ALBANY, NEW YORK

May 26, 1993

1:13 P.M.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order.

If you will please join with me in the Pledge of Allegiance to the Flag.

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

Today, we're pleased to have with us the Reverend Michael L. Palazzo of St. John's Church in Mahopac, New York, for the opening prayer.

REVEREND MICHAEL PALAZZO: Most Holy Father, we are grateful to be gathering in Your presence, to be given the trust of the people to serve them and to guide them into the future.

We pray for the deliberations that take place this day. We ask Your continued blessings upon all here in the Senate, and we pray for their constituents and the good people of the state of New York.

And we ask all this in Your name. Amen.

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

THE SECRETARY: In Senate Tuesday, May 25. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. The Journal of Monday, May 24, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand an approached 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.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I would like to remove stars on my

bills: Calendar Number 317, 494, 625, 686, 805, 827.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR LIBOUS: The lobbyists will be at the door after they hear that.

ACTING PRESIDENT FARLEY: I see.

SENATOR LIBOUS: On page 36, I offer the following amendments to Calendar Number 805, Senate Print 2293, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: So ordered.

SENATOR LIBOUS: And, Mr. President, on page 34, I offer the following amendments to Calendar Number 625, Senate Print Number 3815A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Bill will retain its place. Thank you.

Senator Holland.

SENATOR HOLLAND: Mr. President,

I'd like to remove the sponsor's star on my bill, Calendar 441, Senate 464.

ACTING PRESIDENT FARLEY: Star is removed at the request of the sponsor.

SENATOR HOLLAND: Also, I wish to call up Senator Maltese's bill, Print Number 368, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Maltese, Senate Bill Number 368, an act to amend the Real Property Tax Law.

SENATOR HOLLAND: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 42.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR HOLLAND: Mr. President, I now offer the following amendments.

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

SENATOR HOLLAND: Mr. President, also on page number 17, for Senator Levy, I offer the following amendments on Calendar Number 677, Senate Print Number 69B, and ask that said bill resustain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: The bill will retain its place.

SENATOR HOLLAND: Also Mr. President, on page number 28, for Senator Farley, I offer the following amendments to Calendar Number 884, Senate Print Number 2725, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: It's appreciated. The bill will retain its place.

Senator Gold.

SENATOR GOLD: Yes, Mr.

President. On behalf of my very distinguished, bright, intelligent and lovely colleague from Brooklyn, Senator Montgomery, on page 22, I offer the following amendments to Calendar Number 776, Print Number 4129, ask that it retain its place on the Third Reading Calendar, and be passed unanimously upon its return from the printer, which we hope will be soon.

ACTING PRESIDENT FARLEY: The bill will retain its place on the Third Reading Calendar.

Senator Larkin.

SENATOR LARKIN: Mr. President, on behalf of Senator Skelos, would you please place a sponsor star on Calendar Number 428, Senate Print 3727, on page 10.

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

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Stafford, I wish to call up his bill, Print 2464, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Stafford's bill.

THE SECRETARY: By Senator Stafford, Senate Bill Number 2464, authorize the Fort Ann Central School District to finance the accumulated deficit.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR BRUNO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 42.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Present.

SENATOR PRESENT: Mr. President, I now offer the following amendments on behalf of Senator Stafford.

ACTING PRESIDENT FARLEY: The

amendments are received. The bill will retain its place.

We have a substitution. Well, we'll do the substitution, then we'll go to Senator Saland.

THE SECRETARY: On page 36 of today's calendar, Senator Saland moves to discharge the Committee on Rules from Assembly Bill Number 4856A, and substitute it for the identical Third Reading 790.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Saland.

SENATOR SALAND: Mr. President, I would like to remove the star on Calendar Number 790 at this time.

ACTING PRESIDENT FARLEY: The star is removed.

SENATOR SALAND: Thank you.

ACTING PRESIDENT FARLEY: 790. Are there any other motions or things on the floor?

Seeing none, Senator Present.

SENATOR PRESENT: Mr. President, go to non-controversial calendar, please.

ACTING PRESIDENT FARLEY: Non-controversial.

THE SECRETARY: On page 4, Calendar Number 82, by Senator Halperin, Senate Bill Number 32A, an act to amend the Executive Law, in relation to publication of certain notices in the State Register.

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 42.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number four-sixty...

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it

aside for the day.

THE SECRETARY: Calendar Number 524, by Senator Pataki, Senate Bill Number 2682, an act to amend the Vehicle and Traffic Law.

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 42.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 555, by Senator Kuhl, Senate Bill Number 3282B, an act to amend the General Municipal 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 42.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 595, by Senator Kuhl, Senate Bill Number 2667A, 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 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 664, by member of the Assembly Koppell, Assembly Bill Number 6439, Civil Practice Law and Rules.

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 44.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 759, by Senator Skelos, Senate Bill Number 4434, an act to amend the Vehicle and Traffic 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 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 813, by Senator Cook, Senate Bill Number 4936,

an act to amend the Education Law, in relation to shared services aid.

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 44.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 825, by Senator Seward, Senate Bill Number 4055A, an act to amend the Real Property 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 44.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 848, by Senator Levy, Senate Bill Number 5679, an act to amend the Vehicle and Traffic 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 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 859, by Senator Volker, Senate Bill Number 3401A, an act to amend the Civil Practice Law and Rules.

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 43, nays 1, Senator Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 881, by Senator Kuhl, Senate Bill Number 5222, an act to amend the 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 48.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through. There's nothing else left.

SENATOR PRESENT: We're going to

stand at ease for a while.

ACTING PRESIDENT FARLEY: We're going to stand at ease for a while. The Senate will stand at ease awaiting a Rules Committee.

(Whereupon, the Senate was at ease. )

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, very shortly, there will be a Rules Committee meeting, and two of the bills to be reported out of that Rules Committee meeting will be voted on this afternoon, 5769 and 5676. They will be reported directly to third reading and adopted this afternoon.

ACTING PRESIDENT FARLEY: I don't know if I can remember those numbers, but there will be two bills reported out of the Rules Committee. 5759, is it?

SENATOR PRESENT: 5769.

ACTING PRESIDENT FARLEY: 5769.

SENATOR PRESENT: And 5676.

ACTING PRESIDENT FARLEY: 5676.

They will be voted on today.

Senator Galiber.

SENATOR GALIBER: Yes, Mr. President. Can I have unanimous consent to make a statement in regard to a bill that was on the other day. It has to do with Calendar Number 697, and it was a -

ACTING PRESIDENT FARLEY: Senator Present, there seems to be no objection. Is there an objection to him making a statement?

SENATOR PRESENT: I have no objection.

SENATOR GALIBER: Thank you. It is Senate Number 4637, and I would like the record to reflect that if I had been present at that time, I would have voted in the negative.

Thank you.

SENATOR PRESENT: You're welcome.

ACTING PRESIDENT FARLEY: The record will so state, Senator Galiber.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I would request unanimous consent to be recorded in the

negative on Calendar Number 859 that was just voted on.

ACTING PRESIDENT FARLEY: Senator DeFrancisco will be in the negative on Calendar 859.

(Whereupon, at 1:28 p.m., the Senate was at ease. )

(Whereupon, at 1:37 p.m., the Senate reconvened. )

ACTING PRESIDENT FARLEY: Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Farley, on page 28, I offer the following amendments to Calendar Number 888, Senate Print 4953, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Thank you. The bill will retain its place on Third Reading Calendar.

Senator Seward.

SENATOR SEWARD: Yes, Mr. President. I would like to remove a sponsor star on Calendar Number 623, Senate Print Number

4076A.

ACTING PRESIDENT FARLEY: The star is removed at the request of the sponsor.

Senator Gold.

SENATOR GOLD: Senator Seward yield to a question?

SENATOR SEWARD: No, I will not yield.

ACTING PRESIDENT FARLEY: He won't yield.

(Whereupon, at 1:39 p.m., Senate was at ease. )

(The Senate reconvened briefly with Senator Cook in the chair.)

ACTING PRESIDENT COOK: Senator Present.

SENATOR PRESENT: There will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT COOK: Immediate meeting of the Rules Committee in Room 332.

(Whereupon, at 2:54 p.m., Senate reconvened with Senator Farley in the chair. )

ACTING PRESIDENT FARLEY: Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President, can we return to reports of standing committees.

ACTING PRESIDENT FARLEY: We certainly shall. There is a Rules report. The Secretary will read it.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bills directly for third reading:

Senate Bill Number 3184, by Senator Nozzolio, an act to amend the Election Law, in relation to polling places for physically disabled voters.

Senate Bill Number 3814, by Senator Libous, an act to amend the Real Property Tax Law, in relation to permitting disabled persons to pay taxes on principal residences, reported with amendments.

Senate Bill Number 4066, by Senator Larkin, an act to amend the Real Property Tax Law, in relation to improvements

required by the Americans with Disabilities Act of 1990.

4215A, by Senator Sears, an act to amend the Tax Law, in relation to allowing the deduction for gross income.

4762, by Senator Libous, an act to amend the Economic Development Law.

Senate Bill 4881, by Senator Libous, an act to amend the Education Law, procedures for conducting impartial hearing for students with disabilities.

5056, by Senator Libous, an act to amend the Tax Law, authorizing a tax credit for employing individuals with disabilities.

5372, by Senator Saland, an act to amend the Town Law, in relation to authorizing fire district commissioners to establish user fees.

5439, by Senator Libous, an act to amend the Vehicle and Traffic Law, design specifications for repaved and repainted handicapped parking spaces, reported with amendments.

Senate Bill Number 5676, by the Committee on Rules, an act relation to implementation of the terms of collective agreements.

Also, Senate Bill Number 5769, by Senator Trunzo and others, Civil Service Law and the State Finance Law, in relation to compensation.

All bills reported directly for third reading.

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

Senator Present.

SENATOR PRESENT: Mr. President, will you call up Calendar 915, please.

ACTING PRESIDENT FARLEY: 915. Secretary will read it.

THE SECRETARY: Calendar Number 915, by Senator Trunzo, Senate Bill Number 5769, an act to amend the Civil Service Law and the State Finance Law, in relation to compensation benefits.

SENATOR PRESENT: Mr. President,

is there a message of necessity at the desk?

ACTING PRESIDENT FARLEY: There is a message.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT FARLEY: All in favor of accepting the message, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The message is accepted.

Would you like the last section read?

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 51.

ACTING PRESIDENT FARLEY: That bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, call up Calendar 925, please.

ACTING PRESIDENT FARLEY: Secretary will call up 925. There is a substitution. Read the substitution.

THE SECRETARY: Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 7616 and substitute it for the identical Third Reading 925.

ACTING PRESIDENT FARLEY: Substitution is ordered.

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 51.

ACTING PRESIDENT FARLEY: The bill is passed.

We have two substitutions.

THE SECRETARY: On page 14 of today's calendar, Senator Nozzolio moves to

discharge the Committee on Rules from Assembly Bill Number 5401A and substitute it for the identical Third Reading 583.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: On page 23, Senator Saland moves to discharge the Committee on Rules from Assembly Bill Number 5789A and substitute it for the identical Third Reading 791.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we adjourn until Tuesday, June 1st, at 2:30 p.m., intervening days to be legislative days.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until Tuesday at 2:15 p.m., intervening legislative days.

(Whereupon, at 2:58 p.m., the Senate adjourned. )