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ALBANY, NEW YORK

March 3, 1993

12:00 Noon

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S.

ACTING PRESIDENT FARLEY: The Senate will come to order. The Senators will find their places. If you would please rise and stand with me for the Pledge of Allegiance to the Flag.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

Today we're pleased to have with us Chaplain Richard P. Camp, Jr. of the United States Military Academy. He's the Chaplain of West Point, New York.

Chaplain Camp.

CHAPLAIN RICHARD P. CAMP: Let us bow together in prayer.

Lord, we pause a moment from our agendas and programs to acknowledge that You are God. You have made us and You promise to sustain us as we trust in You.

We pray today for the men and women of this Senate. Amid all the voices that clamor for their attention, give them the discipline to listen to Your voice and the

1 diligence to do what's right. We pray today for
2 the colleges and the universities of this state
3 and especially today for the United States
4 Military Academy. Keep her purposes noble and
5 her leadership strong in our effort to preserve
6 peace in the world.

7 In Your strong name, we pray.

8 Amen.

9 ACTING PRESIDENT FARLEY: The
10 Secretary will begin by reading the Journal.

11 THE SECRETARY: In Senate,
12 Tuesday, March 2nd. The Senate met pursuant to
13 adjournment, Senator Farley in the Chair upon
14 designation of the Temporary President. The
15 Journal of Monday, March 1st, was read and
16 approved. On motion, Senate adjourned.

17 ACTING PRESIDENT FARLEY: Hearing
18 no objection, the Journal will stand approved as
19 read.

20 The order of business:
21 Presentation of petitions.

22 Messages from the Assembly.

23 Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 SENATOR LARKIN: Mr. President.

7 ACTING PRESIDENT FARLEY: Senator
8 Larkin.

9 SENATOR LARKIN: I ask to call up
10 Legislative Resolution 568 and ask that it be
11 read.

12 ACTING PRESIDENT FARLEY:
13 Secretary will read Resolution 568.

14 THE SECRETARY: Legislative
15 Resolution Number 568, by Senators Larkin,
16 Marino, and all members of the Senate:

17 Legislative Resolution
18 celebrating the establishment of the United
19 States Military Academy at West Point, New York
20 and memorializing Governor Mario M. Cuomo to
21 declare Wednesday, March 3rd, 1993 as West Point
22 Day in the state of New York.

23 WHEREAS, the United States

1 Military Academy at West Point, New York has,
2 since its establishment in the early 1800s, been
3 an institute unique in its approach to military
4 as well as educational disciplines, and an
5 institute unique to its promise to meet the
6 challenges of developing and nurturing our
7 nation's future leaders;

8 Always reflecting a dynamic,
9 visionary approach to education, the Academy's
10 focus has been to stimulate young minds,
11 marshall strengths, both physical and cerebral,
12 and inspire its Corps of Cadets to match our
13 forefathers in courage and commitment to
14 defending the rights of a free country;

15 Administrative leadership at the
16 Academy has creatively kept pace with the
17 cadence of changing needs throughout the years;
18 and today, as we host the representatives of the
19 Corps of Cadets, as well as the support staff,
20 we offer a special welcome to a new era of
21 leadership under the command of Lt. General
22 Howard D. Graves, recently appointed
23 Superintendent of the United States Military

1 Academy at West Point;

2 This distinguished school has
3 produced illustrious soldiers, statesmen, and
4 businessmen in every walk of life, but the
5 observation of West Point Day in the state of
6 New York has a particular significance for those
7 of us who serve in the New York State Senate and
8 New York State Assembly for it was the late
9 former Assemblyman James T. McNamara, a graduate
10 of the class of 1939, who masterminded this
11 marvelous tribute to the men and women of the
12 United States Military Academy at West Point;

13 The residents of the state of New
14 York, as well as our entire nation, owe an
15 outstanding debt of gratitude to the vast
16 network of administrators and instructors, past
17 as well as present, whose collective powers have
18 molded generations of graduates;

19 And to the graduates and Corps of
20 Cadets who are now a part of the heritage of
21 West Point, our great state and nation support
22 and appreciate their talents and pray that, as
23 they achieve their own destinies, they will also

1 realize the immeasurable rewards that come with
2 serving the United States of America.

3 NOW, THEREFORE, BE IT RESOLVED
4 that this legislative body pause in its
5 deliberations to applaud the United States
6 Military Academy at West Point as a landmark
7 institution representing excellence in military
8 training and as an institution whose stellar
9 reputation in the field of education looms large
10 throughout our great land; and

11 BE IT FURTHER RESOLVED that this
12 legislative body call upon Governor Mario M.
13 Cuomo to declare today, the 3rd day of March,
14 1993, as West Point Day in the state of New
15 York; and

16 BE IT FURTHER RESOLVED that a
17 copy of this resolution, suitably engrossed, be
18 transmitted to Lt. General Howard D. Graves,
19 Superintendent of the United States Military
20 Academy at West Point, New York in recognition
21 of the vitally important role the Academy plays
22 in maintaining our nation's integrity as a force
23 of freedom.

1 ACTING PRESIDENT FARLEY: On the
2 resolution, Senator Larkin, do you wish to
3 speak?

4 SENATOR LARKIN: Mr. President,
5 my colleagues, it's an honor and a privilege to
6 offer up this resolution.

7 This is the 39th year that the
8 state has recognized the United States Military
9 Academy. I want to personally welcome General
10 Foley, the Commandant of Cadets, the staff and
11 faculty and, most important, members of the
12 Corps.

13 We are especially proud to have
14 General Foley with us here today. General Foley
15 is the class of 1963 and, for those of you who
16 don't know, he is the recipient of our nation's
17 highest award, the Congressional Medal of Honor
18 for heroic service in Vietnam. For members, a
19 full copy of the citation is at your desk. But
20 I'd like to briefly say something about it.

21 General Foley, then Captain
22 Foley, leading a company in a dense jungle fire
23 fight, put himself at grave risk. Fighting

1 constant enemy fire, he helped evacuate wounded
2 soldiers after being blown off his feet by a
3 grenade. Captain Foley refused medical
4 treatment and single-handedly destroyed three
5 enemy gun positions. His outstanding courage
6 and leadership in the face of intense fire
7 inspired his troops to heroic efforts and the
8 success of the mission.

9 General Foley has a distinguished
10 military career, not only in Vietnam but in
11 other parts of the world, and here in the United
12 States. It is a record of leadership, a record
13 of service in the finest tradition to which the
14 Cadets at West Point aspire.

15 The battles we fought in Vietnam,
16 Korea, Europe, and the Pacific are well
17 documented in our books, and the role members of
18 the Corps played are also well documented. But
19 who would have predicted a few years ago that we
20 would be rewriting those books to include
21 Kuwait, Somalia and Bosnia.

22 With the world changing so
23 rapidly, it is more critical than ever that the

1 United States military be maintained in the
2 highest standards, highest quality and a force
3 to be identified in this world. Whether this
4 force is used in a military operation or a
5 humane operation is a decision for others. But
6 the nation must have a military that is prepared
7 to respond to any mission.

8 As a veteran of 23 years in the
9 military, I've had a great deal of opportunity
10 to observe the Corps and be among those who come
11 out. I've had first-hand experience commanding
12 officers that graduated from West Point, serving
13 with them and for them, and I was always
14 enriched by their contributions.

15 No one displays a more
16 professional attitude or dedication than the men
17 and women of West Point. The commitment to West
18 Point is not just going to a college and saying,
19 "I'm a Cadet." It's to serve the country and
20 it begins at a young age. Most of these cadets
21 that are sitting here started at age 16 and 17,
22 started the screening process, at that ripe
23 age.

1 They entered the Academy in July
2 of that first year. You know, when they look at
3 all the strict requirements that they had to go
4 through to get there, they didn't make a
5 decision on what I'm going to do next week or
6 next year. A Cadet today commits himself or
7 herself to four years at the Academy and five
8 years after that. Just think of what we're
9 saying. Somebody 16 years old saying, "At age
10 25 I will be completing my fifth year as an
11 officer." This process is tough, and it
12 requires skilled, tactful and people of quality,
13 and we have you here today. In a time when so
14 many teenagers are searching for answers of what
15 they want to do, it's amazing that we have such
16 individuals here today who know what they want
17 to do, where they want to go, and how they want
18 to go about it. They commit their time, their
19 talents, their efforts, and their future to
20 serving our country here and abroad.

21 They, ladies and gentlemen, are
22 truly the cream of the crop and we're extremely
23 proud to honor them here today.

1 I would like at this time to
2 introduce to you our distinguished guests that
3 are here:

4 The Commandant of Cadets,
5 Brigadier General Robert Foley.

6 (Applause)

7 Public affairs officer,
8 Lieutenant Colonel Bruce Bell.

9 (Applause)

10 Major Jeff Weart, the Executive
11 Officer of the Commandant's Office.

12 (Applause)

13 Captain Richard Camp, our
14 Chaplain at the United States Military Academy.

15 (Applause)

16 Captain Cheryl Ludwa from the
17 Command Information Office.

18 (Applause)

19 Captain William Withers, Tactical
20 Officer, B-1.

21 (Applause)

22 I didn't print this. Somebody
23 did. He's now been promoted to Major.

1 Congratulations to you.

2 (Applause)

3 And Barbara Sarrf, from the
4 Community Relations. Barbara.

5 (Applause)

6 Ladies and gentlemen, the cream
7 of the crop: Andrew Hanson, from East Aurora,
8 New York.

9 (Applause)

10 Jim Dillon, from Schenectady,
11 whose father is a member of the staff of the
12 Assembly. Congratulations, Jim.

13 (Applause)

14 Jennifer Voightschild, from
15 Chili, New York.

16 (Applause)

17 David Keppel, from Cold Spring.

18 (Applause)

19 Mark Goldschmidt, from Scar
20 borough, New York.

21 (Applause)

22 Sean Marshall, from East
23 Amherst.

1 (Applause)
2 Kyle Jette, Amsterdam, New York.
3 (Applause)
4 Seth O'Brien, from Brooklyn.
5 (Applause)
6 Michael Cho, from Flushing.
7 (Applause)
8 Tom Carey, from Ticonderoga.
9 (Applause)
10 Jean-Pierre Sanchez, from Wood
11 mere.
12 (Applause)
13 Elliott Fishburne, from my
14 district, Highland Falls. Hi, Elliott.
15 (Applause)
16 Carol Doleski, from Kinderhook.
17 (Applause)
18 And the Brigade First Captain
19 Shawn Daniel, from Shelbyville, Kentucky.
20 (Applause)
21 General Foley, staff and faculty,
22 we honor you today, but truly you honor us
23 because just to look at where the men and women

1 of the Corps are going and their ideals, I feel
2 very confident that our country and our state
3 and the world will be a better place to live by
4 the efforts of these men and women.

5 Thank you. God bless you all.

6 (Applause)

7 ACTING PRESIDENT FARLEY: On the
8 resolution. Senator Wright.

9 SENATOR WRIGHT: Mr. President,
10 as chairman of the Senate Majority Task Force on
11 Defense Spending and also as the Senator
12 representing the district that's home to the
13 10th Mountain Division at Fort Drum, I rise in
14 support of Senator Larkin's remarks and the
15 Legislative Resolution 568.

16 We should take this day, West
17 Point Day, to symbolize the many other days of
18 the year when we remember the men and women who
19 serve our country at the West Point Military
20 Reservation. This is is a proud and continuing
21 tradition of honor, of service and of
22 sacrifice.

23 New York is proud to serve as the

1 home of the United States Military Academy, and
2 I want to assure the United States Army that we
3 want to continue to welcome their members in
4 residence at West Point and they will continue
5 to have an honored place in New York State and
6 its history.

7 I would also like to remind my
8 colleagues that may not realize there is some
9 4,000 military and civilian personnel who serve
10 our state and our nation at West Point. The
11 military reservation represents also a major
12 business in the Hudson Valley, contributing some
13 \$170 million in direct payroll and prime
14 contracts to the economy of the region and our
15 state.

16 The Military Academy itself
17 represents a lot of hopes, dreams and hard work
18 of the instructors and the Corps of Cadets as
19 they train for demanding careers of leadership
20 as -- in the defense of our America and its
21 interests.

22 My respect and best wishes go to
23 each of them as they prepare to meet our

1 nation's needs and, in turn, I would hope they
2 all look very favorably on the 10th Mountain at
3 Fort Drum.

4 Thank you very much, Mr.
5 President.

6 ACTING PRESIDENT FARLEY: Senator
7 Oppenheimer.

8 SENATOR OPPENHEIMER: I'm very
9 proud that I have a Cadet here from my district
10 today, name of Mark Goldschmidt, and you are in
11 my new district that was just reconfigured a few
12 months ago, and I'm very, very honored that
13 you're here today. You went to Fordham High
14 School, which is also in my -- my Senate
15 District, and you have compiled a most
16 extraordinary record.

17 The thing that I think really
18 hits you is that you're chair of the Cadet Honor
19 Committee, and I can think of no higher honor
20 than to be honored by your peers in such a
21 manner for your integrity and your honesty.

22 And I also see that you are
23 majoring in Political Science, which is a wise

1 move and maybe at some point we will see you
2 join us here, and I commend you, and I wish you
3 much good fortune when you are an officer in the
4 Army. I am the daughter of an officer in the
5 Army, brought up as an Army brat and you have a
6 wonderful career ahead of you, and I hope to see
7 a lot more of you.

8 Thank you for coming.

9 ACTING PRESIDENT FARLEY: On the
10 resolution, all those in favor say aye.

11 (Response of "Aye.")

12 There being no one opposed, the
13 resolution is unanimously passed.

14 General Foley and cadets, and
15 officers and faculty, on behalf of the New York
16 State Senate, let us say how proud we are not
17 only of the Academy but, of course, of the Corps
18 of Cadets. We're delighted to have you come
19 back here each year. It's something that we all
20 look forward to. We wish you success. We wish
21 you well, and congratulations from the New York
22 State Senate.

23 (Applause)

1 Senator Bruno.

2 SENATOR BRUNO: Mr. President,
3 I've handed up a privileged resolution, and I
4 ask at this time that it be read in its
5 entirety.

6 ACTING PRESIDENT FARLEY: The
7 Secretary will read Senator Bruno's resolution
8 in its entirety.

9 THE SECRETARY: Legislative
10 Resolution, by Senator Bruno, commending the
11 Waterford-Halfmoon Boys' Varsity Soccer Team
12 upon the occasion of its designation for special
13 honor on January 17th, 1993 in recognition of
14 capturing the New York State Class D
15 championship.

16 WHEREAS, excellence and success
17 in competitive sports can be achieved only
18 through long hours of practice, team play and
19 team spirit, nurtured by dedicated coaching and
20 strategic planning;

21 Athletic competition enhances the
22 moral and physical development of young people
23 of this state, preparing them for the future by

1 instilling in them the value of teamwork,
2 encouraging a standard of healthy living,
3 gaining an ambition for success and developing a
4 sense of fair play and competition;

5 The Waterford-Halfmoon Boys'
6 Varsity Soccer Team have for the first time in
7 the history of the school captured the New York
8 State Class D championship. Their championship
9 performance also earned them the Colonial
10 Council Championship, the Section 2 Class D
11 Championship, and the Northeast Regional
12 Championship;

13 The team members were coached to
14 this superlative achievement by Coach Robert T.
15 Stoliker and Assistant Coach Robert Roddy;

16 This superb coaching team have
17 successfully guided, molded and inspired each of
18 the team members toward their goal;

19 The enthusiasm, dedication and
20 skills of these athletes have carried them to
21 greatness in their sport; they are now a source
22 of pride to their families, their friends, their
23 communities and their state;

1 The Waterford-Halfmoon Boys'
2 Varsity Soccer Team has so clearly endowed that
3 commitment of scholastic excellence which is the
4 daily manifestation of its student body, faculty
5 and administrative staff;

6 Sports competition instills the
7 values of teamwork, pride and accomplishment,
8 and Coach Terry Stoliker and Assistant Coach Rob
9 Roddy and the Fordians outstanding athletes have
10 clearly made a contribution to the spirit of
11 excellence which is the hallmark of the
12 community;

13 NOW, THEREFORE, BE IT RESOLVED
14 that this legislative body pause in its
15 deliberations to congratulate the Waterford
16 Halfmoon Boys' Varsity Soccer Team. Its members
17 are Josh Amyot, Brian Beauregard, Eric
18 Beauregard, Adam Bilinski, D.J. Bouchard, Greg
19 Carnevale, Kory Galuski, John Paul Guertin,
20 Keith Hurst, Kyle Koblensky, George LaMarche,
21 Russell LeMay, Ryan LeMay, Russell Mahoney, Tony
22 Malo, Frank McClement, Cory O'Brien, Scott
23 O'Connor, Tony Parissi, Chad Phoenix, Mike

1 Quick, Greg Stanley and Dan Williams; and Coach
2 Terry Stoliker, Assistant Coach Rob Roddy,
3 Managers Carrie Parissi and Alta Colwell on
4 their outstanding season and for their capturing
5 the New York State Class D championship, and

6 BE IT FURTHER RESOLVED that a
7 copy of this resolution, suitably engrossed, be
8 transmitted to the members and to Terry
9 Stoliker, Coach of the Fordian soccer team in
10 care of Carl Heiner, principal of the Waterford
11 Halfmoon High School.

12 ACTING PRESIDENT FARLEY: The
13 distinguished Senator representing Waterford,
14 Senator Bruno.

15 SENATOR BRUNO: I thank you very
16 much, Mr. President.

17 It really is a privilege for me
18 to rise and add a personal welcome to these very
19 distinguished young people. Through what you've
20 read in the resolution, we all understand what
21 it takes to be a champion. I am proud as I can
22 be that I could be joined in this chamber by
23 these young athletes, their coach, Terry

1 Stoliker, Assistant Coach Bob Roddy. As a
2 testimony to the importance of this occasion, I
3 am also honored in being joined by the publisher
4 of the Troy Record and the editor, Rex Smith.

5 Champions don't just happen. We
6 know that. It takes time, commitment,
7 perseverance, giving up -- a lot of sacrifice.
8 These young people have been willing to do
9 that. All of us can be proud that they
10 exemplify what we in America believe young
11 people should be all about, and so I thank you
12 for your accomplishment.

13 Thank you for having
14 distinguished the 43rd Senatorial District. You
15 should be very proud of yourselves as your
16 parents are, your friends are, I certainly am.
17 We in this chamber and all of the people in this
18 state through this resolution honor you for your
19 outstanding achievement.

20 Congratulations to you all.

21 Thank you, Mr. President.

22 (Applause)

23 ACTING PRESIDENT FARLEY: Senator

1 Gold.

2 SENATOR GOLD: Mr. President, I'd
3 just like to congratulate these youngsters. I
4 once, when I was in high school in New York I
5 played on my varsity soccer team, and I know
6 what it is to be a champion. I watched all the
7 other champions beat my team.

8 So my congratulations to you for
9 accomplishing that which my guys never could
10 do.

11 ACTING PRESIDENT FARLEY: Before
12 we adopt the resolution, let me say on behalf of
13 the New York State Senate, how proud we are to
14 have you here today and, as the Senator from the
15 neighboring district that many of my schools
16 helped improve your record, we're very, very
17 proud of you and we wish you well.

18 All in favor of the resolution
19 say aye.

20 (Response of "Aye.")

21 Those opposed.

22 (There was no response.)

23 The resolution is unanimously

1 adopted. Congratulations again.

2 (Applause)

3 Senator Seward.

4 SENATOR SEWARD: Mr. President, I
5 offer up the following privileged resolution and
6 ask that its title be read and move its
7 immediate adoption.

8 ACTING PRESIDENT FARLEY: Would
9 you read the title of Senator Seward's
10 resolution.

11 THE SECRETARY: Legislative
12 Resolution, by Senator Seward, commending the
13 Junior High Concert Band of Schoharie Central
14 School for its participation in Music in Our
15 Schools Month, March of 1993.

16 ACTING PRESIDENT FARLEY: All in
17 favor of the resolution, say aye.

18 (Response of "Aye.")

19 Those opposed nay.

20 (There was no response.)

21 The resolution is adopted.

22 Senator Galiber.

23 SENATOR GALIBER: Mr. President,

1 I offer the following privileged resolution, ask
2 that the title be read and suggest the immediate
3 adoption.

4 ACTING PRESIDENT FARLEY:
5 Secretary will read the title of Senator
6 Galiber's resolution.

7 THE SECRETARY: Legislative
8 Resolution, by Senator Galiber, commending Dr.
9 William C. Fratella, Superintendent of Schools
10 in the city of Mount Vernon, New York upon the
11 occasion of his designation for special honor on
12 Saturday, March 6th, 1993.

13 SENATOR GALIBER: Yes, the title
14 also, Mr. President should say Galiber and
15 Senator Velella.

16 ACTING PRESIDENT FARLEY: And
17 Senator Velella. All in favor of the resolution
18 say aye.

19 (Response of "Aye.")

20 Those opposed nay.

21 (There was no response.)

22 The resolution is adopted.

23 Do we have any more resolutions

1 or motions on the floor? Senator Sheffer? I'm
2 sorry. Senator Holland, you have a motion, I'm
3 told.

4 SENATOR HOLLAND: Yes, Mr.
5 President. On page 11, I offer the following
6 amendments on Calendar Number 144, Senate Print
7 Number 1897, and ask that the said bill retain
8 its place on the Third Reading Calendar.

9 ACTING PRESIDENT FARLEY: Without
10 objection, the bill is amended and retain its
11 place.

12 Senator Present, that looks like
13 it takes care of motions and resolutions. We're
14 ready for the calendar or a substitution.

15 SENATOR PRESENT: Mr. President,
16 let's proceed with the non-controversial
17 calendar.

18 ACTING PRESIDENT FARLEY: O.K.
19 We'll sub at the time. Secretary will read
20 the -

21 THE SECRETARY: On page 11 of
22 today's calendar, Senator Lack moves to
23 discharge the Committee on Labor from Assembly

1 Bill Number 402, and substitute it for the
2 identical Third Reading 140.

3 ACTING PRESIDENT FARLEY:

4 Substitution is ordered. Substitution ordered.
5 Yes, we can do the non-controversial, page 7.

6 THE SECRETARY: On page 7,
7 Calendar Number 102, by Senator Bruno, Senate
8 Bill Number 2354, an act to amend the Economic
9 Development Law and the State Finance Law, in
10 relation to establishing a linked deposit
11 program.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 48.

20 ACTING PRESIDENT FARLEY: That
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 108, by Senator Holland, Senate Bill -

1 SENATOR HOLLAND: Lay it aside,
2 please.

3 THE SECRETARY: Laid aside for
4 the day.

5 ACTING PRESIDENT FARLEY: Lay
6 that bill aside for today.

7 THE SECRETARY: Calendar Number
8 109, by Senator Tully, Senate Bill Number 961,
9 an act to amend the Public Health Law.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 48.

18 ACTING PRESIDENT FARLEY: That
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 110, by Senator Farley, Senate Bill Number 219,
22 an act to amend the County Law, in relation to
23 county office hours of work.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 48.

9 ACTING PRESIDENT FARLEY: Senator
10 Wright is in the negative. Senator Wright is in
11 the negative.

12 THE SECRETARY: Ayes 47, nays
13 one, Senator Wright recorded in the negative.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 111, by Senator -

18 SENATOR GOLD: Lay it aside for
19 Senator Leichter.

20 ACTING PRESIDENT FARLEY: Laid
21 aside.

22 THE SECRETARY: Calendar Number
23 112, by Senator Bruno, Senate Bill Number 371,

1 an act to amend the Real Property Tax Law.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 48.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 113, by Senator Stafford, Senate Bill Number
14 434, an act to amend the General Municipal Law.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 48.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 114, by Senator Stafford, Senate Bill Number
4 438, an act to amend the Real Property Tax Law.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 48.

13 ACTING PRESIDENT FARLEY: That
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 115, by Senator Cook, Senate Bill Number 574, an
17 act to amend the General Municipal Law, in
18 relation to authorizing the New York Planning
19 Federation to make purchases.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.
3 (The Secretary called the roll.)
4 THE SECRETARY: Ayes 48.
5 ACTING PRESIDENT FARLEY: That
6 bill is passed.
7 THE SECRETARY: Calendar Number
8 116, by Senator Johnson, Senate Bill Number 909,
9 an act to amend the Real Property Tax Law.
10 ACTING PRESIDENT FARLEY: Read
11 the last section.
12 THE SECRETARY: Section 2. This
13 act shall take effect immediately.
14 ACTING PRESIDENT FARLEY: Call
15 the roll.
16 (The Secretary called the roll.)
17 THE SECRETARY: Ayes 48, nays
18 one, Senator Present recorded in the negative.
19 ACTING PRESIDENT FARLEY: The
20 bill is passed.
21 THE SECRETARY: Also Senator
22 Stachowski, also Senator Cook recorded in the
23 negative.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 117, by Senator Larkin, Senate Bill Number 1153,
5 an act to amend the Real Property Tax Law.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 50.

14 ACTING PRESIDENT FARLEY: That
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 118, by Senator Padavan.

18 SENATOR GOLD: Lay aside.

19 ACTING PRESIDENT FARLEY: Laid
20 aside.

21 THE SECRETARY: Calendar Number
22 129, by Senator Johnson, Senate Bill Number
23 1244, proposing an amendment to the

1 Constitution.

2 ACTING PRESIDENT FARLEY: Read
3 the last section. There's no -- call the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 51.

6 ACTING PRESIDENT FARLEY: That is
7 a resolution, and that resolution is adopted.

8 THE SECRETARY: Calendar Number
9 149, by Senator Volker, Senate bill -

10 SENATOR VOLKER: Lay that aside.

11 ACTING PRESIDENT FARLEY: Lay it
12 aside for the day, Senator Volker?

13 SENATOR VOLKER: Yes, sir.

14 ACTING PRESIDENT FARLEY: I
15 thought that's what he said.

16 Senator Present, that's the first
17 time through. Controversial?

18 SENATOR PRESENT: Controversial,
19 please.

20 ACTING PRESIDENT FARLEY: Senator
21 Hoffmann.

22 SENATOR HOFFMANN: Mr. President,
23 I ask unanimous consent to be recorded in the

1 negative on Calendar 116.

2 ACTING PRESIDENT FARLEY: Senator
3 Hoffmann will be in the negative on Calendar
4 Number 116 without objection.

5 THE SECRETARY: On page 11,
6 Calendar Number 111, by Senator Farley -- on
7 page 8, excuse me.

8 ACTING PRESIDENT FARLEY: Page 8.

9 THE SECRETARY: Senate Bill
10 Number 342, an act to amend the Real Property
11 Tax Law.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 50, nays
20 one, Senator Leichter recorded in the negative.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 118, by Senator Padavan, Senate Bill Number 125,
2 an act to amend the Education Law, in relation
3 to empowering community boards of community
4 school districts to make a determination.

5 ACTING PRESIDENT FARLEY: Senator
6 Padavan, an explanation has been called for.

7 SENATOR PADAVAN: Mr. President,
8 under the decentralization law, school districts
9 in the city of New York are given the authority
10 to manage and operate the schools and other
11 facilities under their jurisdiction. What this
12 bill will do is add to that authority the right
13 to determine when, because of inclement weather,
14 those schools should be closed.

15 Some parts of the City and the
16 outlying areas of northern Bronx, eastern
17 Queens, Staten Island, both time and distance
18 would require, in my view, a decision to be made
19 by a local superintendent or a local school
20 board as to whether or not there's an unsafe
21 condition on that particular day, and this bill
22 would give them that authority to make that
23 decision.

1 SENATOR GOLD: Mr. President.

2 ACTING PRESIDENT FARLEY: Senator
3 Gold.

4 SENATOR GOLD: Yeah. I try each
5 year to be a little briefer and briefer. We've
6 had this, and I guess we'll keep having it.
7 Last year Senator Galiber, myself, and Halperin
8 and Leichter and Markowitz and Montgomery voted
9 in the negative.

10 This is based upon an incident
11 back in 1983 -- '83, not '93. We're now in
12 '93. It didn't happen in '84 and '85 and '86
13 and '87, and et cetera, and it just seems a
14 little absurd to get into these situations
15 where, because of one instance we -- we
16 legislate.

17 It's particularly in view of the
18 fact that, when I spoke to Senator Volker on
19 Monday about this one-incident legislation,
20 nobody here wanted to apply it to the death
21 penalty. Remember the death penalty? We
22 shouldn't do it because we could save one in
23 nocent person. Same business here. I hope that

1 other people will see the folly in this bill.

2 Last section.

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

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

7 ACTING PRESIDENT FARLEY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 118 are Senators
12 Espada, Galiber, Gold, Leichter, Markowitz,
13 Montgomery, Paterson and Smith. Ayes 43, nays
14 8.

15 ACTING PRESIDENT FARLEY: That
16 bill is passed.

17 There are reports of standing
18 committees, Senator Present. Is it all right to
19 read it?

20 SENATOR PRESENT: Let's read it.

21 ACTING PRESIDENT FARLEY:
22 Secretary will read a report of a standing
23 committee.

1 THE SECRETARY: Senator Volker,
2 from the Committee on Codes, reports the
3 following bill directly for third reading:

4 Senate Bill Number 1533, by
5 Senator Spano and others, an act to amend the
6 Penal Law, in relation to providing controlled
7 substances to persons less than 16 years old.

8 Senator Farley, from the
9 Committee on Banks, reports the following bills
10 directly for third reading:

11 Senate Bill Number 1593, by
12 Senator Farley, an act to amend the Banking Law,
13 in relation to the licensing of money
14 transmitters;

15 Senate Bill Number 1699, by
16 Senator Farley, Banking Law, in relation to
17 permitting expanded investments by savings
18 banks;

19 And Senate Bill Number 1922, by
20 Senator Farley and others, an act to amend
21 Chapter 883 of the Laws of 1980, amending the
22 Banking Law generally.

23 All bills reported directly for

1 third reading.

2 ACTING PRESIDENT FARLEY: All
3 bills are reported directly to third reading.

4 Senator Present.

5 SENATOR PRESENT: Mr. President,
6 I move we recess awaiting the report of another
7 standing committee, at which time we will
8 reconvene and receive that report, adjourn until
9 Monday, March 8th, at 2:30 p.m.

10 ACTING PRESIDENT FARLEY: The
11 Senate will stand in recess awaiting the report
12 of -

13 SENATOR PRESENT: Intervening
14 days will be legislative days.

15 ACTING PRESIDENT FARLEY: Anyway
16 let me start again. The Senate will stand in
17 recess awaiting the report of a standing
18 committee and receiving that report we will
19 adjourn until Monday at the regular hour,
20 intervening legislative days.

21 The Senate stands in recess.

22 SENATOR MENDEZ: Mr. President.

23 ACTING PRESIDENT FARLEY: Senator

1 Mendez.

2 SENATOR MENDEZ: Mr. President,
3 I'm requesting unanimous consent to be recorded
4 in the negative on Calendar Number 1 -- 118.

5 ACTING PRESIDENT FARLEY: 119, is
6 it?

7 SENATOR MENDEZ: 118.

8 ACTING PRESIDENT FARLEY: 113?

9 SENATOR MENDEZ: '18, my dear.

10 ACTING PRESIDENT FARLEY: 118.

11 Without objection, you're in the negative on
12 Calendar 118. Thank you.

13 SENATOR MENDEZ: Thank you.

14 (At 12:41 p.m., the Senate
15 recessed until 12:47 p.m.)

16 SENATOR PRESENT: Mr. President.

17 ACTING PRESIDENT FARLEY: Senator
18 Halperin.

19 SENATOR HALPERIN: Mr. President,
20 on Calendar Number 118, Senate Bill 125, I would
21 like my name recorded in the negative, please.

22 ACTING PRESIDENT FARLEY: Without
23 objection, Senator Halperin will be in the

1 negative.

2 SENATOR HALPERIN: Thank you, Mr.
3 President.

4 ACTING PRESIDENT FARLEY: Senator
5 Present, you want to be in the positive.

6 SENATOR PRESENT: I think I'm
7 already there.

8At 12:59 p.m....

9 ACTING PRESIDENT FARLEY: Senator
10 Present.

11 SENATOR PRESENT: Mr. President,
12 may we return to reports of standing committees,
13 please.

14 ACTING PRESIDENT FARLEY: We have
15 a report of a standing committee. Secretary
16 will read it.

17 THE SECRETARY: Senator Hannon,
18 from the Committee on Housing and Community
19 Development, reports the following bills
20 directly for third reading:

21 Senate Bill 276, by Senator
22 Hannon, an act to amend the Public Housing Law;
23 277, by Senator Hannon,

1 Administrative Code of the city of New York;
2 644, by Senators Hannon and Levy,
3 Emergency Tenant Protection Act; and also Senate
4 Bill Number 1129, by Senator Sears, an act to
5 amend the Executive Law.

6 All bills reported directly for
7 third reading.

8 ACTING PRESIDENT FARLEY: All
9 bills reported directly to third reading.

10 The Senate will stand adjourned,
11 or do you have something else, Senator Present?

12 SENATOR PRESENT: Let me read it
13 in full, Mr. President.

14 Mr. President, there being no
15 further business, I move that we adjourn until
16 Monday, March 8th, 2:30 p.m., intervening days
17 be legislative days.

18 ACTING PRESIDENT FARLEY: The
19 Senate will stand adjourned until Monday at 2:30
20 p.m., intervening legislative days.

21 (Whereupon at 1:01 p.m., the
22 Senate adjourned.)
23