ALBANY, NEW YORK

March 16, 1993

10:00 a.m.

REGULAR SESSION

SENATOR JOHN B. DALY, Acting President

STEPHEN F. SLOAN, Secretary

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

ACTING PRESIDENT DALY: The Senate will come to order. We will now have the Pledge of Allegiance.

(Whereupon, the Senate joined in the Pledge of Allegiance to the Flag. )

ACTING PRESIDENT DALY: I would like to now introduce our visiting clergy today, Reverend Vincent Gordon from the Bethany Chapel in Brooklyn, to say the prayer.

May we bow our heads in a moment of silence.

REVEREND VINCENT GORDON: Let us pray.

Our God and our father in heaven, we come to Thee this afternoon in the precious name of Thy son, the Lord Jesus Christ, our Savior.

We want to pour out our hearts in gratitude and thanksgivings unto Thee for Thy love and Thy grace and for all kindness that Thou has shown and is showing to us.

We thank Thee for this moment

that Thou has brought these great men and women together again to discuss matters concerning the people whom Thou has committed to their trust. We thank Thee for their labor of love and their interest and concern.

Today, our God, we do pray that Thou sparkle their hearts and burden their hearts with love and compassion for those of us whom Thou has committed unto them.

We pray, our God, that the Holy Spirit will motivate their thoughts and the Spirit of God will guide their expressions and grant that everything will be controlled by Thyself, and that the very outcome of this session this evening, whatever may be determined, will be that to which Thou hast already set the seal of Thine own divine approval.

We pray for them that Thou bless them, that Thou prosper them and do keep them safely and preserve them from harm and dangers and their families, too.

Grant, our father, that they'll

continue to discharge the responsibility that Thou hast committed to their trust for the good and welfare of the people whom Thou hast committed unto them.

We are inviting Thy presence with us now in the name of the Lord Jesus Christ and for His sake.

Amen.

ACTING PRESIDENT DALY: The reading of the Journal.

THE SECRETARY: In Senate, Monday, March 15. The Senate met pursuant to adjournment. Senator Bruno in the chair upon designation of the Temporary President. The Journal of Sunday, March 14, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT DALY: Hearing no 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 GOLD: Mr. President.

ACTING PRESIDENT DALY: Senator Gold.

SENATOR GOLD: Thank you. On behalf of Senator Halperin, on page 8, I offer the following amendments to Calendar 82, Senate Print 32, and ask the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DALY: Without objection.

Senator Nozzolio.

SENATOR NOZZOLIO: Yes. Mr. President. On page 12, I offer the following amendments to Calendar Number 93, Senate Print 11 on 6, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DALY: Without objection.

SENATOR NOZZOLIO: Mr. President.

ACTING PRESIDENT DALY: Senator Nozzolio.

SENATOR NOZZOLIO: I move to commit Senate Print Number 300, Calendar Number 192, on Second Report, to the Committee on Finance.

ACTING PRESIDENT DALY: Without objection.

Senator Markowitz.

SENATOR MARKOWITZ: I know I was just looking at you and commiserating how our Irish dinner had to be delayed until next Monday due to the weather. But Albany is always the Mecca of, as you know, major, major movers and shakers. Mayor Dinkins is up here today, as you may know; and Chancellor of New York City Board of Education, Joseph Hernandez; and also some of the best in Brooklyn -- Prospect Heights High School is here with us today, and I know that all of us are proud to have them.

ACTING PRESIDENT DALY: Thank you, Senator.

Secretary will read.

THE SECRETARY: On page 4 of today's calendar, Senator Stafford moves to discharge the Committee on Tourism, Recreation and Sports Development from Assembly Bill Number 1929 and substitute it for the identical First Report Calendar Number 198.

ACTING PRESIDENT DALY: Substitution ordered.

Senator Present, are we ready for the calendar?

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar.

ACTING PRESIDENT DALY: The question is on the adoption of the resolutions. All those in favor, aye.

(Response of "Aye.")

All opposed.

(There was no response. )

The resolution is carried.

SENATOR PRESENT: Mr. President. Let's take up the noncontroversial calendar.

ACTING PRESIDENT DALY: Noncontroversial calendar. Clerk will read.

THE SECRETARY: On page 7, Calendar Number 54, by Senator Babbush, Senate Bill Number 725A, an act to amend Chapter 606 of the Laws of 1902, relating to the incorporation of the Brooklyn Public Library.

ACTING PRESIDENT DALY: Read the last section.

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

ACTING PRESIDENT DALY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DALY: The bill is passed.

THE SECRETARY: Calendar Number 176, by Senator Hannon, Senate Bill Number 277.

ACTING PRESIDENT DALY: Lay it aside.

THE SECRETARY: Calendar Number 177, by Senator Hannon, Senate Bill Number -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT DALY: Lay it

aside.

THE SECRETARY: Calendar Number 179, by Senator Stachowski, Senate Bill Number 1371, an act in relation to allowing certain persons.

ACTING PRESIDENT DALY: Home rule message at the desk.

Read the last section.

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

ACTING PRESIDENT DALY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 46. Nays 2. Senators Gold and Leichter recorded in the negative.

ACTING PRESIDENT DALY: The bill is passed.

THE SECRETARY: Calendar Number 180, by Senator Spano, Senate Bill Number 1987, an act to amend the Civil Service Law, in relation to providing New York State public employees with the right to have a union

representative.

ACTING PRESIDENT DALY: Read the last section.

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

ACTING PRESIDENT DALY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DALY: The bill is passed.

THE SECRETARY: Calendar Number 181, by Senator Nolan, Senate Bill Number 2107, an act in relation to the duration of the eligibility list for fire lieutenant.

ACTING PRESIDENT DALY: Home rule resolution at the desk.

Read the last section.

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

ACTING PRESIDENT DALY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DALY: The bill is passed.

THE SECRETARY: Calendar Number 182, by Senator Tully, Senate Bill Number 2718, to authorize Donald Murray, employed by the village of Stewart to file a request for retroactive membership in New York State employees retirement system.

ACTING PRESIDENT DALY: Home rule message at the desk.

Read the last section.

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

ACTING PRESIDENT DALY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 46. Nays 2. Senators Gold and Leichter recorded in the negative.

ACTING PRESIDENT DALY: The bill is passed.

That's the first time through,

Mr. Majority Leader. Are you ready for the controversial calendar?

SENATOR PRESENT: No. Let's stand at ease for a few minutes.

ACTING PRESIDENT DALY: Stand at ease.

(Whereupon, at 3:53 p.m., the Senate was at ease. )

(Whereupon, at 4:03 p.m., Senate reconvened. )

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT DALY: Senator Present.

SENATOR PRESENT: Would you recognize Senator Velella.

ACTING PRESIDENT DALY: Senator Velella.

SENATOR VELELLA: Mr. President, I offer up the two following privileged resolutions and ask that the title be read. Waive the reading.

ACTING PRESIDENT DALY: Secretary will read.

THE SECRETARY: Legislative Resolution, by Senators Velella and Spano, honoring Lieutenant John Mission of the fire department of the city of Yonkers, New York, in recognition of his bravery and courageous action in the rescue of a woman trapped in her burning home on December 10, 1992.

Also Legislative Resolution, by Senators Velella and Spano, honoring fire fighter John Michael Dunne for his bravery and courageous action during a structure fire in a burning apartment building in Yonkers, New York, on Monday, April 27, 1992.

ACTING PRESIDENT DALY: On the resolution. All in favor.

(Response of "Aye.")

All opposed.

(There was no response. )

The resolution is adopted.

SENATOR PRESENT: May we return to report of standing committees.

ACTING PRESIDENT DALY: Report of standing committees.

Secretary will read.

THE SECRETARY: Senator Stafford from the Committee on Finance reports the following bill directly for third reading:

Senate Bill Number 3615, by Senator Mega, an act to amend Chapter 502 of the Laws of 1992, relating to certain non-judicial officers and employees of the Unified Court System.

Also, Senator Stafford from the Committee on Finance, reports Senator Mega's bill, Senate Bill Number 2784, an act to amend Chapter 502 of the Laws of 1992, relating to certain non-judicial officers and employees of the Unified Court System.

Also, Senator Stafford from the Committee on Finance, reports the following bill directly for third reading:

Senate Bill Number 3531, by Senator Trunzo, an act to amend the Executive Law, in relation to making technical corrections to such law necessitated by the collectively negotiated agreement.

All three bills reported directly to third reading.

ACTING PRESIDENT DALY: Without objection, third reading.

Senator Present.

SENATOR PRESENT: Can we call up Senate 3531 to have its third reading at this time.

ACTING PRESIDENT DALY: Secretary will read.

THE SECRETARY: Senate Calendar Number 209, Senate Bill Number 3531, by Senator Trunzo, an act to amend the Executive Law, in relation to making technical corrections to such law necessitated by the collectively negotiated agreement.

ACTING PRESIDENT DALY: Read the last section.

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

ACTING PRESIDENT DALY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DALY: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President. There being no further business, I move we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT DALY: Senate is adjourned until tomorrow at 3:00 p.m.

(Whereupon, at 4:06 p.m., Senate adjourned. )