ALBANY, NEW YORK

March 1, 1994

3:24 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: Please rise to the Pledge of Allegiance to the flag.

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

Before we have our moment of silence, I would like to recognize Senator Gold.

SENATOR GOLD: Thank you, Mr. President. My colleagues, yesterday, we were honored with the presence of Rabbi Butman from the Lubavitch Youth Movement and we passed a resolution. It is with the greatest distress that I have to tell you that there was an incident in New York today, earlier today, where a van which contained some young Lubavitch students who had apparently been visiting Rabbi Schneerson, who was at a doctor, were fired upon by a passing car as they left the FDR Drive and were onto the Brooklyn Bridge. There are details which are very sketchy, and I don't want to give any of the rumors because that can only cause some problem.

I know the Governor and some

other people, even Reverend Sharpton, I understand, have spoken out against this, but perhaps in our prayers today, which is so close to the ceremony of yesterday, we might remember or think about the four young men -- I think all in their teens. Two, I think, are still in critical condition or three in critical condition in St. Vincent's hospital. But we might just want to remember them in our prayers.

ACTING PRESIDENT FARLEY: Please bow our heads for a moment of silence in remembrance of the tragedy on the Brooklyn Bridge today.

(Whereupon, there was a moment of silence.)

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Monday, February 28. The Senate met pursuant to adjournment. Senator Padavan in the chair upon designation of the Temporary President. The prayer was given by Rabbi Butman of Brooklyn, New York. The Journal of Friday, February 25,

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.

Reports of select committees.

Communications and reports from State officers.

Motions and resolutions.

Senator Lack.

SENATOR LACK: Thank you, Mr. President. On behalf of Senator Johnson, I move that his bill S.3175 be discharged from its committee and be recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT FARLEY: So ordered.

SENATOR LACK: Thank you, Mr.

President. On behalf of Senator Volker, on page 7, I offer the following amendments to his bill, Calendar Number 181, Senate Print 1424, and ask that the bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: On behalf of Senator Wright, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause:

Senate Print Numbers 2388, 3806B, 3807B, 3808, 3812, 3813A, 4109, 4436, 4437, 5472 and 5473.

ACTING PRESIDENT FARLEY: All bills are recommitted.

We have a substitution.

Senator LaValle, do you have a motion?

SENATOR LAVALLE: Yes. Mr. President. I would like unanimous consent. I

was on Senate business on February the 15th, 1994, when the vote on Calendar Number 156, Senate Print Number 1942, was taken. I would like the record to reflect that had I been in the chamber, I would have voted in the affirmative.

ACTING PRESIDENT FARLEY: The record will show.

We have a substitution. Secretary will read it.

THE SECRETARY: On page 6 of today's calendar, Senator Skelos moves to discharge the Committee on Aging from Assembly Bill Number 9317, and substitute it for the identical Calendar 111.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Are there any other motions on the floor?

(There was no response.)

Senator Present.

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

with the exception of 2673 and 2736.

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

SENATOR PRESENT: Recognize Senator DiCarlo.

ACTING PRESIDENT FARLEY: Senator Levy.

SENATOR LEVY: Mr. President. On February 15, I wasn't in the chamber when a vote on Calendar 156, Senate Print 1942, was taken, and I would like the record also to reflect that if I had been in the chamber, I would have voted in the affirmative.

ACTING PRESIDENT FARLEY: The record will so state.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President.

I would like to open for co-sponsorship Resolution Number 2745 for the 75th anniversary of the American Legion National.

ACTING PRESIDENT FARLEY: The resolution on the American Legion is open for co-sponsorship. Please let the desk know.

SENATOR GOLD: Senator Present says everybody.

SENATOR PRESENT: Yes.

ACTING PRESIDENT FARLEY: The entire Senate will be on the resolution. If you wish not to, approach the desk.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Skelos, please.

ACTING PRESIDENT FARLEY: Senator Skelos.

SENATOR SKELOS: Mr. President. I'd ask at this time that Resolution Number 2673 be read in its entirety.

ACTING PRESIDENT FARLEY: Secretary will read Senator Skelos' resolution in its entirety.

THE SECRETARY: Legislative Resolution 2673, by Senator Skelos and other members of the Senate, memorializing the Honorable Mario M. Cuomo to proclaim May 25, 1994, as Missing Children's Day in New York State.

Whereas, the children of today are our citizens of tomorrow and deserve a voice to protect their interests.

More than one million children are reported missing, abducted, murdered, lost, injured or have run away in the United States each year. There are currently more than 4500 children missing in the State of New York.

The injury of abduction has been proven to cause permanent emotional trauma to not only the children but to relatives and others who are close to the child.

Missing children, including those abducted by family members or strangers and those who run away, often suffer from emotional, physical and sexual abuse.

It is important to remember all

children who are missing. The New York State Senate is joining forces with other missing children's organizations, criminal justice officials and concerned citizens throughout America, to observe 1994 National Missing Children's Day.

Now, therefore be it, resolved, that the New York State Senate designates May 25, 1994, as Missing Children's Day in New York State; and

Be it further, resolved, that the New York State Senate reaffirms its commitment to address the issues of missing and exploited children during 1994 National Missing Children's Day and throughout the year; and

Be it further, resolved, that on this day, parents throughout New York State are urged to be aware of the potential threat of child abduction and exploitation and to emphasize to their children the importance of knowing their full names, addresses and telephone numbers and of avoiding situations that can lead to abduction; and

Be it further, resolved, that a copy of this resolution, suitably engrossed, be transmitted to the Honorable Mario M. Cuomo, Governor of the State of New York.

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Would you recognize Senator LaValle, please.

ACTING PRESIDENT FARLEY: Senator LaValle.

SENATOR LAVALLE: Yes. Mr. President. We have a resolution which I would like you to call, Resolution 2736. Could you read the title, please.

ACTING PRESIDENT FARLEY: Secretary will read the title of the resolution.

THE SECRETARY: Legislative Resolution 2736, by Senators LaValle, Marino,

Stafford, and others, conveying profound admiration and deserving tribute in recognition of the distinguished career and contributions of D. Bruce Johnstone, Chancellor of the State University of New York, on the occasion of his departure from office, March 1, 1994.

ACTING PRESIDENT FARLEY: Senator LaValle.

SENATOR LAVALLE: Mr. President. The resolution is a very lengthy one, but I think it is very fitting that this resolution is before this body today, today being SUNY Day, and I'm sure that each of you have had numerous visits by people throughout the SUNY system.

This resolution is being sponsored -- the prime sponsor is Assemblyman Sam Hoyt. And Sam's father, Bill Hoyt, former Assemblyman Bill Hoyt, and Chancellor Johnstone were very, very close personal friends. And most of the contents in thisresolution were really drafted by Assemblyman Hoyt, and I think really reflect the true character and persona of Chancellor Johnstone. I would like to just read

just a piece of this.

The life and career of D. Bruce Johnstone personifies a purposeful journey of a man of uncommon qualities, disclosing much more than a stereotypic bureaucrat who has guarded academia's ivied sanctums; revealed, instead is the caring custodian of education whose responsible sensitivities and dauntless determinations have brought a velveted hand of helmsmanship to the ponderous flagship of New York's education system as it passed through turbulent waters towards the horizon of the 21st century.

And it goes on to resolve our respect for Chancellor Johnstone as an educator.

Chancellor Johnstone took the helm of the State University system, as I indicated, during very, very turbulent times. The worst budgets that SUNY was dealt were dealt on his watch, and certainly it's never easy to administrate anything when there is no money. It's always fun when there is lots of money and

you're building systems and you are building buildings and you are building programs. That was not the case.

But one of the things that Chancellor Johnstone did do, and I think something that he was particularly proud of and what he, I believe, would like as his signature on his Chancellorship on his watch was the creation of what is known as "SUNY 2000."

SUNY 2000 is a very broad plan, a blueprint. Doesn't have a lot of great detail, but it is the vision of what the individuals who put this together, the trustees, the Chancellor, the administration and the faculty, of what we envision SUNY to be in the year 2000.

For the record, I am going to read just a portion of the Chancellor's letter at the beginning of the SUNY 2000, because I think it captures what he would like to see happen in years beyond 1994. The Chancellor's letter read as follows, in part:

"This is a plan or at least the first step of a plan for the State University of

New York for the remainder of the decade of the 1990s and into the next century. A plan is not a prediction of the future nor, to be useful, is it a projection of what we wish the future to be. Rather, a plan is an action agenda for the present tempered by a realistic, though hopeful, assessment of the future. A worthwhile plan for the State University in the 1990s should be a source of goals and principles combined with actions that we can begin to take now in order to reach the vision we set for a decade hence. In 1989, with this concept planning in mind, we establish a ongoing process called SUNY 2000, whose goals are to:

"1. Articulate a vision for the State University of New York as it approaches the 21st century;

"2. Hold to this vision while developing concrete, systemwide plans cognizant of the State's demographic, fiscal and political climate in the 1990s; and

"3. Stimulate campus plans that both respond to the SUNY 2000 goals for the

system and transcend them, reflecting the unity of the university as well as its diversity and decentralization.

"Overall, SUNY 2000 seeks a whole that is more than the sum of SUNY's 64 parts, a plan for a large complex institution like a university will probably not in the end yield goals that will surprise or shock the reader any more than it will contain goals that will profoundly wrench or disrupt the institution. The past is both rewarding and constraining. What any institution can or will become is very much a function of what that institution is and has been. The degrees of true freedom in a university's plan are few, even if it must be prepared to do battle for certain important changes. In short, the State University of New York is on a good course from which it should not veer dramatically."

I read that, and the letter goes on in much greater detail, but I think the opening page of that letter captures the true essence of what the Chancellor, the Trustees and

those who are presently at SUNY wish our university system to be. Its goals are laudatory, are worthy; and certainly with the budget that we will have and that we are working on, we certainly will begin a fresh page, a new investment in the State University.

And, certainly, the citizens of this state have been enriched because Bruce Johnstone has been its Chancellor. He has brought it through very, very difficult times. The Chancellor and I have not always agreed, but our disagreements have always been not over substance but merely approach, and the Chancellor's true love for the university has always been first and foremost.

I first met Bruce Johnstone when he was President at Buff' State. I should have known then when he talked about Buff' State and the SUNY system that, when he became Chancellor, he would be a very staunch advocate for that system.

It is no secret why the Chancellor has left. He has health problems and

he has returned to Western New York. I certainly wish him and hope that he will be successful in dealing with his health problems, and I am sure many of us through our prayers and our thoughts combined with his treatments will successfully bring him through this very difficult time.

So, Mr. President, this resolution -- I know we have sought sponsorship of all the members -- is certainly open for sponsorship of all the Senators who wish to join on this resolution.

ACTING PRESIDENT FARLEY: Senator Present, everyone on the resolution without objection?

SENATOR PRESENT: Yes.

SENATOR GOLD: Yes.

ACTING PRESIDENT FARLEY: Every member of the Senate will be on the resolution unless they indicate otherwise.

All in favor of the resolution, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Call on Senator Larkin, please.

ACTING PRESIDENT FARLEY: Senator Larkin.

SENATOR LARKIN: Mr. President. I offer up Resolution 2741 for additional sponsors.

ACTING PRESIDENT FARLEY: That was already adopted. It's Music in Our Schools Month. It is open to anyone who wants to get on the resolution. Please notify the desk.

Everyone, Senator Present?

SENATOR PRESENT: Mr. President. When we offer up co-sponsorships of the resolutions, why don't we include everybody except those who don't want to be. Do it in reverse. Make it a lot easier.

ACTING PRESIDENT FARLEY: The resolution will be co-sponsored by everyone

unless you object.

SENATOR PRESENT: Mr. President. Can we take up the noncontroversial calendar, please.

ACTING PRESIDENT FARLEY: Noncontroversial. The Secretary will read. It's on page 5, I believe.

THE SECRETARY: On page 5, Calendar Number 71, by Senator Spano, Senate Bill Number 4943A, an act to amend the Public Health Law, in relation to the appointment of health care agents.

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.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

88, by Senator Levy, Senate Bill Number 191.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 93, by Senator Bruno, Senate Bill Number 3945A, an act to amend the Vehicle and Traffic Law, in relation to authorizing the appointment of individuals to control traffic upon driveways.

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.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 111, substituted earlier today, by Member of the Assembly Harenberg, Assembly Bill Number 9317, an act to amend Chapter 208 of the Laws of 1992,

relating to establishing the Alzheimer's Disease Task Force.

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.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 154, by Senator LaValle, Senate Bill Number 3970A, Education Law, in relation to membership of the Board of Regents.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 166, by Senator Levy, Senate Bill Number 4801A, an act to amend the Vehicle and Traffic Law, in relation to false statements.

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.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 195, by Senator Johnson, Senate Bill Number 3367A.

SENATOR JOHNSON: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 211, by Senator Velella, Senate Bill Number 5518B, an act to amend the Insurance Law, in relation to separate accounts.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Controversial calendar, please.

ACTING PRESIDENT FARLEY: Controversial. The Secretary will read on page 5.

THE SECRETARY: On page 5, Calendar Number 88, by Senator Levy.

SENATOR GOLD: Explanation.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar number 154, by Senator LaValle, Senate Bill Number

3970A, Education Law, in relation to membership on the Board of Regents.

SENATOR LAVALLE: Star that bill, please.

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

Senator Present, that's it.

Senator Present.

SENATOR PRESENT: Any housekeeping?

ACTING PRESIDENT FARLEY: Any motions? Any housekeeping on the floor?

(There was no response.)

Seeing none, Senator Present.

SENATOR PRESENT: Mr. President. On behalf of Senator Levy, I would like to announce an immediate conference of the Majority in Room 332.

ACTING PRESIDENT FARLEY: There will be an immediate conference of the Majority in Room 332.

SENATOR PRESENT: Mr. President. Having said that, there being no further

business, I move we adjourn until tomorrow at 11:00 p.m. -- a.m.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until tomorrow at 11:00 a.m.

(Whereupon, at 3:58 p.m., Senate adjourned.)