ALBANY, NEW YORK

June 2, 1993

3:47 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. Would you please rise for the Pledge of Allegiance.

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

Today we're pleased to have with us the Reverend Peter G. Young, Pastor of the Blessed Sacrament Church of Bolton Landing, New York.

Father Young.

REVEREND PETER G. YOUNG: Thank you. Let us pray.

Almighty and eternal God, may Your grace enkindle in all of us a thanks for the many who dedicate themselves to the cause of helping those that are unfortunate people whom poverty and misery reduce to a condition of life unworthy of human beings. Arouse in the hearts of all of those who worship You, Father, a hunger and a thirst for charity and for love. Grant, O Lord, peace in our days, peace to all

families, peace to our country and peace among all nations. Now and forever. Amen.

ACTING PRESIDENT FARLEY: Thank you, Father.

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, June 1st. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Saturday, May 29th, 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 Governor.

Messages from the Assembly.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR LACK: Mr. President.

ACTING PRESIDENT FARLEY: Senator Lack.

SENATOR LACK: Mr. President, would you please unstar Calendar 685.

ACTING PRESIDENT FARLEY: 685, the star is removed at the request of the sponsor.

SENATOR LACK: Thank you.

Senator Maltese.

SENATOR MALTESE: Mr. President, on page number 24, I offer the following amendments to Calendar Number 842, Senate Print 4112, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Daly.

SENATOR DALY: Mr. President, Calendar 651, on page number 15, I offer the following amendments, Senate Print Number 4583,

and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments are received. Bill will retain its place.

Senator Kuhl.

SENATOR DALY: Mr. President, if I may -

ACTING PRESIDENT FARLEY: Oh, I'm sorry. Senator Daly still has the floor.

SENATOR DALY: On behalf of Senator Cook, I offer the following amendments to Calendar 633, Senate Bill 3203, on page 37, and I ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR DALY: Also on behalf of Senator Cook, I offer the following amendments to Calendar Number 630, Print Number 2917, on page 36, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY:

Amendments are received. The bill will retain its place.

Now, Senator Kuhl.

SENATOR KUHL: Mr. President, I wish to call up my bill Senate Bill 534, recalled from the Assembly, which is now at the desk.

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

THE SECRETARY: By Senator Kuhl, Senate Bill 534, an act to amend the Agriculture and Markets Law.

SENATOR KUHL: I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR KUHL: I offer up the following amendments.

ACTING PRESIDENT FARLEY:

Amendments received. Bill will retain its place.

SENATOR KUHL: Thank you.

ACTING PRESIDENT FARLEY: Senator Skelos.

SENATOR SKELOS: On behalf of Senator Saland, on page number 19, I offer the following amendments to Calendar 729, Print Number 3105-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR SKELOS: On the starred calendar, on page number 34, I offer the following amendments to Calendar Number 186, Senate Print Number 2000-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection. Is that it?

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Seward, I wish to call up his

bill, Print Number 4021, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Seward, Senate Bill Number 4021, an act to amend the Tax Law.

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

ACTING PRESIDENT FARLEY: Secretary will call the roll on reconsider ation.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT FARLEY: The bill is before the house. Senator Tully.

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

ACTING PRESIDENT FARLEY: Amendments are received. Bill will retain its place.

We have a substitution, Senator Present; is that all right? Secretary will read a substitution.

THE SECRETARY: On page 31 of today's calendar, Senator Cook moves to discharge the Committee on Rules from Assembly Bill Number 7986-A, and substitute it for the identical Third Reading 956.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Are there any other motions on the floor?

Senator Present.

SENATOR PRESENT: Mr. President, may I make one -- I move that we adopt the Resolution Calendar.

ACTING PRESIDENT FARLEY: All in favor of adopting the Resolution Calendar, say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The Resolution Calendar is

adopted.

Senator Present.

SENATOR PRESENT: Mr. President, let's stand at ease for a moment.

ACTING PRESIDENT FARLEY: The Senate will stand at ease momentarily.

(The Senate stood at ease from 3:53 p.m. until 4:31 p.m.)

ACTING PRESIDENT FARLEY: Senate will come to order. Senator Present, Senator Holland has a motion.

SENATOR PRESENT: Well, recognize Senator Holland, please.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Thank you, Mr. President.

On page 35, I offer the following amendments to Calendar 382, Senate Print 908, and ask that said bill retain its place on the Third Reading Calendar.

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

Third Reading Calendar.

Senator Present.

SENATOR PRESENT: Mr. President, let's take up the non-controversial calendar.

ACTING PRESIDENT FARLEY: Non-controversial, the Secretary will read.

THE SECRETARY: On page 4, Calendar Number 62, by Senator Levy, Senate Bill Number 80, an act in relation to requiring the Commissioner of Transportation to conduct a review of the transportation -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 88, by Senator Maltese, Senate Bill Number 368 A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: You can call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 195, by Senator Spano, Senate Bill Number 1005-B, an act to amend the Mental Hygiene Law.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 434, by Senator LaValle, Senate Bill Number 3722-A, an act to amend the Education Law and the State Finance Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

SENATOR JONES: Lay aside.

ACTING PRESIDENT FARLEY: I'm

sorry.

SENATOR JONES: Lay aside, please.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number 441, by Senator Holland, Senate Bill Number 464, an act to amend the Social Services -

SENATOR GOLD: Lay aside for Senator Waldon.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 537, by Senator LaValle, Senate Bill Number 1432, an act to amend the General Municipal Law, the Town Law and the Voluntary Ambulance Workers' Benefit 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.)

ACTING PRESIDENT FARLEY: Is that 736?

THE SECRETARY: 537.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: I would like unanimous consent to abstain, please, on this one.

ACTING PRESIDENT FARLEY: On 7 -

SENATOR JONES: 537.

ACTING PRESIDENT FARLEY: 537. I lost my place here.

Senator Jones is abstaining on 537, without objection.

The bill is passed. Results. I'm sorry.

THE SECRETARY: Ayes 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 736, by Senator LaValle, Senate Bill Number 401-A, an act to amend the Education Law.

SENATOR GOLD: Lay it aside for Senator Halperin.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 853, by Senator Tully, Senate Bill Number 1243 A, an act to amend the Penal Law, in relation to menacing in the first degree.

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 47.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 880, by Senator Kuhl, Senate Bill Number 5221-A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT FARLEY: 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 47, nays one, Senator Hoffmann recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 926, by Senator Volker, Senate Bill Number 379, an act to amend the General Municipal Law, the State Finance Law and the Public Authorities 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.

THE SECRETARY: Calendar Number 927, by Senator Farley, Senate Bill Number 1548, permitting the establishment of the town of Day Fire Protection District.

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 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 928, by Senator Maltese, Senate Bill Number 1936, an act to amend the Court of Claims Act.

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.

THE SECRETARY: Calendar Number 929, by Senator -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 930, by Senator Stafford, Senate Bill Number 2523, an act to amend the County 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 49.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 931, by Senator Present, Senate Bill Number 2683.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 932, by Senator Volker, Senate Bill Number 2696, in relation to service credit members of the public retirement system.

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 51.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number

9... Calendar Number 933, by Senator Trunzo, Senate Bill Number 2961, amends Chapter 736 of the Laws of 1975.

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 52.

ACTING PRESIDENT FARLEY: That bill is passed.

Senator Leichter.

SENATOR LEICHTER: Yes. May I have unanimous consent to be recorded in the negative on 926.

ACTING PRESIDENT FARLEY: Without objection.

THE SECRETARY: Calendar Number 934, by Senator Sheffer, Senate Bill Number 3009, an act to amend the Tax Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 935, by Senator Johnson, Senate Bill Number 3062, an act to amend -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay aside.

THE SECRETARY: Calendar Number 936, by Senator Padavan, Senate Bill Number 3101, Alcoholic Beverage Control Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: You can call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 937, by Senator Volker, Senate Bill Number 3129,

an act to amend the Local Finance Law, in relation to sale of bonds, city of Buffalo.

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 52.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 938, by Senator Volker, Senate Bill Number 3130, an act to amend the Local Finance Law, in relation to the sale of municipal obligations.

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 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 956, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7986-A, Delaware Valley Central School District to transfer monies.

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 53.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

Senator Kuhl, why do you rise?

SENATOR KUHL: Yeah, Mr. President. On behalf of Senator levy, would you place a sponsor's star on Calendar Number 62, Senate Print 80.

ACTING PRESIDENT FARLEY: Calendar Number 62 is starred at the request of the sponsor.

SENATOR KUHL: Thank you.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, let's take up the controversial calendar, please.

ACTING PRESIDENT FARLEY: Controversial. The Secretary will read.

THE SECRETARY: On page 6, Calendar Number 195, by Senator Spano, Senate Bill Number 1005-B, an act to amend the Mental Hygiene Law, in relation to defining the need for involuntary care and treatment.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Senator Spano.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

THE SECRETARY: Calendar Number 434, by Senator LaValle, Senate Bill Number 3722-A, an act to amend the Education Law and the State Finance Law.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: Yes. Mr. President, would the sponsor yield to a question?

ACTING PRESIDENT FARLEY: Senator LaValle, will you yield to a question from Senator Jones?

SENATOR LAVALLE: Yes, I will.

SENATOR JONES: Yes, Senator LaValle. Your bill talks about a trust fund that would be set up for this program. Since I'm very familiar with this, there are a lot of these already going on in the state, I'm just curious what the money would be used for and if

you could give me a little more explanation on it.

SENATOR LAVALLE: Yes. Thank you, Senator Jones.

The legislation was filed and many of the provisions included herein are as a result of federal legislation that was -- that was passed last August as part of the Older Americans Act and, in the Act, it provides for grants to states to pay for the federal share of establishing and operating projects in the public elementary and secondary schools, and there are certain criteria. The fund also, besides accepting federal dollars, would accept monies from foundations and other -- other sources in the fund, trust fund, that is established.

The criteria used to award grants to the states will be those programs that include multi-generational activities in which volunteer older individuals and students interact, and we provide for those provisions on page 2, lines 14 to 22.

Also the existence of skill banks that maintain and make available to school officials information on the skills and the preferred activities of volunteer older individuals for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors and lunchroom assistants, and in the legislation we provide language to cover that on page 2, lines 31 to 41.

And then lastly, opportunities for volunteer older individuals to participate in school activities, and we provide for that on lines -- page 3, lines 26 to 30.

So what we are doing is to meet or so that New York State will be able to receive federal monies, and we provide for the provisions that are called for under the federal legislation.

SENATOR JONES: Thank you.

ACTING PRESIDENT KUHL: Last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 434, ayes 53, nays one, Senator Montgomery recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT KUHL: Mr. President.

SENATOR PRESENT: Call up Calendar Number 195, please.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 195, by Senator Spano.

SENATOR GOLD: Explanation.

THE SECRETARY: Senate Bill

Number 1005-B, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT KUHL: Senator Spano, an explanation has been asked for.

SENATOR SPANO: Mr. President, this bill qualifies the definition of "involuntary care and treatment" for an individual by placing case law into statute. What we're very careful to do, we had a joint public hearing this past March. We had numerous meetings with advocacy groups and the Alliance for the Mentally Ill, and we heard testimony from the individual commissioners and commissioner of mental health in the city of New York, and were reluctant to alter the standards of involuntary commitment. We're reluctant to expand the scope and create a new standard of dangerousness or a new "greatly disabled" definition in the law.

What we did was take case law and put it into statute, so that what this bill does is take -- it makes sure that a person who is in need of voluntary care and treatment would

receive that type of help and care, at the same time recognizing a person's right to constitutional freedoms and not imposing on those rights.

ACTING PRESIDENT KUHL: Last section.

Senator Nolan?

THE SECRETARY: Section 2. This act shall -

SENATOR GOLD: Hold it just a minute. Last section.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Will Senator Spano yield to just one question?

Senator, is this the same bill you had last year?

SENATOR SPANO: No. No, this

bill was amended. The one part of it was amended, Senator Gold, was a suggestion by the Alliance for the Mentally Ill, where we added a few words. We added "except for reasons of indigence", so that it says here if a person is not capable of surviving with reasonable ability to provide for his food, clothing, et cetera. They asked that we specifically put "except for reasons of indigence," so that you can't -- it's pretty clear in the statute that, because a person is simply homeless, that you can't declare them to be involuntarily committed.

That's the only change and, by the way, as a result of that change, we received a letter of support from the Alliance for the Mentally Ill who previously had opposed the legislation.

SENATOR GOLD: Will you yield for another question? Will the Senator yield to a question?

SENATOR SPANO: Sure.

SENATOR GOLD: I have a memo here from the Civil Liberties Union and just are you

familiar with that one?

SENATOR SPANO: I'm not familiar with that. I didn't get that. Is that this year?

SENATOR GOLD: I want to make sure. Yes, it says 1993 Legislative Memorandum.

SENATOR SPANO: I didn't see it. They did speak at the hearing, Senator Gold, but no, I don't remember. I didn't get a hearing - I didn't get a memo on it. What did they say?

SENATOR GOLD: What did they say? You don't want me to read it? What is this one? This is the same one too. Well, Senator, the - there was some concern on this side of the aisle and you've cleared up that there is some change in the bill and, now, I have been handed these memos. I hate to do this to you, but is it possible, even though you've explained it, to put it over for one day? Would you mind?

SENATOR SPANO: Will you -

SENATOR GOLD: I just want a chance to check it out myself. I -- you're a gentleman all the time. If you say no, I'll

understand and -

SENATOR SPANO: There'll be another one.

SENATOR GOLD: All right. Thank you very much.

SENATOR SPANO: Maybe, if you could get someone to give me a copy of that memo so I could see it.

SENATOR GOLD: I can get it to you, Senator Spano. I'll place it in Senator Spano's hands.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: 441, by Senator Holland, Senate Bill 464, an act to amend the Social Services Law and the Tax Law.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, an explanation has been asked for.

SENATOR HOLLAND: Who asked for it?

ACTING PRESIDENT KUHL: Senator Leichter has asked for an explanation.

SENATOR HOLLAND: Thank you, Mr. President.

This is a departmental bill. The bill would enhance the ability of the Department of Social Services to comply with the federal Jobs Opportunity and Basic Skills Training Program by enabling it to obtain information from the Department of Taxation and Finance to evaluate the effectiveness of employment and training programs operated by the Department and local Social Services Districts.

Also, this bill reiterates the mandate that all information obtained from the wage reporting system must be kept confidential.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Yeah, Senator Holland, it's that -

ACTING PRESIDENT KUHL: Are you asking Senator Holland to yield, Senator Leichter?

SENATOR LEICHTER: Yes, if he

would, please.

ACTING PRESIDENT KUHL: Senator Holland, do you yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator Holland will yield.

SENATOR LEICHTER: That section of the bill that deletes the requirement of confidentiality or at least gives the Department information that in the past was not available to it, why is it necessary for the Department to have information as to somebody's Social Security number, and so on, to evaluate the program?

SENATOR HOLLAND: They can not track the individuals individually unless they have the Social Security number, Senator. They can only amass information. They're not getting the information they need to find out whether the program is functioning correctly or in the way they want it to or not.

It is supported by -- I might mention also, besides the Department, the state

Communities Aid Association.

SENATOR LEICHTER: It says something in therewith there about information may -- about tax information.

SENATOR HOLLAND: The information is from the Tax and Finance, yes, sir.

SENATOR LEICHTER: Well, if you'd be so good as to yield, continue to yield, Senator. I can understand that they -- to track the individual, you need the Social Security number, but why do you need the tax information?

SENATOR HOLLAND: That's where the information is, I am told, that they need in order to evaluate the system and it is mentioned a number of times in the proposed bill that the Department will take all necessary steps to en sure that such information is kept confidential and is requested and maintained only for the purpose of evaluating the effects on earnings of participation in the training program.

SENATOR LEICHTER: All right. Thank you.

ACTING PRESIDENT KUHL: Last

section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 736, by Senator LaValle, Senate Bill Number 401-A, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Local fiscal impact note is at the desk. Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- those recorded in the negative on Calendar Number 736 are Senators Dollinger, Jones, Leichter,

Stavisky, Waldon, and also Senator Galiber.
Ayes 49, nays 6.
ACTING PRESIDENT KUHL: The bill is passed.
SENATOR GOLD: Mr. President.
ACTING PRESIDENT KUHL: Senator Gold.
SENATOR GOLD: Would you recognize Senator Montgomery.
ACTING PRESIDENT KUHL: Senator Montgomery.
SENATOR MONTGOMERY: Yes, Mr. President. I inadvertently voted no on Calendar Number 434, and I did not intend to. I would like to -- I request to be recorded in the affirmative.
ACTING PRESIDENT KUHL: The clerk will so note.
SENATOR MONTGOMERY: Thank you.
ACTING PRESIDENT KUHL: The clerk will read.
THE SECRETARY: Calendar Number 929, by Senator Cook, Senate Bill Number 2281-A,

an act to amend the Education Law.

SENATOR STAVISKY: Explanation.

ACTING PRESIDENT KUHL: Explanation has been asked for. Senator Cook.

SENATOR COOK: Mr. President, this bill is similar to the one that we passed a couple of weeks ago here, in which we provided that the state would pay for the volunteer ambulance corps and for the fire department one dollar per capita or per resident.

Once again, the situation is that the types of structures that the State University has within a given municipality create a cost that is -- that goes beyond the normal fire protection that they would be providing. In two of my communities, for example, that have State Universities, there are seven-story buildings. Those were the only seven-story buildings that exist any place within those municipalities.

The cost of providing the special equipment that is really required to provide the adequate fire protection in those university

structures is something that the local taxpayers have been bearing, and this bill would simply provide that a small, really token payment would be made by the University annually toward the cost of running those fire districts and those volunteer ambulance services, one dollar per person for each, a cost of about $800,000 statewide to help those communities which are host to these structures which provide, incidentally, fire protection and the ambulance service for students from all over the state who attend the State University, and I think it's a small token payment, something the University can easily do, and something they should do.

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR STAVISKY: Mr. President, the philosophy apparent in this bill is not beneficial to local government, and is surely not beneficial to higher educational institutions.

If it is the intention of the sponsor to assist certain volunteer organiza

tions, fire companies, ambulance, rescue squads, et cetera, then let us do it the straight forward way and provide an appropriation to those volunteer organizations which do so much good, and they are all over the state of New York, and I'd like to see that done for volunteer companies, ambulance and/or fire companies, in Senator Mega's district, in the district of Senator Maltese, in others' districts throughout the state of New York rather than simply where there is a higher educational facility.

What we're doing is taking money away from the funding for higher education and reducing it, the state support for these institutions, and we are commingling two different things. There are many services that are provided: Sewer, water, police protection, health care, that are done by every locality when there are facilities placed in those communities, but what the sponsor fails to recognize is that there is too much of this town versus gown controversy.

Consider for a moment the benefits that a community receives from the opening of a college, community college, four-year institution or university. There are people who are students, who are faculty members, who will buy from local merchants and they will pay local sales taxes. They will reside in local housing accommodations, not necessarily on campus, and they'll be providing revenue for homeowners in those communities and that's the way we ought to look at it.

There are pros and cons. There are advantages as well as disadvantages to having a large number of people, faculty members and students, coming to a community and we should stop looking at this as a negative for which ransom has to be paid and that, in a sense, is what is proposed here, that we are asking these institutions from their educational funding to make payments that should not necessarily be commingled with the purposes of a higher educational institution.

And I think that it would be far

wiser for the sponsor of this bill to make a direct appropriation for volunteer organizations, fire companies, ambulance rescue squads rather than doing it in this indirect manner, or if you want to do this, then increase the amount of state funding for educational institutions of all types that are located within communities. Let them receive the money with which to pay this tax.

Otherwise, Senator, this is a mandate without money that we should not be imposing on these institutions after the budget process is completed.

For that reason, I hope that there will be some "no" votes to discourage this kind of adversarial relationship between town and gown.

ACTING PRESIDENT KUHL: Last section.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Last year, Senator

Stavisky, there were indeed about 17 "no" votes, Senator Connor, Galiber, Gonzalez, Halperin, Leichter, Markowitz, Mendez, Montgomery, Ohren stein, Onorato, Paterson, Smith, Stachowski, and my name was not on that list, but you convinced me.

ACTING PRESIDENT KUHL: Last section.

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

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 929 are Senators Dollinger, Galiber, Gold, Leichter, Markowitz, Mendez, Montgomery, Ohrenstein, Onorato, Solomon, Stachowski, Stavisky, Waldon, also Senator Smith. Ayes 42, nays 14.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 931, by Senator Present, Senate Bill Number

2683, authorizing the conveyance of certain lands designated for reforestation purposes by the county of Allegany.

ACTING PRESIDENT KUHL: Home rule message is at the desk. Last section.

SENATOR GOLD: Just a minute.

ACTING PRESIDENT KUHL: Hold on.

SENATOR GOLD: Senator Present yield to one question?

ACTING PRESIDENT KUHL: Senator Present, will you yield? He does.

SENATOR GOLD: Senator, this contains the information I have on a memo from DEC. Do you have any answer to that?

SENATOR PRESENT: I have no answer to that.

SENATOR GOLD: I don't either. Last section.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar 934, by Senator Sheffer, Senate Bill Number 3009, an act to amend the Tax Law, crediting lottery prizes to past due taxes.

SENATOR SHEFFER: Lay it aside for the day, please.

ACTING PRESIDENT KUHL: The bill is laid aside for the day.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on 931, please.

ACTING PRESIDENT KUHL: The clerk will note that you're recorded in the negative, Senator Leichter.

THE SECRETARY: Calendar Number 935, by Senator Johnson, Senate Bill Number 3062, an act to amend the State Finance Law and the Environmental Conservation Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Explanation has been asked for.

Senator Johnson.

SENATOR JOHNSON: Mr. President, this is going to create a marine and coastal district fund into which the funds from those activities in the marine district would be - would be directed and would be used for essentially law enforcement and creation of additional facilities in the marine district.

That was the original intent of the money and prior to 1977 all the gasoline taxes, for example, fuel used in boats was directed to this purpose. It's been changed in recent years. We'd like to re-establish that. Essentially we have upstate where all the hunting and fishing licenses and fines and penalties go to enhancing the upstate fishing

and hunting opportunities.

This would be similar for the same type of revenues in the marine district. It's sponsored in both houses. It's a good bill and it's something that I believe will be moving soon in the Assembly. We think this is a bill that's overdue. It would also provide that monies would be available for matching federal Wallop-Breaux monies for the enhancement and protection of the marine environment. So essentially we're getting back to the original purpose of these fines and penalties. It would help to provide enhanced fishing opportunities and law enforcement opportunities in that area of the state.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

Let me apologize to you and to my colleagues. Inadvertently when I came in from the antechamber intending to have my vote recorded negatively on 441, the house was dealing with 736. I may have inadvertently been recorded and could I have unanimous consent to be recorded in the "yea" on 736 and in the "nay" on 441.

ACTING PRESIDENT KUHL: Without objection, you're so recorded, Senator Waldon.

Senator Present, that completes the controversial calendar.

SENATOR PRESENT: Would you recognize Senator DeFrancisco.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. Inadvertently I didn't notice that a resolution mourning the passing of Earl Stock, Jr., the past National Commander-in-Chief of the Veterans of Foreign Wars is on for today. There's a corresponding resolution in the Assembly, and I want to open that up for any other co-sponsors that would like to go on it. I know Senator Maltese mentioned it to me earlier and I'm sure he wants to be on it.

THE SECRETARY: O.K. Could you give me the names.

ACTING PRESIDENT KUHL: Would the Senators who wish to be on the resolution please raise their hands.

Thank you, Senator DeFrancisco. Senator Present.

SENATOR PRESENT: Mr. President, if there are no housekeeping actions to take place, and I see none, I move that we recess - we adjourn until tomorrow at 11:30.

ACTING PRESIDENT KUHL: Senate stands adjourned until tomorrow at 11:30.

(Whereupon at 5:08 p.m., the Senate adjourned.)