scratching to get the amount of money necessary for their own copayment.

Frankly, this debate is clouded too often by those who are saying our healthcare system is inferior, we need to do more. Our conference is not denying that we should do as much as we possibly can to help those who are sick in our prison system. What we're only

saying to you is to establish equity and to provide the same type of equity to those that are not breaking the law. That, in effect, seeing that those who are breaking the law pay the same type of bill.

Madam President, that's why I'm supporting this legislation.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, I just -- the reason I'm rising is that I'd like to see some of those so-called reports and studies. First of all, I don't consider The New York Times to be a real reputable report on the prison system.

I have to tell you something about the New York prison system. I've been involved one way or another for 34 years in helping to oversee the prison system. I've watched when the Attica riot occurred back in '71. I'm the first to admit to you that healthcare in the New York prison system was not the greatest.

I would have to say, in my humble opinion -- and I don't know this for sure, but I do know we spend more money on inmates than

any system in the country. I believe we now have the finest healthcare system in the United States of America. Obviously, I can't say -- I can tell you one thing. It's a heck of a lot better than California. California is a mess.

In fact, when our commissioner, who I happen to think is the best commissioner in the country, went out to California, he was aghast. They have 175,000 inmates out there. We have a little under 63,000. The reason that's significant is in 1980, they had 40,000 and we had 40,000. Think about that.

The California prison system is in chaos. They even asked -- well, rumor has it that they asked Glenn Goord if he'd be interested in taking that system over, and he just laughed at them. There's no way that system is anything close to ours.

And let me tell you something else. I don't know who did a study on health, but someday, if you want, come on up to my district. There's a hospital in Erie County at Wende -- it's called Wende. It's kind of embarrassing, because it's the best new

hospital in all of upstate New York. It treats inmates. Specifically, it treats inmates with severe problems.

The inmates who say they're not being treated are phoney, I'll tell you right now. In fact, remember this. Most of the problems we have in our prison system, they don't come from inside the prison, they come from outside. We get a lot of prisoners with TB and with AIDS problems and all kinds of hepatitis B, which is a lot of people. We have people from all over the state there.

Frankly, I happen to know of inmates who want to stay in prison to get better healthcare than they can get outside. I defy you to show me any reliable study that shows that the corrections system in New York has poorer healthcare than some of the average neighborhoods in this country. It is ridiculous. In fact, the Times Union has said that too, because anybody that criticizes the corrections system, the Times Union will repeat it.

But I will tell you this. George Pataki -- and I'm not supposed to say good

things about George, because his numbers are down, but I don't care. Of all the governors -- and I've been here with a lot of governors. I have to say to you that our system now, in my humble opinion, is running better, the healthcare is better, the supervision is better than it has ever been in this state's history. And I'll put this system in New York above any system in the country.

And I have to tell you, certainly Senator Nozzolio's observations of the system -- I know he will tell you the same thing, and he's been very helpful to make sure that system stays what it is. But I know a lot of doctors in the system. One, I'll admit to you, who was the head of medical at Attica, happened to be my doctor. He's gone now, he's retired. But he used to tell me stories about what they did in the old days before what they do now.

The amount of money that goes in to take care of inmates is substantial. But there's a problem. One of the reasons that they decided to build a hospital is because

the inmates wanted always to go into the major cities -- and that, in this case, would be Buffalo -- so they could get a ride. And they wanted to go there, and they'd feign injuries or sickness or whatever. And of course under the federal rules and under all the rules, you've got to take them. So they would take them. But what they found was it was getting dangerous and expensive. That's one of the reasons that they built this gorgeous hospital.

But I'll just finish by saying I've been in a lot of prisons. I know Senator Nozzolio has been in a lot more than I have. But I have not seen bad medical care in any prison in our system.

I'll be the first to confess to you, maybe twenty years ago it was nowhere near as good as it is now, because we put the money into it, we put the doctors into it, and we put the people in it. And some of the people who complain about the system were helpful in getting better care. I'm the first to admit that. I hate to admit it, but it's true.

But I have to tell you, I just don't buy it that our prison healthcare system is bad. And I have never seen a report -- a legitimate report -- that says that.

THE PRESIDENT: Senator Parker.

SENATOR PARKER: Thank you, Madam President. On the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR PARKER: I really hadn't intended on speaking on this bill, but I've been compelled to.

I think -- I want to thank Senator Nozzolio with bringing this important issue, as he always does, really bringing important issues -- and this is something we ought to be debating and discussing. So thank you.

I think that you are absolutely right when you look at what's happening in our prisons and say we really need to be providing some relief to administrators, to nurses, to doctors, to people who are there trying to do their jobs and being side-tracked from doing it. I'm not clear that this bill is the way to do it, but I'm certainly with you and I

think we should continue to struggle through our attempts to get this done.

People have talked about their experiences. I unfortunately have a great deal of experience with New York State prisons. I've had family members, I've had -- my brother was in a New York State prison for a great deal of time -- as a matter of fact, was in an AIDS ward and died in the AIDS ward back in 1988. So I've spent more -- and this is not something I ever thought I would be standing on the floor of the Senate kind of confessing to.

But as I hear people talking about, you know, inmates wanting to be in -- you know, people staying in a prison, I'm just kind of outraged that anybody would think that somebody would want to be in prison to get medical care. And although the medical care on the streets of the city of New York and in the state of New York are not what they ought to be, they're certainly, you know, better than being in prison.

And I'm not sure where people -- if people know of health clinics or hospitals

that are worse than prison hospitals, they ought to be reporting them to the Department of Health today. And in fact I will help you fill out the forms and the paperwork, my office will write the letters today to make sure that we get some people into those hospitals and clinics if they're worse than the ones that we're finding in prison.

Access to affordable, quality healthcare really should be a right of every single person in this country, let alone the state of New York. And I'm sure there's not a person in this body who would disagree with that. And I think that's where we ought to be going with our proposals, with our legislation, is looking at how we in fact create a healthier society overall.

And I think that Senator Volker is absolutely right when he talks about the fact that, you know, many people come to prison sick. And that's really an indictment of not the prison system, but it's an indictment of our overall health system. And we ought to be figuring out how do we in fact make healthcare more accessible and more -- and how do we

raise the quality of that healthcare.

I'm not clear that this bill does that. In fact, I think that this bill, despite its good intention, in fact discourages people from going to the doctor, people who may in fact have real needs, people who may have real concerns but in fact may not have the real money that $7 represents in a state facility where people are making, on average, 17 cents a day or whatever they're making.

We voted earlier on an amendment that failed in this body that would have lowered that number to 50 cents. I voted for it, I thought it was a better move, but it's not really, frankly, the move. We really ought to be, in fact, making healthcare free. Not just for prisoners, it ought to be free for everybody. In fact, we ought to be trying to figure out, you know, models that are based on wellness.

In fact, people ought to be -- you know, we ought to stop paying our doctors when we get sick. This is what I suggest. Let's write a bill: doctors get paid every month

you're not sick. The months you are sick, they don't get paid. A wellness model; right? Right now there's an economic incentive for your doctor to keep you sick, because he gets paid every time you come and sit in the waiting room. So that's where we ought to be going. We'd actually save money as a system, we'd have a healthier society and we'd have healthier people.

Again, I agree that in fact we do have some problems in our system as it relates to healthcare and how it's being abused. I think that we ought to be working with the Department of Corrections to in fact address those issues. I'm not clear that this legislative solution in fact is where we ought to go, and so I'm going to vote no.

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

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Very briefly.

I have to say I don't see that this is a piece of legislation that is going anywhere. I'm not afraid of -- at the risk of

sounding like Senator Volker -- I'm happy to sound like Senator Volker. This is all started many years ago when I was a police officer -- no.

(Laughter.)

SENATOR SCHNEIDERMAN: The issue that is before us is very simple. This is a bill that's been introduced since 1997, and every year it gets less votes than it got the year before. This is not happening.

Maybe part of the reason it's not happening is if you look at the State of California, which was discussed earlier, a California state auditor's investigation determined that it cost California $3.2 million to collect $654,000 in copays. So this would actually reduce the amount of money available to our corrections system for guards, for transportation, and for other things.

This is not a good solution to the problem. I would suggest that this is not something -- maybe it helps to have this as an issue to beat the Assembly up on. This is a one-house bill that's not going anywhere.

There is not even a same-as bill in the Assembly, although I know Assembly Member Gunther has something similar.

Let's stop with the one-house repetitive bill passing. Let's try and come up with a solution to the problem of healthcare in the prison system. And as Senator Parker points out, let's make it a part of the broader solution to the fact that this is the state with the fastest-growing pool of uninsured New Yorkers of any state in the country. It is something that we need to address. More people who don't go to doctors make all of us less well and less safe.

I'm going to be voting no for the same reasons I have voted no every other year this has come to the floor.

Thank you, Madam President.

THE PRESIDENT: The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 345 are Senators Breslin, Coppola, Dilan, Duane, Gonzalez, L. Krueger, Montgomery, Oppenheimer, Parker, Sabini, Savino, Schneiderman, Serrano, A. Smith, M. Smith, and Stavisky.

Absent from voting: Senator Connor.

Ayes, 39. Nays, 16.

THE PRESIDENT: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 411, by Senator Little, Senate Print 3376D, an act to amend the General Municipal Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR LITTLE: Thank you, Madam President.

Before explaining this bill, I would like to say what this bill is not. This

bill is not an IDA reform bill. Last year we tried unsuccessfully to work with the Assembly to do an IDA reform bill, which many members on both sides of the aisle feel that there should be some reform made to the IDA policies. However, we were not able to reach any kind of agreement.

But this bill is a more straightforward bill that makes permanent the IDA's authority to finance civic facility projects, because that authority expires July 1, 2006. Last year we extended the authority for one year. In previous years, we've extended it for one year and three years. This bill would make it permanent.

The legislation also removes the $20 million cap for dormitories, public health facilities, and senior housing. This is necessary because in 1986, when IDAs were given the ability to finance not-for-profit projects, there was an unlimited amount of IDA financing that could take place. In 1997, dormitories, public health facilities and senior housing projects were added to the list of not-for-profits, and a temporary cap of

$20 million was put on these projects to see how this whole thing worked. There have not been problems with it, and it has worked successfully, and we would like to see that $20 million cap removed, as the cost has escalated for many of these projects.

This is not about economic development projects in that sense. It is about financing our senior housing facilities, libraries, YMCAs, group homes for the mentally disabled. By making these provisions permanent, we give them the ability to plan and to apply and to know that they are going to be able to get this kind of IDA funding.

The law has allowed over 1,000 not-for-profit projects with more than $8 billion in investment since -- assisted by IDAs since 1987.

I would also like to point out that this bill is 3376D, which means that the bill has been amended four times. We have a same-as bill that's been filed in the Assembly by Assemblyman Morelle, and we have worked hard to reach agreement so that we could get this bill passed through both houses.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. On the bill.

THE PRESIDENT: You may proceed.

SENATOR LIZ KRUEGER: Thank you.

I appreciate Senator Little's explanation. And I agree with her, this is not an IDA reform bill. My frustration is: Where is our IDA reform bill?

We did a one-year extender last year in the hopes that both houses would be moving forward with significant reforms to the models used by Industrial Development Agencies. And it's a year later, and we're not there.

And I also agree this bill has been modified and primarily addresses the sunsetting for not-for-profit civic organizations, who I know, based on the large number of calls I've been getting today, are very worried about the sunsetting provisions of this bill.

Although that raises for me the second issue: Why is this bill not just exclusively, then, addressing the issue of

sunsetting for not-for-profit organizations hoping to be able to continue to draw down bonds through IDAs?

I am disturbed that we are, in this bill, doing a permanent lifting of a cap currently at $20 million for civic facilities. I don't think it is necessary to do a permanent lifting of a cap. I'm not sure why it's required to do a permanent anything for IDAs, since we are still in the process of hoping we have serious reform of IDAs.

I'm equally concerned that in this bill we would be making permanent certain restrictions in IDAs that I don't think are what any of us in this house or the other house think are the right long-term model for IDAs.

This would make permanent the current restriction that antipirating provisions applied only if an occupant moves from one area of the state to another. But we've never defined "area." What is an area, in moving from one to another?

We've seen, in Albany alone recently, two well-known organizations take

advantage of IDA provisions when they simply moved, in one case literally down the block. Both HANYS and Time Warner drew down on the advantages of IDAs when they didn't move or create new jobs in any serious way.

I'm also concerned that we shouldn't be making permanent restrictions that are vague at best when it comes to exemptions on retail sales. I am concerned that even for not-for-profit projects and the projects that would be allowed permanently through this bill, there is no mechanism, as there is none for any other IDA deal, that there's any review by either the PACB board, Public Authority Control Board, or the Comptroller's office.

I think that all of the research coming out in the last few years about what works and doesn't work in state oversight of programs where we play a role is how important it is to have standards and a review process. And if this bill is passed and made permanent law, we have also not built in these review processes or a reasonable set of across-the-board standards for the sections of

IDA approvals that this bill would again make permanent in the law.

Just to highlight some of the issues that are not in this bill, as Senator Little said, and again are the problems before us -- although I suppose the good news is this is not the last week of session, and there's still time to work through IDA reform legislation -- that we need to truly evaluate the successes and failures and problems of IDAs, whether in fact they are doing a good job of remaining accountable and ensuring adequate public input into their proposed projects on a local level, whether the local governments have a say in the decisions that are made and the projects that are approved.

Again, most IDA projects are not not-for-profit civic projects but, rather, economic development, industrial development projects, projects where the IDAs have the authority to do lease deals where there are no taxes paid, where there is no -- there are no clawback provisions if the jobs are not delivered, where land is taken off the tax rolls, perhaps permanently, as part of the

arrangements between the IDAs and the companies they're doing business with.

I think it is critical that we not continue to go forward with these kind of models in the long term for the State of New York. Every time there's an IDA deal for an economic development project and taxes are exempted or property is taken off the local tax rolls, let's remember that that's a tax dollar not collected for the school district or by the locality or by the county.

That means every time somebody isn't paying their taxes because of an IDA arrangement, someone else at the local level is paying those monies instead. The costs don't go down for the localities, there is just a shift in who is paying those taxes and who is not. And there hasn't been nearly enough review in the past about what has been happening through IDAs all over the state of New York.

I'm also equally concerned that besides not having adequate oversight or adequate standardized reporting requirements or ensuring enforceable clawback penalties or

ensuring transparency of who's making the decisions about who gets what deals through IDAs, that we're also not evaluating whether these IDAs have the technical capacity to provide the services being asked of them.

A recent report shows that the average IDA has only one to three employees. Is it realistic to imagine that a thorough analysis is being done of each of these deals around the state with operations where there may be only one employee or, in some cases, only a part-time employee?

I'm also concerned that we have let this go for so long between our failure to reform IDAs or evaluate the role of LDCs, local development corporations, in relationship to Industrial Development Agencies, that one report highlighted that Erie County had 35 area municipalities and 42 separate government agencies within the county with the authority to make economic development funds available, 16 of which were local development agencies, six of which were IDAs.

Without a serious evaluation -- no,

to be fair, there have been serious evaluations. The Comptroller's office has put out any number of reports with recommendations, including a new report that came out this weekend. The Empire State Development Corporation contracted for an evaluation of the IDAs back in April '98 that put out a series of recommendations. I have their report. The Fiscal Policy Institute has made recommendations and done evaluations. Assembly Member Sweeney has a very detailed bill about IDA reform.

I don't know that we need a lot of time for evaluation. The evaluations have been done. What we need is to ensure that we pass IDA reform legislation in this house and the Assembly as well before we leave this year.

And while it is correct that this bill deals with just one set of subsections within the overarching concerns about IDAs, I think it would be a mistake to move forward and make permanent the prohibitions in this bill, given the fact that I think there is such a strong argument for full IDA reform

before we leave session this year.

So I would urge my colleagues not to support this bill but to please, please make sure that we move forward, in a joint conference committee of both houses, to actually address the real problems of IDAs before this session is over. We still have time to do so.

And again, I would urge that if Senator Little wants to address the concerns unique to civic organizations within this bill that she consider a bill that just addresses those concerns, not the broader permanency of current sections of the law that also need reform.

Thank you, Madam President.

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you, Madam President. On the bill, if I may.

As Senator Krueger said, this is not the end of our session. It is April 10th, I believe, and we have plenty of time between now and the end of session to work on an IDA reform.

Last year we passed the public

authorities reform legislation, and in many ways that has some effect on IDAs. I have worked with Assemblyman Sweeney last year. We tried to have an agreed-upon bill. I continue to work with him, and hopefully we will.

However, I don't believe that we should hold our public health facilities, our continuing care retirement communities, and these not-for-profits hostage while we try to work out the IDA reform legislation.

Therefore, I would hope that everyone would consider voting for this bill to allow these not-for-profit IDAs to be able to plan ahead, to know that their projects can be applied for, and to extend this bill by making it permanent so that they are not held hostage every year or every two or three years while we try to do this again.

So I would ask everyone to consider voting for the bill. Thank you.

THE PRESIDENT: Senator Sabini.

SENATOR SABINI: Madam President, if the sponsor would yield for a few questions.

THE PRESIDENT: Senator Little,

will you yield for a question?

SENATOR LITTLE: Yes, I will.

THE PRESIDENT: You may proceed with a question.

SENATOR SABINI: Through you, Madam President, I'm just wondering if the sponsor can tell us why this method of funding would be better or more efficient or cheaper than the Dormitory Authority's methods that they already offer under the law.

SENATOR LITTLE: Under the Dormitory Authority funding, I believe you have to have insurance and go through -- not always have the lowest interest rate as well.

The other thing that's important about extending -- making this bill permanent and allowing these public health facilities is the current IDA financing is available for, for instance, a $50 million parking garage at a hospital or healthcare facility, but it is not available for a $21 million cancer center. There is a cap on anything they would use for public health facilities.

This bill also has a great deal of support, in that it's supported by the

New York Farm Bureau, New York State Economic Development, HANYS, the New York City Mayor's Office, NYSAC, the Alliance of Long Island Agencies, NYAHSA, the Interagency Council of Mental Retardation and Developmental Disabilities, all of whom feel that this is an important means of financing their not-for-profit facilities.

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

THE PRESIDENT: Senator Little, will you yield for another question?

SENATOR LITTLE: Yes.

THE PRESIDENT: She will. You may proceed, Senator.

SENATOR SABINI: I'm wondering, since the sponsor has talked about how this is not a reform bill -- and I agree it's not -- why does Section 3 on page 2 of the bill go to such lengths to make the antipiracy provisions that many of us feel are so inadequate permanent?

SENATOR LITTLE: Well, actually, in response, there are some things that have been considered IDA reforms that expire

July 1st of 2006, and so we intend so make those permanent as well. And one of those is the provision which prohibits the financing of retail projects. Another is the uniform tax exemption policy, which would expire on July of '06.

Therefore, in doing what we're doing to the bill, with the dormitories, public health facilities, and senior housing not-for-profit projects, because that expires July 1, 2006, we would also make permanent the other provisions which expire in 2006 which are in the bill, in the IDA legislation, and are working.

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

THE PRESIDENT: Senator Little, will you yield?

SENATOR LITTLE: Yes.

THE PRESIDENT: She does yield, Senator.

SENATOR SABINI: I'm wondering if the sponsor then thinks that the antipiracy provisions that we're making permanent are adequate enough for continuing fiscally

prudent operations of the state.

SENATOR LITTLE: Well, whether or not they're adequate enough I guess depends on which side you're on. But we have not been able to come --

SENATOR SABINI: That's why I was asking.

SENATOR LITTLE: We have not been able to come to agreement on that. And that's one of the things that would come in under an IDA reform legislation, and it's something that we continue to work on.

And nothing -- there's absolutely nothing in this piece of legislation we're doing today that precludes us from moving forward with an IDA reform package.

SENATOR SABINI: Madam President, on the bill.

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

SENATOR SABINI: I agree with the sponsor there's nothing that precludes us from moving forward with IDA reform. However, I think that this makes the starting line for that reform a little further back and creates

a few more hurdles to that reform.

I don't think this is a step in the right direction. I think the whole system needs to be overhauled and looked at. I find it ironic that Sections 1 and 2 of this bill deal with agriculture, when the bonds we're talking about are industrial by title. The agriculture business in our state is an important one, and maybe we should have a special series of bonds under a separate program that works better for agriculture.

THE PRESIDENT: Excuse me, Senator Sabini.

Senator Little.

SENATOR LITTLE: Thank you. Would Senator Sabini yield for a question?

THE PRESIDENT: Senator Sabini, will you yield?

SENATOR LITTLE: When I'm through, Madam President, I'll be happy to.

THE PRESIDENT: You may finish your answer, Senator.

SENATOR SABINI: So I'm concerned this is really not going to help what I think the Majority, what I know the Comptroller,

what I know our conference is hoping for, which is true authority reform. We made a step that way last year.

I don't think -- this step is either a lockstep or a step back, and therefore I am not going to be voting for this bill until I see something a little better.

And I'll be happy to yield.

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you.

Senator Sabini, do you have print 3376D? Because we made several adjustments to this bill to make it agreeable, and we took out the agriculture part.

SENATOR SABINI: Madam President, through you, the last copy I saw before I arrived here today was not D, it was C.

SENATOR LITTLE: Well, D does not have the agriculture part in it. It doesn't have the part where you could lease a section of the building to a municipality either.

So we've done a lot of changes to this to try to make it agreeable.

SENATOR SABINI: Madam President, through you, if I could answer.

Yes, the bill has had a lot of changes. That's why it's on the D print. And I apologize for not knowing that those two sections, Sections 1 and 2 were changed.

But the fact of the matter is that on the whole, I don't think this bill necessarily addresses the progress we're trying to make on authority reform, and I'm still going to be voting against it.

Thank you.

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

Then the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 411 are Senators Coppola, Dilan, Duane, Gonzalez, Hannon, L. Krueger, Maziarz, Parker, Sabini, Schneiderman, Serrano, Senator A. Smith and Stavisky.

Ayes, 43. Nays, 13.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the calendar.

SENATOR SKELOS: Thank you, Madam President. Is there any further business at the desk?

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

SENATOR SKELOS: Would you please recognize Senator Savino.

THE PRESIDENT: Senator Sabini.

Senator Savino, excuse me.

SENATOR SAVINO: Thank you, Madam President.

Madam President, I believe I have a motion at the desk. I would ask that it be called up at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senate Print 6472A, by Senator Savino, an act to amend the Labor Law.

THE PRESIDENT: Senator Sabini --

this time I was looking, too.

Senator Savino.

SENATOR SAVINO: Thank you, Madam President.

I have a bill that I've introduced called the Fair Share Healthcare Fund. And the Fair Share Healthcare Fund would require certain employers to provide minimum healthcare benefits for their employees.

This bill is intended to make all covered employers of the state spend a minimum level of funding on healthcare for their employees, based on the number of hours that they work in the year, in order to reduce the burden on the state and on taxpayers.

Specifically, we're talking about employers who operate at least one retail store and have at least 500 employees statewide, where groceries or other foods are sold for off-site consumption and where either 10,000 square feet or 5 percent of the overall floor space in a store containing at least 100,000 square feet are dedicated to the sale of groceries, that they provide minimum healthcare for their employees.

No employee of a multibillion-dollar corporation or a multinational company, such as Wal-Mart, should be forced to go without medical care, nor should they be forced to resort to Medicaid. This bill will ensure that large employers provide decent health benefits, ensuring that thousands of uninsured New Yorkers who work full-time for large employers will get healthcare.

Just as the minimum wage sets the standards for employee wages, this bill would set the standard for minimum healthcare coverage.

Taxpayers should not be required to subsidize private businesses by providing healthcare benefits to their employees. Currently, many businesses do the right thing and they struggle every day to provide minimum healthcare to their employees. But these responsible businesses are being harmed as they try to compete against companies that refuse to pay their fair share for their employees' health benefits. Responsible employers should not be penalized for providing health insurance to their employees.

Stores such as Wal-Mart that do not offer their employees healthcare benefits are able to sell their products for a much lower price than their competitors. But who ends up paying for the difference? Taxpayers do.

This bill would end the business model that says "save money by not paying benefits and hit your competitors with those costs." I urge my colleagues to join me in supporting this important step toward providing every New Yorker with quality, affordable healthcare.

THE PRESIDENT: Thank you, Senator Savino.

All those members in favor of the petition out of committee please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Breslin, Connor, Coppola, Dilan, Duane, Gonzalez, Klein, L. Krueger, C. Kruger, Montgomery, Oppenheimer, Parker, Sabini, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stachowski, Stavisky and Valesky.

THE PRESIDENT: The petition out

of committee is not agreed to.

Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we stand adjourned until Tuesday, April 11th, at 11:00 a.m.

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

(Whereupon, at 4:27 p.m., the Senate adjourned.)