ALBANY, NEW YORK

January 25, 1994

3:29 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. Please rise with me for the Pledge of Allegiance to the Flag.

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

Today we're pleased to have Reverend Peter G. Young, Pastor of Blessed Sacrament Church of Bolton Landing give us the opening prayer.

REVEREND PETER G. YOUNG: Let us pray.

Almighty and ever loving God, You have given us this good land for our heritage. We humbly ask You that we may always prove ourselves a people mindful of Your favor and glad to do Your will. Bless our land with honorable endeavor, sound learning and pure manners. Save us from violence, discord and confusion, from pride and arrogance and from every evil way. Defend our liberties and fashion us into one united people, the multitude brought here out of many nations and tongues.

Endow us with the spirit of wisdom here in this Senate chamber so that the Senators to whom, in Your good name, we entrust the authority of government, that there may be justice and peace and that, through obedience to Your law, we may show forth Your praise among all of the people of the state of New York. In time of prosperity, fill our hearts with thankfulness. In the day of trouble do not allow our trust in You to fail. Now and forever. Amen.

ACTING PRESIDENT FARLEY: Thank you, Father Young.

The Secretaary will begin by reading the Journal.

THE SECRETARY: In Senate, Monday January 24th. The Senate met pursuant to adjournment, Senator Spano in the Chair upon designation of the Temporary President. The Journal of Friday, January 21st, 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. Secretary will read it.

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

Senate Bill Number 537, by Senator Kuhl and others, an act to amend the Agriculture and Markets Law;

4654, by Senator Kuhl and others, Agriculture and Markets Law, in relation to agricultural assessments;

535, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

3336, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

3413, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

4426-A, by Senator Kuhl and

others, an act to amend the Agriculture and Markets Law.

Also Senator Tully, from the Committee on Health, reports the following bills directly for third reading:

Senate Bill Number 26-A, by Senators Tully and Larkin, Public Health Law;

3137, by Senator Daly, an act to amend the Public Health Law;

4943-A by Senator Spano, an act to amend the Public Health Law;

6419, by Senator Tully, New York State Medical Care Facilities Finance Agency Act.

Senator Skelos, from the Committee on Aging, reports the following bills directly for third reading:

Senate Bill Number 324, by Senators Levy and Hannon, authorizing the Department of Transportation to survey areas of the state;

1357, by Senator Johnson, Real Property Tax Law;

1422-B, by Senator Skelos, Economic Development Law;

1605, by Senator Skelos, Public Health Law and the Correction Law;

1703-A, by Senator Johnson, Real Property Tax Law.

Senator Cook, from the Committee on Education, reports the following bills directly for third reading: Senate Bill Number 1654-A, by Senator Cook and others, Education Law;

2014-A, by Senator Farley and others, Education Law;

2802, by Senator Johnson, Education Law;

4794-A, by Senator Daly, an act to amend the Education Law; and

6215-A, by Senator Kuhl and others, Education Law.

Senator Padavan, from the Committee on Cities, reports the following bills directly for third reading:

Senate Bill Number 2186, by

Senator Bruno, Real Property Tax Law;

5059, by Senator Maltese, Real Property Tax Law;

6183, by Senator Farley, Real Property Tax Law.

Senator Levy, from the Committee on Transportation, reports the following bills directly for third reading:

Senate Bill Number 74, by Senator Levy, Highway Law, and the Executive Law;

Senate Bill 78, by Senator Levy, General Business Law;

191, by Senator Levy, Vehicle and Traffic Law;

192, by Senator Levy and others, Highway Law;

2778, by Senator Stafford, Vehicle and Traffic Law;

2999, by Senator Johnson and others, Vehicle and Traffic Law;

3026, by Senator Cook, Vehicle and Traffic Law;

3945, by Senator Bruno, Vehicle

and Traffic Law;

4850, by Senator Levy, an act to amend the Highway Law.

Senator Johnson, from the Committee on Environmental Conservation, reports the following bills directly for third reading:

661, by Senator Johnson, Environmental Conservation Law;

1303, by Senator Johnson and others, Environmental Conservation Law;

6067-A, by Senators Daly and others, Environmental Conservation Law;

6371, by Senator John... excuse me. 6371, by Senator Johnson, Environmental Conservation Law.

Senator Farley, from the Committee on Banks, reports the following bills directly for third reading:

Senate Bill 475, by Senator Johnson and others, an act to amend the Banking Law and the Tax Law;

4953-A, by Senator Farley, an act to amend the Banking Law;

6525, by Senator Farley, an act to amend the General Business Law.

Senator Goodman, from the Committee on Investigations, Taxation and Government Operations, reports the following bills directly for third reading:

Senate Bill Number 1616, by Senator Farley and others, Public Officers Law;

6384, by Senator Stafford, an act to amend the Tax Law;

6490-A, by Senator Libous, an act to amend the Tax Law.

Senator Saland, from the Committee on Children and Families, reports the following bills directly for third reading:

Senate Bill 2377, by Senator Saland, Family Court Act;

2378, by Senator Saland, Social Services Law;

3379, by Senator Saland, Family Court Act;

4373-A, by Senator Libous and others, Social Services Law; and

4868, by Senator Saland, Family Court Act.

All bills reported directly for third reading.

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

Continuing the order of business: Reports of select committees.

Communications and reports from state officers.

Motions and resolutions. Senator Present.

SENATOR PRESENT: Mr. President, I hand up -- Senator Marino hands up the following changes of minority leadership assign ments. I'd ask they be read and properly filed.

ACTING PRESIDENT FARLEY: The Secretary will read the minority leadership assignments and file them in the Journal.

THE SECRETARY: Senator Marino hands up the following changes in minority leadership assignments:

Senator Stachowski replacing

Senator Joseph Galiber as Assistant Minority Leader for Policy and Administration;

Senator George Onorato as Assistant Minority Leader for Conference Operations;

Senator Martin Connor replacing Senator William Stachowski as Assistant Minority Leader for Floor Operations; and Senator Leonard Stavisky replacing Senator George Onorato as Assistant Minority Whip.

ACTING PRESIDENT FARLEY: All changes will be filed in the Journal.

Motions and resolutions. Are there some motions, Senator Present?

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar which is on our desks.

ACTING PRESIDENT FARLEY: All in favor of adopting the Resolution Calendar which is on our desks, say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolutions are adopted.

Are there any motions on the floor? Seeing none, Senator Present, what's your pleasure?

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

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

THE SECRETARY: On page 4, Calendar Number 13, by Senator Levy, Senate Bill Number 1313.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 48, by Senator Johnson.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 49, by Senator Marino, Senate Bill Number 3237-A.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 57, by Senator Skelos, Senate Bill Number 5321.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 60, by Senator Velella, Senate Bill Number 3583-A, an act to amend 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 51.

ACTING PRESIDENT FARLEY: The bill is passed.

That's the first time through, Senator Present. Controversial?

SENATOR PRESENT: Mr. President, controversial calendar, please.

ACTING PRESIDENT FARLEY: Controversial calendar. The Secretary will read.

THE SECRETARY: On page 4.

SENATOR PRESENT: Lay aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 48, by Senator Johnson, Senate Bill Number 3059, an act to amend the Penal Law.

SENATOR JOHNSON: Star the bill, please.

ACTING PRESIDENT FARLEY: Did you say star the bill?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT FARLEY: Star the bill at the request of the sponsor.

THE SECRETARY: Calendar Number 49, by Senator Marino, Senate Bill 3237-A, an act to amend the Criminal Procedure Law.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 57, by Senator Skelos, Senate Bill Number 5321, an act to amend the Correction Law and the County Law.

SENATOR GOLD: Explanation.

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

SENATOR SKELOS: Senator Gold, this bill establishes a procedure to determine whether a person has sufficient means or is able to earn such means to reimburse a county or a city for housing, food and medical care incurred by the county or city during the period of imprisonment.

Now, the court will make the award for reimbursement and, in doing so, the court will consider the prisoner's financial resources, health, age and other obligations.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR SKELOS: Sure.

ACTING PRESIDENT FARLEY: Senator Skelos.

SENATOR GOLD: Senator - Senator, are you -- are you an attorney, sir?

SENATOR SKELOS: Am I what?

SENATOR GOLD: An attorney.

SENATOR SKELOS: I am an attorney. I'm admitted to practice law in the state of New York.

SENATOR GOLD: Yeah, but you don't practice in Queens County, is that correct?

SENATOR SKELOS: I don't practice where?

SENATOR GOLD: Queens County.

SENATOR SKELOS: No.

SENATOR GOLD: Because I want to point out, last year Jerry Weinstein voted against this, and he's now a judge in Queens County.

Mr. President, we've debated this before. Last year I think it died in committee

and the year before Senators Galiber, Markowitz, Montgomery, Paterson and Walden were in the negative.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 7. 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.

Senator Present.

SENATOR PRESENT: Mr. President, there -

ACTING PRESIDENT FARLEY: Hold on. We're still on that roll call. Senator Markowitz, you wish to be in the negative on 57, by Senator Skelos.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Rath, please.

ACTING PRESIDENT FARLEY: Senator Rath.

SENATOR RATH: Mr. President, I would like the assembled Senators, guests, staff, dignitaries, friends to note that today is the last time the Senate will be meeting before all of us have an opportunity to cheer on once again the world's -- the soon-to-be world championship Buffalo Bills.

I'd like you all, when the Bills on Sunday win, say, Yea Bills; yea, Buffalo. I can hear you from over at the other end of the state.

Thank you.

SENATOR GOLD: Where is my ticket?

ACTING PRESIDENT FARLEY: Without objection.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I just rise -- I'm not sure it's in order, but I know there is an exhibit down stairs which members of the Legislature have

offered, and I would like to commend Senator Farley for his work in doing that and commend it to all of you for your attention.

It's done in a real bipartisan spirit, Mr. President. When you have two members of the same family bearing the last name of Roosevelt, both of whom not only left this body or left the chamber and became President of the United States, and when you find out that one is a Democrat and one is a Republican, it's a true testament that bipartisanship occurs even in those who were members of this body.

So I commend the President that it's a good exhibit and interesting.

ACTING PRESIDENT FARLEY: Thank you.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until Monday -

SENATOR GOLD: Will you hold on?

SENATOR PRESENT: Going to hold it for one minute.

Mr. President.

ACTING PRESIDENT FARLEY: Senator Stachowski.

SENATOR STACHOWSKI: Just to make it bipartisan well wishing, since Senator Rath wished the Bills well, it would be incumbent on myself for this side of the aisle to also say that obviously we from Buffalo are tickled and we're the first team ever to go to four straight Super Bowls. However, we wouldn't want to just say four in a row because some people might get the wrong impression, particularly those Giant and Jet fans that happen to share this chamber with us, and we'd like to say this: Four times we're going but this year it will be different.

So, although we don't like the past, we don't dwell on it; we'd rather look forward to the future, and we hope that this year Buffalo brings the football championship back to the state of New York.

Thank you very much.

ACTING PRESIDENT FARLEY: Are you guaranteeing a win?

SENATOR STACHOWSKI: There's no guarantee of anything only to die and pay taxes hopefully.

ACTING PRESIDENT FARLEY: Senator Present, you still have the floor.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until Monday, January 31st, intervening days to be legislative days.

ACTING PRESIDENT FARLEY: This - the Senate will stand adjourned until Monday, the 31st, intervening legislative days.

(Whereupon at 4:46 p.m., the Senate adjourned. )