ALBANY, NEW YORK

April 20, 1993

3:36 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: The Senate will come to order. Senators will please find their seats.

If you will please rise with me for the Pledge of Allegiance to the Flag.

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

Today, in the absence of clergy, we'll bow our heads in a moment of silent prayer.

(A moment of silence was observed. )

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

THE SECRETARY: In Senate, Monday, April 19th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Friday, April 16th, was read and approved. On motion, Senate adjourned.

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

read.

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.

The mike's not on.

Communications and reports from state officers.

Motions and resolutions.

We have some motions on the floor. Senator Daly.

SENATOR DALY: Mr. President, on behalf of Senator Lack, on page 9, I offer the following amendments to Calendar Number 215, Senate Print 1322, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the bill will retain its place.

Senator Sears.

SENATOR SEARS: Mr. President, on page number 13, I offer the following amendments to Calendar Number 338, Senate Print Number 3316, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Bill will retain its place.

Senator Kuhl.

SENATOR KUHL: Yes. Mr. President, on page 16, Calendar Number 396, would you place a sponsor's star on that bill, please.

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

SENATOR KUHL: Thank you.

ACTING PRESIDENT FARLEY: Senator Saland, do you -- just happen to be standing.

O.K. Are there any other motions on the floor?

Senator Present, do you wish to do the resolutions? What's your pleasure?

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

with the exception of Resolution 1040.

ACTING PRESIDENT FARLEY: Secretary will -- all in favor of adopting the Resolution Calendar with the exception of 104, please say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response. )

The Resolution Calendar is adopted.

1040, Senator.

SENATOR PRESENT: Yes.

ACTING PRESIDENT FARLEY: That was, I'm sorry, Resolution 1040 which was not adopted.

Senator Present.

SENATOR PRESENT: Mr. President, will you recognize Senator Saland, please.

ACTING PRESIDENT FARLEY: Senator Saland.

SENATOR SALAND: Mr. President, on the Resolution Calendar, Resolution 1071 is a resolution memorializing Governor Cuomo to

proclaim the week of April 18th through the 24th of this year as the Week of the Young Child in the state of New York, and I would just like to open that resolution to any of my -- any of our colleagues who might wish to be on that resolution. A number have indicated. Unfortun ately we couldn't circulate it as rapidly as we'd like, and we'd like to open it up at this time.

ACTING PRESIDENT FARLEY: Please let the desk know if you'd like to be on it. Senator Sears, Senator Smith.

Senator Present, what's your pleasure? Stand at ease for a second?

SENATOR PRESENT: Mr. President, would you recognize Senator Holland, please.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Mr. President, I have a privileged resolution at the desk and I'd appreciate it being read in its entirety, and I'd like to make a few remarks, please.

ACTING PRESIDENT FARLEY:

Secretary will read Senator Holland's resolution in its entirety.

THE SECRETARY: Legislative Resolution, by Senator Holland, commending the Dolly Downs project of Camp Venture, and its creator, Jack Lukens:

WHEREAS, it is the sense of this legislative body that those who give positive definition to the profile and disposition of the communities of the state of New York do so profoundly strengthen our shared commitment to the exercise of freedom;

Attendant to such concern and fully in accord with its long-standing traditions, it is the intent of this legislative body to commend the Dolly Downs project of Camp Venture where the dolls are assembled by retarded and developmentally disabled workers, and its creator, Jack Lukens;

Dolly Downs has the features of a child with Down's Syndrome, a genetic disorder that causes mental retardation. People with Down's Syndrome have certain facial features

reflected in Dolly Downs' face;

The creator of Dolly Downs, Jack Lukens, a child psychologist, gave the doll such features as a gift to a kinder, gentler world;

Jack Lukens was inspired after seeing children play with black and Asian dolls. He and his wife Kathy have five children, one who is both autistic and retarded;

Dolly Downs comes with an audio tape and story book in a little back pack. On the tape Dolly tells her story, how she is different and how she is loved. The voice is that of the Lukens' nine-year old granddaughter, Rebecca, who does not have Down's Syndrome;

In pursuit of their quest to offer their son the best life possible, Jack and Kathy Lukens found a new organization. They and a group of parents and friends banded together 23 years ago to start Camp Venture, a summer camp that accepts any child no matter how seriously handicapped;

Since then, Camp Venture has grown and expanded its mission to provide year

round help for handicapped people of all ages. It runs 25 homes and apartments for 177 people, a sheltered workshop providing jobs, a program to place workers in local industry, a day treatment center, two vacation homes and several social groups;

Dolly Downs is designed to make a little difference. She's intended for normal kids, to give them a positive feeling about the handicapped. She's also intended for handicapped kids to give them a more positive feeling about themselves;

Through his sustained commitment to the preservation and enhancement of human dignity, Jack Lukens has so unselfishly advanced the spirit of united purpose and shared concern which is the unalterable manifestation of our American experience;

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to commend the Dolly Downs project of Camp Venture and its creator, Jack Lukens; and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to Jack Lukens and Camp Venture, Incorporated, Nanuet, New York.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Thank you, Mr. President.

Mr. President, we have some special guests in the chamber today whose actions have been or currently are helping handicapped individuals.

I'd like to recognize Mrs. Kathleen Lukens and Mrs. Barbara Reese. Mrs. Reese is the director of community relations at Camp Venture. Mrs. Lukens is the founder and the executive director of Rockland County's Camp Venture, who has come to Albany today to visit the Capitol to inform the legislators about a wonderful doll that she and her child psychologist husband, Dr. John Lukens, have developed.

The doll named Dolly Downs is

different from every other doll on the market today. Dolly exhibits the characteristics of a person with Down's Syndrome, meaning a broad face and slanting eyes.

Down's Syndrome, as you probably know, is a genetic disorder that causes mental retardation. Dolly Downs is manufactured at Camp Venture by retarded and developmentally disabled workers and is a very special doll for those individuals who have Down's Syndrome. Just imagine the excitement for someone with Down's Syndrome to see and hold a doll that looks like its owner for the second time. What a companion this doll is for them, and I've seen some pictures of that. You can quickly realize all the smiles and happiness this doll has already brought and will bring to many, many people.

Dolly Downs serves as a medium for tolerance and acceptance of all people including those whose differences aren't so apparent. Tucked away in Dolly Downs' back pack is a tape that speaks of friendship and love,

even though Dolly Downs looks a little different from other children.

This doll promises to serve as a great teaching tool for our young children in our society. Camp Venture, where the dolls were made, was started nearly 25 years ago to help handicapped people of all ages. Its 25 homes and apartments house 177 people. It provides jobs for the handicapped individuals. It places handicapped people in local industries. In fact, when I was county clerk, I had two individuals working for me. One is still working for the county clerk, and one continues to call me occasionally.

They also run day treatment centers and vacation homes and several group homes. Camp Venture's mission is tested and achieved every day and Venture doesn't only survive. It thrives. Their quarter century existence and the development of Dolly Downs proves Camp Venture's individual success as well as their continued commitment to the handicapped individuals of our society.

Certainly Dolly Downs will not change the world, but it will make life better for some very special people. I applaud and recognize the work of Jack and Kathy Lukens through Camp Venture and Dolly Downs. Their actions and dedication make a difference in other people's lives every day. They should be very proud of their accomplishments.

I extend to them my sincere con gratulations and praise.

Thank you very much, Mr. President.

ACTING PRESIDENT FARLEY: Thank you, Senator Holland. Would all in favor of the resolution please say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response. )

The resolution is unanimously adopted. We're honored to have you in the chamber today. Welcome, and we're grateful for what you do. Thank you very much. Come back and visit us again.

(Applause)

SENATOR PRESENT: Mr. President, may we take up the non-controversial calendar, please.

ACTING PRESIDENT FARLEY: The Secretary will read non-controversial.

THE SECRETARY: On page 10, Calendar Number 273, by Senator Kuhl, Senate Bill Number 2452-A, authorize the conveyance of certain real property of the state to Perry J. Specchio.

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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 288, by Senator Cook, Senate Bill Number 3132-A,

an act to amend the Public Health Law, in relation to primary health care providers in rural areas.

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 41.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 336, by Senator Johnson, Senate Bill Number 2762-A, an act to amend the General Business 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 351, by Senator Johnson, Senate Bill Number 2802, an act to amend the Education Law, in relation to efficiency study grants.

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 41.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 355, by Senator Volker, Senate Bill Number 1300-A, authorizing the village of Lancaster to transfer a parcel of park land to the town of Lancaster.

ACTING PRESIDENT FARLEY: There's 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 41.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 356, by Senator Larkin.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 365, by Senator Stafford.

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT FARLEY: For the day? Laid aside.

SENATOR PRESENT: For the day.

ACTING PRESIDENT FARLEY: For the day.

THE SECRETARY: Calendar Number 378, by Senator Daly.

SENATOR DALY: Star the bill. Star the bill.

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Wait a second.

SENATOR DALY: Star the bill.

ACTING PRESIDENT FARLEY: Star the bill, Senator Daly?

SENATOR DALY: Yes, Mr. President.

THE SECRETARY: Calendar Number 388 -- 383, excuse me, by Senator Volker, Senate Bill Number 1506, 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 385, by Senator Daly, Senate Bill Number 2993.

SENATOR DALY: Lay aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number 386, by Senator Seward, Senate Bill Number 3109, Education Law, in relation to increasing penalties for violations.

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 -

ACTING PRESIDENT FARLEY:

Results.

THE SECRETARY: Ayes 39, nays two, Senators Galiber and Saland recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 388, by Senator Levy, Senate Bill Number 35...

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT FARLEY: Laid aside?

SENATOR PRESENT: Yes.

THE SECRETARY: Calendar Number 391, by Senator Present, Senate Bill Number 2426-A, Agriculture and Markets 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

I said, the bill is passed.

THE SECRETARY: Calendar Number 395, by Senator Kuhl, Senate Bill -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

Just a moment, please, Senator Gold. I'm not getting these directions straight. Senator Kuhl, what's your pleasure?

SENATOR KUHL: Star the bill, please.

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

Senator Galiber.

SENATOR GALIBER: Yes, Mr. President. I'd like the record, with the permission of the body, to reflect that I was absent and if I had been present, I would have liked to have been recorded in the negative on Calendar Number 367 and Calendar Number 384.

ACTING PRESIDENT FARLEY: The record will show -- so show.

SENATOR GALIBER: Thank you, sir.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, I believe we're ready to take up controversial bills.

ACTING PRESIDENT FARLEY: Secretary will read controversial.

THE SECRETARY: On page 14, Calendar Number 356, by Senator Larkin, Senate Bill Number 3144, Real Property Tax Law, the Public Service Law, in relation to the definition of special franchise property.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: I laid this aside at the request of Senator Oppenheimer, who is in a meeting right now. Could we hold this, would you mind, Senator Larkin?

SENATOR LARKIN: All right.

SENATOR GOLD: I wouldn't mind coming back to it if the Senator comes; otherwise lay it aside one day, whatever; is that agreeable?

(Senator Larkin nods head.)

SENATOR GOLD: Yes, thank you.

ACTING PRESIDENT FARLEY: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 385, by Senator Daly, Senate Bill Number 2993, Education Law, in relation to student awards and assistance.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Daly.

SENATOR DALY: Mr. President, as we all know, our nation has in place a system of registration of our young men so that, if an emergency occurs where a mobilization is immediately required, these young men can be called into military service.

Unfortunately, there are young men who refuse to register and -- for the draft.

I should -- pardon me, Mr. President. Let me start over. There are men, young men, who refuse to register. We believe that this is wrong. What this bill simply would do would mandate that any young man who would like to receive a grant in aid for higher education would have to submit their registration form to receive that aid.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: I want to thank Senator Daly for giving us the opportunity once again to discuss this issue. The session wouldn't seem the same without it.

Mr. President, the issue is really very, very simple. I respect Senator Daly's feelings, and I would be less than candid if I said I didn't understand his feelings behind this legislation, but I believe, as I've said so often in the past and probably will have an opportunity next year too, that we just are in a situation of mixing apples and oranges.

The issue of selective service status is one which involves an individual and their relationship to federal law. As everyone knows, we have no draft but we do have a requirement that young people register. There are many young people who have from time to time disagreed with policies of this country and we have a country where people can, in fact, protest in many ways as long as it is not violent and as long as those people understand that they may have to pay some penalty for what is involved, and if people violate the selective service laws, as Senator Daly knows very well, there are penalties that attach.

That is not what ought to be involved in our educational system. The educational system is our educational system and if people apply to the state for various programs, this should not come up as that issue.

In the past, Senator Connor and Galiber and myself and Korman and Leichter and Markowitz, Mendez, Montgomery, Ohrenstein,

Stavisky and Waldon have voted in the negative. There is a memo in opposition by the New York Civil Liberties Union, and thanks to Senator Daly I'm sure we have all heard the arguments over and over again. So I'm not going to go on any longer than I already have.

I understand the necessity for people to register. I have two sons. They have registered. I think that the issue is just confusing two separate concepts.

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: Those recorded in the negative on Calendar Number 385 are Senators Espada, Galiber, Gold, Gonzalez, Markowitz, Mendez, Ohrenstein and Smith. Ayes 35, nays 8.

ACTING PRESIDENT LIBOUS: The bill is passed.

Senator Mendez.

SENATOR MENDEZ: Mr. President, I require -- I am asking for unanimous consent to be recorded in the negative on Calendar Number 4.... to be recorded in the affirmative on Calendar Number 413 and in the negative on candidate -- on Calendar Number 367, for if I had not been here yesterday I would have voted along those lines, a "no" on 367.

ACTING PRESIDENT LIBOUS: The record will reflect that, Senator.

SENATOR MENDEZ: A "yes" on 413.

ACTING PRESIDENT LIBOUS: Senator Kuhl.

SENATOR KUHL: Yes. Mr. President, would you remove a star on Calendar Number 396.

ACTING PRESIDENT LIBOUS: 396, the star is removed, without objection.

SENATOR DALY: Mr. President.

ACTING PRESIDENT LIBOUS: Re moved.

SENATOR DALY: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Daly.

SENATOR DALY: I'd like to remove the star on Calendar 378, if it's already been starred. That's the bill that I mistakenly starred twenty minutes ago.

ACTING PRESIDENT LIBOUS: Remove the star, without objection. It will be done.

THE SECRETARY: On page 15, Calendar Number 388, by Senator Levy, Senate Bill Number 3515-A, an act to amend the Education Law, in relation to the length of terms of members of the Board of Regents.

SENATOR SMITH: Explanation.

ACTING PRESIDENT LIBOUS: Explanation is requested.

SENATOR PRESENT: Would you lay it aside.

ACTING PRESIDENT LIBOUS: Lay that bill aside.

Senator Present.

SENATOR PRESENT: Mr. President, I believe there's a committee report at the

desk. May it be read, please.

ACTING PRESIDENT LIBOUS: Secretary will read, please.

THE SECRETARY: Senator Nozzolio, from the Committee on Elections, reports the following bill directly for third reading: Senate Bill Number 4195-A, an act to amend the Election Law, in relation to requiring disclosure of receipts and expenditures of persons seeking appointment to a vacancy in any elective public office which is filled by the Legislature, reported directly for third reading.

ACTING PRESIDENT LIBOUS: Without objection, the bill is reported for third reading.

Senator Present.

SENATOR PRESENT: Mr. President, I believe that there being no further business, I move that we adjourn until tomorrow at 11:30 a.m.

ACTING PRESIDENT LIBOUS: The Senate is adjourned until tomorrow at 11:30 a.m.

(Whereupon at 4:04 p.m., the Senate adjourned. )