ALBANY, NEW YORK

March 22, 1993

3:17 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Senators will find their seats.

Please rise with me for the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT FARLEY: Today in the absence of clergy, we will bow our heads for a moment of silent prayer.

(Whereupon, there was a moment of silence. )

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Sunday, March 21. The Senate met pursuant to adjournment. Senator Bruno in the Chair upon designation of the Temporary President. The Journal of Saturday, March 20, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as

read.

The order of business:

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.

We have a motion. Senator Mega.

SENATOR MEGA: Yes, Mr. President. On behalf of Senator Padavan, his bill on page 12, I offer the following amendments to Calendar Number 146, Senate Print Number 2135, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: The amendments are received. The bill will retain its place.

Are there any other motions on the floor?

Senator Present.

SENATOR PRESENT: Mr. President. Would you recognize Senator Volker.

ACTING PRESIDENT FARLEY: I certainly will as soon as he gets to his place.

Senator Volker.

SENATOR VOLKER: Mr. President. I think there is a privileged resolution at the desk. Would you please have the title read, please.

ACTING PRESIDENT FARLEY: Secretary will read the title of Senator Volker's resolution.

THE SECRETARY: Legislative Resolution, by Senators Volker, Daly and Trunzo, commending William R. Tuttle, Jr., Brian K. Moore and Garin Horsley, upon the occasion of their designation as first, second and third place winners in the United States Savings Bond Division Second Annual National Student Poster Contest.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yes, I spoke to Senator Volker, and he has no objection. Could we add Senator Jones on there as a sponsor.

ACTING PRESIDENT FARLEY: Without objection, Senator Jones will be a sponsor.

SENATOR VOLKER: Yes. These are winners in the United States Postage/Bond Division, and we're going to be presenting them with some certificates tomorrow. So if anybody else wants to go on the resolution, I am more than happy to have them.

ACTING PRESIDENT FARLEY: Anyone who wishes to be on the resolution, approach the desk or let them know. Senator DeFrancisco. Senator Lack.

On the resolution. Shall we adopt it right now, Senator Present?

On the resolution. Those in favor say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Lack, please.

ACTING PRESIDENT FARLEY: I certainly will. Senator Lack.

SENATOR LACK: Mr. President, would you please put a sponsor star on Calendar Number 189, Senate Print 1963.

ACTING PRESIDENT FARLEY: 189 is starred at the request of the sponsor.

Is there any other business on the floor?

(There was no response. )

Senator Present, what's your pleasure?

SENATOR PRESENT: Mr. President, let's go to the noncontroversial calendar.

ACTING PRESIDENT FARLEY: Secretary will read the noncontroversial calendar.

THE SECRETARY: On page 13, Calendar Number 176, by Senator Hannon, Senate Bill Number 277, Administrative Code of the City

of New York.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 177, by Senator -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 183, by Senator Marino, Senate Bill Number 1776, authorize the city of Glen Cove, Nassau County, to sell and convey certain parcels of real property.

ACTING PRESIDENT FARLEY: There is a home rule message here at the desk.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 198, by member of the Assembly King, Assembly Bill Number 1929, an act to amend Chapter 477 of the Laws of 1928.

ACTING PRESIDENT FARLEY: There is a home rule message here at the desk.

You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 199, by Senator Johnson, Senate Bill Number 2326, an act to amend the Navigation Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 200, by Senator Saland.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 201, by Senator LaValle, Senate Bill Number 939, an act to amend the Education Law, in relation to registration of a pharmacy.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 36. Nays 1. Senator Kuhl recorded in the negative. Also Senator Wright recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 202, by Senator Johnson.

SENATOR GOLD: Can we have one day on that?

ACTING PRESIDENT FARLEY: Lay the bill aside. Whose bill is that? Senator Johnson.

SENATOR JOHNSON: Lay it aside.

ACTING PRESIDENT FARLEY: Is it all right to give him one day?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT FARLEY: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 203, by Senator LaValle, Senate Bill Number 2328, an act to amend the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT FARLEY: The bill is passed.

That's the first time through, Senator Present.

SENATOR PRESENT: Controversial.

THE SECRETARY: On page 13, Calendar Number 176, by Senator Hannon, Senate Bill Number 277, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT FARLEY: Read the last -- Senator Gold, what's your pleasure?

SENATOR GOLD: We can accommodate the Senator. Let's just do a slow roll call.

ACTING PRESIDENT FARLEY: I don't see five standing.

SENATOR GOLD: If you want me to talk for two hours, I bet you got five people.

ACTING PRESIDENT FARLEY: Senator Hannon, what's your pleasure?

SENATOR HANNON: Mr. President. Would you lay the bill aside temporarily. Perhaps there might be more people coming in so he can get his slow roll call.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: If I can point out to the gentleman that if he takes his roll call if people come in and vote, and that will take care of your problem. Just call the slow roll call. You ring the bell. There will be a roll call. They will come in and vote, and that will take care of your problem.

SENATOR HANNON: Call the slow roll call.

SENATOR GOLD: And I see five anyway.

ACTING PRESIDENT FARLEY: The Chair has acceded to that. The Chair has acceded to that.

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Senator Hannon, did you want to proceed?

SENATOR HANNON: Proceed in reading the bill and calling the roll, if that's what -

ACTING PRESIDENT FARLEY: Ring the bell. Slow roll call on 176.

SENATOR MARKOWITZ: Mr. President.

ACTING PRESIDENT FARLEY: Senator Markowitz.

SENATOR MARKOWITZ: I just wanted to ask a question about the slow roll call. Are you calling that now?

ACTING PRESIDENT FARLEY: Yes.

SENATOR MARKOWITZ: All right. Because as you are calling it, I'm so delighted that from Brooklyn, St. Jerome School has joined us this afternoon, and I know that we are very proud and happy to have them here in Albany.

Thank you very much.

ACTING PRESIDENT FARLEY: In the

gallery, St. Jerome School, welcome. On behalf of Senator Markowitz and all the rest of the Senate.

We have a slow roll call. But before I proceed with that, Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. Mr. President, I would like to be recorded in the negative on Calendar Number 201, Bill Number 939.

ACTING PRESIDENT FARLEY: Senator, you're in the negative on 201, without objection.

There has been a slow roll called for on Senator Hannon's bill, Calendar Number 176. Ring the bell. Call the roll.

THE SECRETARY: Senator Babbush, excused.

ACTING PRESIDENT FARLEY: Let's have a little order in the house, or I will ask the sergeant-at-arms to clear the house.

Senator Present, is that what you wanted, a little order?

SENATOR PRESENT: Yes.

ACTING PRESIDENT FARLEY: Let's hope we'll get it.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

(There was no response. )

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Yes.

THE SECRETARY: Senator Espada.

(There was no response. )

Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Galiber.

(There was no response. )

Senator Gold.

SENATOR GOLD: No.
THE SECRETARY: Senator Gonzalez.
(There was no response. )
Senator Goodman, excused.
Senator Halperin.
(There was no response. )
Senator Hannon.
SENATOR HANNON: Yes.
THE SECRETARY: Senator Hoffmann.
(There was no response. )
Senator Holland.
SENATOR HOLLAND: Yes.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Jones.
SENATOR JONES: Yes.
THE SECRETARY: Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.
THE SECRETARY: Senator LaValle.
(There was no response. )
Senator Leichter.
(There was no response. )
Senator Levy.
(There was no response. )
Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
(There was no response. )
Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Marino.
(Indicating "Aye".)
THE SECRETARY: Aye. Senator Markowitz.
SENATOR MARKOWITZ: Unbelievably yes.
THE SECRETARY: Senator Masiello.
SENATOR MASIELLO: Yes.
THE SECRETARY: Senator Mega.

SENATOR MEGA: Yes.

THE SECRETARY: Senator Mendez, excused. Senator Montgomery.

SENATOR MONTGOMERY: Yes. Mr. President, to explain my vote.

ACTING PRESIDENT FARLEY: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Thank you. I would like to join Senator Markowitz in this legislation. I want to compliment him for having such wonderful young people here from his district to see us vote on this very important bill today. It is an opportunity for them to see how their government works.

And this bill is an excellent opportunity for us to know how government works. I believe this bill carries Senator Hannon's name on it. I see him as the sponsor. But, Senator Hannon, I believe I have seen in the past that Senator Halperin has sponsored such a bill, and I certainly agree with the concept, and I don't know how much your bill is exactly like Senator Halperin's bill, but I'm

going to vote no on this because I want to make sure that it has everything that Senator Halperin's bill contains in it and that Senator Halperin is, in fact, the sponsor of it.

So while I agree with what you intend to do, I'm voting no. I know this is very confusing to some people in this room, but I'm voting no although I agree with the intent of the legislation.

Thank you.

ACTING PRESIDENT FARLEY: Continue the roll.

THE SECRETARY: Senator Nolan.

SENATOR NOLAN: Yes.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Ohrenstein.

(Indicating "No." )

THE SECRETARY: No. Senator Onorato.

SENATOR ONORATO: Aye.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Aye.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: Yes.

THE SECRETARY: Senator Paterson.

(There was no response. )

Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Santiago.

(There was no response. )

Senator Sears.

(There was no response. )

Senator Seward.

SENATOR SEWARD: Aye.

THE SECRETARY: Senator Sheffer.

SENATOR SHEFFER: Yes.

THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: Yes.
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: Yes.
THE SECRETARY: Senator Spano.
(There was no response. )
Senator Stachowski.
SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky.
(There was no response. )
Senator Trunzo.
SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Aye.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: Yes.
THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.
THE SECRETARY: Senator Waldon.
(There was no response. )
Senator Wright.
SENATOR WRIGHT: Aye.
ACTING PRESIDENT FARLEY: Absentees.
THE SECRETARY: Senator Connor.
SENATOR CONNOR: No.
THE SECRETARY: Senator Espada.
SENATOR ESPADA: No.
THE SECRETARY: Senator Galiber.
(There was no response. )
Senator Gonzalez.
(There was no response. )
Senator Halperin.
(There was no response. )
Senator Hoffmann.
(There was no response. )
Senator LaValle.
SENATOR LAVALLE: Yes.
THE SECRETARY: Senator Leichter.

(There was no response. )

Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Maltese.

(There was no response. )

Senator Paterson.

(There was no response. )

Senator Santiago.

(There was no response. )

Senator Sears.

SENATOR SEARS: Yes.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Yes.

THE SECRETARY: Senator Stavisky.

(There was no response. )

Senator Waldon.

ACTING PRESIDENT FARLEY: Senator Waldon, how do you vote?

SENATOR WALDON: (Indicating thumbs down. )

ACTING PRESIDENT FARLEY: Senator Waldon is in the negative.

Results.

THE SECRETARY: Ayes 43. Nays 6.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 177, by Senator Hannon, Senate Bill Number 644, an act to amend the Emergency Tenant Protection Act of 1974.

SENATOR HANNON: Mr. President.

ACTING PRESIDENT FARLEY: Senator Hannon.

SENATOR HANNON: Would you be so kind as to lay that bill aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for the day.

Senator Present, that concludes it.

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

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until tomorrow at 3:00 p.m.

(Whereupon, at 3:36 p.m., Senate adjourned.)