ALBANY, NEW YORK

June 8, 1993

3:35 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 please find their seats.

Please rise 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 visiting clergy, we'll bow our heads for a moment of silent prayer.

(Whereupon, there was a moment of silence. )

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Monday, June 7. The Senate met pursuant to adjournment. Senator Volker in the chair upon designation of the Temporary President. The Journal of Friday, June 4, 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.

We have a report of a standing committee, Senator Present.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

Member of the State Council on Home Care Services, William H. Plumb, of Saranac Lake.

Member of the State Board of Historic Preservation, Stuart Stein, of Ithaca.

Member of the Board of Visitors of the Broome Developmental Disability Services Office, Joseph F. Abizzi, of Johnson City.

Member of the Board of Visitors of the Central Islip Psychiatric Center Reverend Beresford Adams, of Coram.

Member of the Board of Visitors

of the Letchworth Village Developmental Disabilities Services Office, Barbara Adelson, of New City.

Member of the Board of Visitors of the Central New York Psychiatric Center, Joanne M. Campola, of Rome.

Member of the Board of Visitors of the South Beach Psychiatric Center, Diane Cunningham, of Staten Island.

Member of the Board of Visitors of the Pilgrim Psychiatric Center, Lloyd Langley, of Westbury.

Member of the Board of Visitors of the Bronx Children's Psychiatric Center, James Maldonado, of the Bronx.

Member of the Board of Visitors of the Rome Developmental Disabilities Services Office, Henry F. Miller, Jr., of Barneveld.

ACTING PRESIDENT FARLEY: On the nominees. All in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The nominees are confirmed.

The next order of business is:

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

We have some motions.

Senator Cook.

SENATOR COOK: Mr. President, I'm removing two stars please: Calendar Number 630 and Calendar Number 631.

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

SENATOR COOK: And also on behalf of Senator Libous, I wish to call up Senate Print Number 4548, which is recalled from the Assembly, and now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Libous, Senate Bill Number 4548, an act to amend the Mental Hygiene Law.

SENATOR COOK: Mr. President. I

now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Cook.

SENATOR COOK: Mr. President, I ask that it be restored to its place on the Third Reading Calendar and offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received, and the bill will retain its place on the Third Reading Calendar.

Senator Wright.

SENATOR WRIGHT: Mr. President, would you please place a sponsor star on Calendar 1OOO, Senate Print 4277.

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

Senator Mega.

SENATOR MEGA: Mr. President, my bill on page 7, I offer the following amendments to Calendar Number 306, Senate Print Number 2175, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

Senator Kuhl.

SENATOR KUHL: On page 35, I offer the following amendments to Calendar Number 648, Senate Print 3283, 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 Padavan.

SENATOR PADAVAN: Mr. President, I wish to call up my bill, Print Number 245, recalled from the Assembly which is now at the desk.

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

THE SECRETARY: By Senator Padavan, Senate Bill Number 245, an act to amend the Executive Law.

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

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Padavan.

SENATOR PADAVAN: I offer up the following amendments.

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

We have some substitutions.

THE SECRETARY: On page 14 of today's calendar, Senator Saland moves to discharge the Committee on Rules from Assembly

Bill Number 6231A, and substitute it for the identical Calendar Number 643.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: Also, on page 14, Senator Johnson moves to discharge the Committee on Rules from Assembly Bill Number 4095A, and substitute it for the identical Third Reading 647.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 17, Senator Daly moves to discharge the Committee on Rules from Assembly Bill Number 7098A, and substitute it for the identical Third Reading 720.

ACTING PRESIDENT FARLEY: Substitution is ordered.

We have some resolutions, Senator Present.

SENATOR PRESENT: Mr. President, 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: Mr. President, I believe you have a privileged resolution by Senator Marino at the desk.

ACTING PRESIDENT FARLEY: Yes, there is, Senator.

SENATOR PRESENT: Could we have that read and acted upon, please.

ACTING PRESIDENT FARLEY: The Secretary will read the title of Senator Marino's privileged resolution.

THE SECRETARY: Concurrent Resolution, by Senator Marino. Concurrent Resolution of the Senate and Assembly authorizing the Senate and Assembly of New York State to purchase copies of the New York Red Book for 1993-1994.

ACTING PRESIDENT FARLEY: Call the roll on that resolution.

(The Secretary called the roll on the resolution. )

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: The resolution is adopted.

Senator Present.

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

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: Yes, Mr. President. There is a resolution at the desk. I ask that its title be read, and I plead and enjoin you to produce a result here that will please many people.

ACTING PRESIDENT FARLEY: We'll work on that.

Secretary, will you read Senator Marchi's resolution, its title.

THE SECRETARY: Legislative Resolution, by Senator Marchi, recognizing the

Staten Island YMCA on the occasion of its major fund raiser on June 10, 1993.

ACTING PRESIDENT FARLEY: All those in favor of the resolution, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The resolution is adopted.

Are there any other motions or - Senator Present.

Senator Present, do you wish to recognize Senator Wright?

SENATOR PRESENT: Yes, recognize Senator Wright.

ACTING PRESIDENT FARLEY: Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President. On behalf of Senator Farley, I would request that a sponsor star be placed on Calendar Number 887 and Senate 4951.

ACTING PRESIDENT FARLEY: Thank you. The bills are starred at the request of the sponsor.

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 2, by Senator Kuhl, Senate Bill Number 534A, 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 40.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR GOLD: Is this Senator Kuhl's bill?

ACTING PRESIDENT FARLEY: Senator Kuhl's bill.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Lay the bill aside. We will reconsider the vote by which this bill passed.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: The bill is before the house. Lay it aside.

THE SECRETARY: On page 7, Calendar Number 257, by Senator Velella, Senate Bill Number 2592, an act to amend the Insurance Law, in relation to minimum number of directors on the board of stock or mutual insurance company.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 258, by Senator Velella, Senate Bill Number 2595, an act to amend Chapter 24 of the Laws of

1992, amending the Insurance 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: The bill is passed.

THE SECRETARY: Calendar Number 302, by Senator Larkin, Senate Bill Number 2071A, an act to amend the General Municipal Law, in relation to granting additional volunteer fighter service awards.

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 45.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 328, by Senator Kuhl, Senate Bill Number 2451, an act to amend the Public Officeers Law and the Village Law.

SENATOR GOLD: Lay it aside for Senator Halperin, please.

ACTING PRESIDENT FARLEY: Lay this bill aside.

THE SECRETARY: Calendar Number 330, by Senator Kuhl, Senate Bill Number 2709, an act to amend the Public Officers 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 46.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 566, by the Senate Committee on Rules, Senate Bill Number 3939A, an act to amend Chapter 272 of the Laws of 1991 amending the Tax 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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 589, by Senator Kuhl, Senate Bill Number 3953, 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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 592, by Senator Kuhl, Senate Bill Number 4428, Agriculture and Markets Law, in relation to agricultural assessments.

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 596, by Senator Sheffer, Senate Bill Number 3320, an act to amend the Parks, Recreation and Historic Preservation 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 647, substituted earlier today, by member of the Assembly Robach, Assembly Bill Number 4095A, Real Property Actions and Proceedings Law and 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 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 685, by Senator Lack, Senate Bill -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 705, by Senator Trunzo, Senate Bill Number 4225A, General Municipal Law and the Retirement and Social Security 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 6711, by Senator Velella, Senate Bill Number

2229, an act to amend the Insurance Law, eligible groups under group annuity contracts.

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 726, by Senator DeFrancisco.

SENATOR GOLD: Lay it aside for Senator Galiber.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 770, by Senator Lack, Senate Bill Number 1639, Workers' Compensation Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it

aside.

THE SECRETARY: Calendar Number 944, by Senator Larkin, Senate Bill Number 4402, 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 957, by Senator levy, Senate Bill Number 5552B, an act to amend the Election Law.

SENATOR GOLD: Lay it aside for Senator Halperin.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 984, by Senator Present, Senate Bill Number

1127, an act to amend the Public Lands Law, in relation to state aid payments.

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 986, by Senator Kuhl, Senate Bill Number 2068, authorizing the county of Yates to convey certain lands.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside. Hold it up just a minute.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number

988, by Senator Present, Senate Bill Number 2222, amends Chapter 263 of the Laws of 1981.

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 989, by Senator Present, Senate Bill Number 2223A, an act to amend Chapter 574 of the Laws of 1986, amending the Tax 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 990, by Senator Larkin.

SENATOR LARKIN: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 991, by Senator Pataki, Senate Bill Number 2955A, authorizing the towns of Dover and Beekman in Dutchess County to establish a joint street improvement.

ACTING PRESIDENT FARLEY: Senator Pataki has 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 49.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 992, by Senator Kuhl, Senate Bill Number 3876A, an act to amend the Tax Law, in relation to the rate of sales tax for the county of Steuben.

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: The bill is passed.

THE SECRETARY: Calendar Number 994, by Senator Present, Senate Bill Number 3935, an act to amend the Town Law and the Public Officers 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 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 995, by Senator LaValle, Senate Bill Number 4017, an act to amend the Executive Law, in relation to population requirements.

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: The bill is passed.

THE SECRETARY: Calendar Number 996, by Senator Kuhl, Senate Bill Number 4140,

providing to Thomas A. Cassidy credit for past service time lost because of extraordinary budgetary problems.

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 50, nays 2. Senators Galiber and Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 997, by Senator Kuhl, Senate Bill Number 4141, an act to require the New York State and local employees retirement system to accept retirement applications.

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 50, nays 2, Senators Galiber and Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 998, by Senator Pataki, Senate Bill Number 4147, an act in relation to allowing for the payment of certain retirement benefits to the widow of John McKenzie.

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.

THE SECRETARY: Calendar Number 999, by Senator Pataki, Senate Bill 4236A, allowing Rosina Romano to transfer certain service credits to obtain Tier I status.

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, nays 2, Senators Galiber and Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1001, by Senator Larkin, Senate Bill Number 4329, authorize the transfer of retirement service credit to Joseph Sabo.

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, nays 2, Senators Galiber and Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1003, by Senator Stafford, Senate Bill Number 4822, an act to amend the Town Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number 1004, by Senator DeFrancisco, Senate Bill Number 4882, authorize the conveyance of state lands in the town of Onondaga.

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 55.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1006, by Senator Mega, Senate Bill Number 5729, amends Chapter 502 of the Laws of 1992, relating to certain non-judicial officers and employees.

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 55.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1007, by Senator DeFrancisco, Senate Bill Number

5758.

SENATOR GOLD: Can we have one day on this?

ACTING PRESIDENT FARLEY: Senator DeFrancisco?

SENATOR DeFRANCISCO: Yes, no problem.

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

THE SECRETARY: Calendar Number 1011, by Senator Pataki, Senate Bill Number 5784, authorize the Board of Education, Lakeland Central School District of Shrub Oak.

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 55.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

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

ACTING PRESIDENT FARLEY: Senator Nozzolio.

SENATOR NOZZOLIO: Yes, Mr. President. Thank you. I have a privileged resolution at the desk, and I ask consent to have that title read.

THE SECRETARY: Would the Secretary read the title to Senator Nozzolio's resolution.

THE SECRETARY: Legislative Resolution, by Senator Nozzolio, honoring Rodney D. Spring in recognition of his distinguished career and dedicated service on behalf of the Wayne Central School District upon the occasion of a retirement dinner in his honor on June the 11th, 1993.

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

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The resolution is adopted.

Senator Present.

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

ACTING PRESIDENT FARLEY: Senator Saland.

SENATOR SALAND: Mr. President, on page 6, Calendar Number 200, Senate 766, it's my bill, I would like to place a sponsor star on it.

ACTING PRESIDENT FARLEY: Without objection.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President. I had a resolution on L-1634 that concerned the 15th anniversary of the Center for Women in Government, and I would like to open it up. Because of time pressure I didn't have the time to -

ACTING PRESIDENT FARLEY: We have already adopted it, but I understand the the

resolution is open to everybody.

SENATOR OPPENHEIMER: Because Senator Marino is a board member, and I think he should be on it. It's 1634.

ACTING PRESIDENT FARLEY: 1634. Anybody who wishes to be on Senator Oppenheimer's resolution for Women in Government, please notify the desk.

Raise your hands if you wish to be on that.

Senator Holland.

SENATOR HOLLAND: Mr. President, could you remove a star on one of my bills, Senate 2817, Calendar 377.

ACTING PRESIDENT FARLEY: 2817. The star is -- 377 Calendar, the star is removed at the request of the sponsor.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President. May I have unanimous consent to be

recorded in the negative on Calendars Number 996, 997, 999, 1001, and the rest of the calendar this session.

(Laughter).

ACTING PRESIDENT FARLEY: Without objection, you will be in the negative. What was it, four bills there? They wrote them down.

Senator Present.

SENATOR PRESENT: Mr. President, I think we can take up the controversial calendar now.

ACTING PRESIDENT FARLEY: Put Senator Mendez on the Oppenheimer resolution.

Controversial.

(Whereupon, Senator Volker was in the chair. )

THE SECRETARY: On page 4, Calendar Number 2, by Senator Kuhl, Senate Bill Number 534A, Agriculture and Markets Law, the Environmental Conservation Law, and the Public Health Law.

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Explanation. Senator Kuhl.

SENATOR KUHL: Thank you, Mr. President. This bill is a bill that very simply would allow people who desire to go to the wilderness and hunt big game to donate that big game if in fact they are able to take a big game, deer, bear, whatever, to charitable organizations, food banks, people that actually provide meals to the hungry, the homeless.

It is a situation that was brought to my attention, to Assemblyman Rappleyea's attention last fall when it was determined by the Department of Agriculture and Markets that this was not possible under current rules and regulations.

SENATOR GOLD: No objection.

SENATOR GALIBER: No objection,.

ACTING PRESIDENT VOLKER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT VOLKER: The bill is passed.

THE SECRETARY: On page 7, Calendar Number 257, by Senator Velella, Senate Bill Number 2592, an act to amend the Insurance Law.

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT VOLKER: The bill is passed.

THE SECRETARY: Calendar Number 328, by Senator Kuhl, Senate Bill Number 2451,

an act to amend the Public Officers Law and the Village Law.

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT VOLKER: The bill is passed.

THE SECRETARY: Calendar Number 685, by Senator Lack, Senate Bill Number 4044, an act to amend the Public Authorities Law.

SENATOR GOLD: Hold on one second.

Mr. President.

ACTING PRESIDENT VOLKER: Senator Gold.

SENATOR GOLD: Yes. We're informed that the MTA has a memo that they are submitting on this bill, and I was wondering

whether Senator Lack would mind putting it over a day.

SENATOR LACK: From whom, from the MTA?

SENATOR GOLD: From the MTA.

SENATOR LACK: Oh, I'm sure they don't like it. Sure. You want to put it over? Fine.

SENATOR GOLD: All right?

SENATOR LACK: All right. All right.

ACTING PRESIDENT VOLKER: Lay it aside?

SENATOR LACK: Lay the bill aside because, once again, the MTA can't get anything to run on time.

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

THE SECRETARY: Calendar Number 726, by Senator DeFrancisco, Senate Bill Number 4217, an act to amend the Public Authorities Law.

ACTING PRESIDENT VOLKER: Read

the last section.

Explanation requested.

SENATOR DeFRANCISCO: In Onondaga County, as in many locations throughout the state, there is a question about where to put landfill from our resource recovery plants that's in the process of being constructed.

Everybody in the county always says not in my back yard. Well, unfortunately it's got to be in somebody's back yard, and it turned out to be in the town of Van Buren.

I went to many town meetings last year, and I was informed by the residents that they wanted to have a vehicle by which individuals who were closest to the landfill would have an opportunity to be compensated for the diminution in their property values, and OCRA, the Onondaga County Resource Agency, indicated that they have no authority to do it even if they wanted to. So this bill would basically give the Onondaga County Resource Authority the authority to provide for compensation for the individuals affected, the

property values that would be affected, and the manner in which it would be paid would be through the tipping fees. So the people who were unfortunate enough to get it in their back yard, those most directly affected, would be compensated for, where necessary, by all of those who were fortunate enough not to have it in their back yard but will benefit from it.

SENATOR GALIBER: Will Senator yield for a question?

ACTING PRESIDENT VOLKER: Senator Galiber. Will Senator DeFrancisco yield?

SENATOR DeFRANCISCO: Yes.

SENATOR GALIBER: Do you know of any other, whether Van Buren or any other county in the state of New York who has a law which reimburses or compensates people for the waste which depreciates land? And I agree with you. Do you know of any other county or town or hamlet that has a similar law?

SENATOR DeFRANCISCO: I don't know of any, and that's why Onondaga County has always been in the lead in novel and new

approaches in legislation throughout the state.

SENATOR GALIBER: On the bill, Mr. President.

ACTING PRESIDENT VOLKER: Senator Galiber, on the bill.

SENATOR GALIBER: I'm not sure I agree with the last statement, but certainly I want the record to be crystal clear. I have no opposition to the bill, but I want to make it clear that Bronx County and other counties in this great state of ours who have had serious problems of dumping in their back yards, if you will, pay particular attention that if this bill passes both houses that they will be in line.

And I say to your colleague on the left, Senator, that this may very well be the only source of revenue for Staten Island if they leave from New York, because golly-day, they've got a number of dumps out there.

So I'm happy to support your bill. I just wanted to make the statement for the record that, once again, I want you to recall when these things come up in areas up in

areas such as Staten Island, Bronx and Manhattan, and a number of other counties where this is needed. Certainly your bill is a good one in my best judgment because lands are depreciated as the result of dumping, not only toxic waste but dumping.

SENATOR DeFRANCISCO: Mr. President, on the bill.

ACTING PRESIDENT VOLKER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I just wanted to make one thing very clear that the - the key part of the bill that I think is important is that costs associated with this situation would be costs borne by those people benefiting, not another tax that we would be imposing, but basically it would be added to the cost of doing business since the worst part of the business is in the back yard of those neighbors that we're trying to protect.

ACTING PRESIDENT VOLKER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT VOLKER: The bill is passed.

THE SECRETARY: Calendar Number 770, by Senator Lack, Senate Bill Number 1639.

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT VOLKER: Lay the bill aside.

THE SECRETARY: Calendar Number 957, by Senator Levy, Senate Bill Number 5552B.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT VOLKER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 986, by Senator Kuhl, Senate Bill Number 2068, authorize the county of Yates to convey certain lands.

ACTING PRESIDENT VOLKER: Home rule message is at the desk.

Read the last section.

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

SENATOR GOLD: Explanation.

ACTING PRESIDENT VOLKER: Senator Kuhl, explanation requested by Senator Gold.

SENATOR KUHL: Yes, Mr. President. This bill would authorize Yates County to transfer seven separate parcels of property.

Early last year, the county legislature embarked upon a study of county owned parcels, and they determined there were eight parcels, really, that yielded them no economic benefit and were essentially a burden to them financially. So they have asked this Legislature for a transfer of seven of those parcels, and the eighth parcel decided to retain as an ecological outdoor study site.

And that's what this piece of legislation would do.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT VOLKER: Senator Oppenheimer.

SENATOR OPPENHEIMER: This is opposed by the DEC and the EPL. This acreage is 560 acres of land which is presently devoted for reforestation purposes, and it's in the vicinity or very close by the High Tower Wildlife Management Area. Now, under current law, Yates County is prohibited from disposing of these lands and -- except that they could give the lands to the state of New York. New York has paid Yates County over the last couple of decades monies to maintain these parcels.

Most importantly, though, most of the lands that this bill is seeking to convey meet critical state open space objectives. The Region 8 Open Space Advisory Committee identified consolidation additions to the state forest nearby -- that's Italy Hill State Forest and the High Tower Wildlife Management area as their Class A priorities. That's their top

priorities.

The Yates County -

ACTING PRESIDENT VOLKER: Senator Stachowski, why do you rise?

SENATOR STACHOWSKI: Would Senator Oppenheimer yield to a question?

SENATOR OPPENHEIMER: Sure, happy to.

ACTING PRESIDENT VOLKER: Senator yields.

SENATOR STACHOWSKI: Can you tell me how you know that the EPL is opposed to this bill? I mean I'm on various committees that get memos from the EPL on various bills and I have heard nothing from the EPL about this particular bill.

SENATOR OPPENHEIMER: Well, I regret that you didn't get the memo from the DEC which came on May 18.

SENATOR STACHOWSKI: DEC, I didn't ask you about, Senator. I asked you about the EPL.

SENATOR OPPENHEIMER: EPL we

heard about today. They just reviewed it today and gave us their response. They had not taken a position until we called to their attention that this was something that we felt they ought to be taking a position on. We called them. They responded and said, "Indeed you are right," and the reason they want to support the DEC position is because this bill allows to be conveyed areas that offer recreational opportunities, wildlife habitat, watershed protection, and resources for forest products, all of which are laudable things to preserve.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT VOLKER: Senator Stachowski.

SENATOR STACHOWSKI: Can I ask that question possibly a different way? Is there a written memo from the EPL on this particular bill?

SENATOR OPPENHEIMER: Happy to respond, Senator. There is no written memo; however, when I spoke with them earlier today,

they said, indeed, it had been an omission and they felt badly about it, but they wanted all of us to know that their opinion was this was not a good bill, that it would take away recreational opportunities, wildlife habitat, watershed protection, and resources for forest products.

And if indeed Yates County doesn't want these lands any longer, they should be deeded to the state in compliance with the existing provisions of County Law 219. So I would urge all of those within earshot to oppose this, as it is important to our environmental and recreational and wildlife habitat programs and watershed protection that we save these lands or at least have them deeded back to the state.

Thank you.

ACTING PRESIDENT VOLKER: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President, just briefly on the bill.

Senator Oppenheimer indicated a total acreage, which is incorrect, number 1.

There are seven parcels, and by listing I should say a total acreage of 500-plus acreage, she seems to infer that, in fact, this is one large grouping.

What I would like to state to the people who are voting on this, number 1, this is a request coming from a local government, a request that the local government would like to put this property back on the tax roll. Their intent is to sell the property.

Certainly, there are zoning regulations, that sort of thing, which would limit the usage and certainly the development. As a matter of fact, the appraiser who did the evaluations of the pieces of property suggested that this be made usable for recreational value and recreational use. It's not currently getting that usage right now.

But in any case, the seven parcels are listed entirely separately. They are not contiguous. They are not adjacent to each other. One is listed on Slider Hill Road; it's 47 acres. Another one on Italy Valley Road

that's 93 acres. Another one on Brink Hill Road that's 50 acres. Another one on County Line Road that's 40 acres. Another one on Emerson Road that's 90 acres. There's another one on Dunn Road that's 97 acres. Another one on Prosit Road that's 54 acres. Seven different, separate and distinct sites.

And if we are to deny this request to this municipality, essentially what Senator Oppenheimer would have us do would be to impose a long-term burden on this municipality that has significant tax consequences, and certainly we don't want to send any unfunded mandates to local municipalities.

So I urge my constituents to support this local request.

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Those recorded in the negative on Calendar Number 986 are Senators Dollinger, Jones, Leichter and Oppenheimer. Ayes -- also Senator Mendez, also Senator Espada in the negative. Ayes 50, nays 7.

ACTING PRESIDENT VOLKER: Senator Gold also in the negative.

THE SECRETARY: Also Senator Gold recorded in the negative.

ACTING PRESIDENT VOLKER: The bill is passed. Right?

THE SECRETARY: Calendar Number 1003, by Senator Stafford, Senate Bill Number 4822, an act to amend the Town Law.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT VOLKER: Lay the bill aside.

Senator Present, that completes the second time around the calendar.

SENATOR PRESENT: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332. We will now stand at ease awaiting the Rules report which will be for

tomorrow's calendar. Upon receipt of the Rules report, we shall adjourn until tomorrow at 11:30 a.m.

I now ask that the Senate stand at ease.

(Whereupon, at 4:10 p.m., the Senate was at ease. )

(Whereupon, at 5:00 p.m., the Senate reconvened. )

ACTING PRESIDENT VOLKER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. Mr. President, I would like unanimous consent to be recorded in the negative on Calendar 986 and Calendar 944.

ACTING PRESIDENT VOLKER: 986 and 984, without objection.

SENATOR CONNOR: 944.

ACTING PRESIDENT VOLKER: 944, I'm sorry. Without objection.

Senator Present.

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

ACTING PRESIDENT VOLKER: Clerk will read.

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

Senate Bill Number 686, by Senator Saland, Real Property Tax Law.

736, by Senator Holland and others, an act to amend the Social Services Law.

2080, by Senator Pataki, an act to amend the Real Property Tax Law.

2428, by Senator Tully, an act to amend the General Municipal Law.

2454, by Senator Kuhl, an act to amend the Executive Law.

2699A, by Senator Saland, Family Court Act.

2970, by Senator Cook and others, State Administrative Procedure Act.

3330, by Senator Waldon and others, Social Services Law.

3573, by Senator Volker and others, certain state aid payments to Buffalo

City School District.

3610, by Senator Farley, Criminal Procedure Law.

3806A, by Senator Wright and others, State Administrative Procedure Act.

3809A, by Senator Wright and others, State Administrative Procedure Act.

3810, by Senator Wright, State Administrative Procedure Act.

3813A, by Senator Wright and others, State Administrative Procedure Act.

3877B, by Senator Kuhl, General Municipal Law.

4107, by Senator Wright and others, State Administrative Procedure Act.

4229A, by Senator Spano, amends Chapter 409 of the Laws of 1991.

4263A, by Senator Spano and others, Mental Hygiene Law.

4274, by Senator Saland, amends Chapter 271 of the Laws of 1987.

4744, by Senator DeFrancisco, allowing Theodore Albrancy retroactive

membership in Tier I.

4866, by Senator Saland, Family Court Act.

4873, by Senator Tully, authorize Christina Jean Howe to apply for optional retirement benefits.

4902A, by Senator LaValle, amends Chapter 699 of the Laws of 1947.

4933A, by Senator Trunzo, Civil Service Law.

5018, by Senator Spano, Office of Mental Health to submit recommendations, reported with amendments.

5073, by Senator Johnson, Environmental Conservation Law.

5090, by Senator Padavan, Not-for-Profit Corporation Law.

5138, by Senator Holland, Mental Hygiene Law.

5374, by Senator Saland, General City Law.

5394, by Senator Volker, village of Hamburg, county of Erie.

5421A, by Senator Holland, Commissioner of Social Services to convene a work group.

5467A, by Senator Spano, amends Chapter 318 of the Laws of 1991.

5472, by Senator Wright, State Administrative Procedure Act.

54474, by Senator Wright, Executive Law.

5512A, by Senator Spano, Mental Hygiene Law.

5546A, by Senator Larkin, village of Walden, county of Orange.

5669, by Senator Trunzo, amends Chapter 738 of the Laws of 1988.

5745, by Senator Larkin, payment of transportation aid to the village of Joel Union Free School District.

5750, by Senator Spano, Mental Hygiene Law.

5754, by Senator Sears, payment of a judgment in the case of Jane Doe.

5757B, by Senator Cook, Tax Law.

5759, by Senator Nozzolio, amends Chapter 530 of the Laws of 1988.

5775, by Senator Masiello, General City Law.

5780, by Senator Montgomery, city of New York to reconvey its interest in certain real property.

5785, by Senator Present, General Municipal Law.

5791, by Senator Libous, Uniform Justice Court Act; and

5793, by Senator Maltese, Administrative Code of the city of New York.

All bills reported directly for third reading.

ACTING PRESIDENT VOLKER: Without objection.

Senator Present.

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

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

(Whereupon at 5:05 p.m., Senate adjourned. )