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ALBANY, NEW YORK

April 18, 1994

3:44 p.m.

REGULAR SESSION

SENATOR NICHOLAS A. SPANO, Acting President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT SPANO: Senate
3 will come to order.

4 All please rise for the Pledge of
5 Allegiance to the Flag.

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

8 In the absence of clergy, may we
9 please bow our heads for a moment of silence.

10 (Whereupon, there was a moment of
11 silence.)

12 Reading of the Journal.

13 THE SECRETARY: In Senate,
14 Sunday, April 17. The Senate met pursuant to
15 adjournment. Senator Bruno in the chair upon
16 designation of the Temporary President. The
17 Journal of Saturday, April 16, was read and
18 approved. On motion, Senate adjourned.

19 ACTING PRESIDENT SPANO: Hearing
20 no objection, the Journal stands approved as
21 read.

22 Presentation of petitions.

23 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Secretary will read reports of
4 standing committees.

5 THE SECRETARY: Senator Trunzo
6 from the Committee on Civil Service and Pensions
7 reports the following bills directly for third
8 reading:

9 Senate Bill Number 439B, by
10 Senator Stafford, Retirement and Social Security
11 Law.

12 934, by Senators Bruno and
13 others, an act to amend the Civil Service Law,
14 in relation to authorized absence for volunteer
15 fire fighters.

16 3526A, by Senator Trunzo and
17 others, Retirement and Social Security Law.

18 7057, by Senator Trunzo,
19 Administrative Code of the City of New York.

20 7429, by Senator Trunzo and
21 others, Retirement and Social Security Law.

22 7572, by Senator Trunzo, an act
23 to amend the Civil Service Law.

1 Senator Daly from the Committee
2 on Corporations, Authorities and Commissions
3 reports the following bills directly for third
4 reading:

5 3955, by Senator Kuhl,
6 Cooperative Corporations Law.

7 4142, by Senator LaValle, an act
8 to amend the Public Authorities Law.

9 6120A, by the Committee on Rules,
10 an act to amend the Public Authorities Law.

11 6992A, by Senator Stafford and
12 others, New York State Urban Development
13 Corporation Act.

14 7281, by Senator Daly,
15 Not-For-Profit Corporation Law.

16 7455, by Senator Daly,
17 Not-For-Profit Corporation Law.

18 Senator Velella from the
19 Committee on Insurance reports the following
20 bills directly for third reading:

21 Senate Bill Number 54B, by
22 Senator Holland and others, an act to amend the
23 Insurance Law.

1 6899A, by Senator Daly and
2 others, an act to amend the Insurance Law and
3 the Workers' Compensation law.

4 7042, by Senators Larkin and
5 Saland, an act to amend the Insurance Law.

6 7211, by Senator Velella, an act
7 to amend the Insurance Law.

8 7327, by Senator Saland and
9 others, an act to amend the Insurance Law and
10 the Executive Law.

11 And, Senate Bill Number 7412, by
12 Senators Skelos and Velella, an act to amend the
13 Insurance Law.

14 All bills reported directly for
15 third reading.

16 ACTING PRESIDENT SPANO: Without
17 objection, third reading.

18 Motions and resolutions.

19 Senator Velella.

20 SENATOR VELELLA: Mr. President.
21 On page 19, I offer the following amendments to
22 Calendar Number 472, Senate Print Number 6859,
23 and ask that said bill retain its place on the

1 Third Reading Calendar.

2 I also ask that on that same bill
3 the star be removed.

4 Also, on page 7, I offer the
5 following amendments to Calendar Number 349,
6 Senate Print Number 5615B, and ask that said
7 bill retain its place on the Third Reading
8 Calendar.

9 On behalf of Senator Stafford, on
10 page 5, I offer the following amendments to
11 Calendar 282, Senate Print Number 437B, and ask
12 that that bill retain its place on the Third
13 Reading Calendar.

14 On page 9, on behalf of Senator
15 LaValle, I offer the following amendments to
16 Calendar 455, Senate Print Number 6492, and ask
17 that that bill retain its place on the Third
18 Reading Calendar.

19 ACTING PRESIDENT SPANO: Without
20 objection.

21 SENATOR VELELLA: Also, on behalf
22 of Senator Skelos, I ask that the star be
23 removed on Calendar 317.

1 And on behalf of Senator Johnson
2 I ask that the star be removed on Calendar
3 Number 563 -- Oh! I'm sorry -- that a star be
4 placed on Calendar Number 563.

5 ACTING PRESIDENT SPANO: So
6 ordered.

7 Senator Lack.

8 SENATOR LACK: Mr. President.
9 Could you please place sponsor stars on Calendar
10 559, Print Number 6965; and Calendar 564, Print
11 Number 7551.

12 ACTING PRESIDENT SPANO: So
13 ordered.

14 SENATOR LACK: Thank you,
15 "President Chiquita."

16 ACTING PRESIDENT SPANO: So
17 ordered.

18 Secretary will read substitution.

19 THE SECRETARY: On page 13 of
20 today's calendar, Senator Velella moves to
21 discharge the Committee on Health from Assembly
22 Bill Number 8552A and substitute it for the
23 identical Calendar Number 554.

1 ACTING PRESIDENT SPANO:

2 Substitution ordered.

3 Any other motions, resolutions?

4 (There was no response.)

5 Senator Present, we're ready to
6 start the calendar.

7 SENATOR PRESENT: Mr. President.

8 Let's take up the noncontroversial calendar.

9 ACTING PRESIDENT SPANO:

10 Secretary will read the noncontroversial
11 calendar.

12 THE SECRETARY: On page 4,
13 Calendar Number 175, by Senator Levy, Senate
14 Bill Number 471A, an act to amend the Public
15 Authorities Law and the Railroad Law.

16 ACTING PRESIDENT SPANO: Read the
17 last section.

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

20 ACTING PRESIDENT SPANO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 33.

1 ACTING PRESIDENT SPANO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 434, by Senator Levy.

5 SENATOR PRESENT: Lay it aside
6 for the day.

7 ACTING PRESIDENT SPANO: Lay it
8 aside for the day.

9 THE SECRETARY: Calendar Number
10 438, by Senator Wright.

11 SENATOR PRESENT: Lay it aside
12 for the day.

13 ACTING PRESIDENT SPANO: Lay it
14 aside for the day.

15 THE SECRETARY: Calendar Number
16 518, by Senator Cook, Senate Bill Number 2632B,
17 an act to amend the Environmental Conservation
18 Law and the State Finance Law.

19 ACTING PRESIDENT SPANO: Read the
20 last section.

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

23 ACTING PRESIDENT SPANO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 33.

4 ACTING PRESIDENT SPANO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 553, by Senator Skelos, Senate Bill Number 1933,
8 an act to amend the Public Health Law, in
9 relation to the Senator Tarky Lombardi Nursing
10 Home.

11 ACTING PRESIDENT SPANO: Read the
12 last section.

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

15 ACTING PRESIDENT SPANO: Call the
16 roll.

17 SENATOR GOLD: Mr. President.

18 ACTING PRESIDENT SPANO: Senator
19 Gold to explain his vote.

20 SENATOR GOLD: Mr. President. I
21 just want the record to reflect that I had the
22 occasion to actually be involved with a tour of
23 some program in my district which was developed

1 and operating under legislation sponsored by
2 Senator Lombardi, and I spent a number of hours
3 one afternoon in one home and another home and
4 saw the way these people had just wonderful,
5 delightful smiles on their faces and how the
6 program was working so beautifully with them,
7 and I was very, very proud not only that we had
8 the opportunity to vote on the legislation but
9 that Tarky Lombardi has been a friend of mine
10 for many, many years.

11 So it is with a great deal of
12 pride and satisfaction that I vote in the
13 affirmative on this legislation, and I'm
14 delighted that the sponsors had the foresight to
15 bring it before us. I'm in the affirmative.

16 ACTING PRESIDENT SPANO: Senator
17 Gold in the affirmative.

18 Call the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 33.

21 ACTING PRESIDENT SPANO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number

1 558, by Senator Hannon.

2 SENATOR PRESENT: Lay it aside
3 for the day.

4 ACTING PRESIDENT SPANO: Lay it
5 aside for the day.

6 THE SECRETARY: Calendar Number
7 562, by Senator Lack, Senate Bill Number 7236,
8 an act to amend the Lien Law.

9 ACTING PRESIDENT SPANO: Read the
10 last section.

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

13 ACTING PRESIDENT SPANO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 35.

17 ACTING PRESIDENT SPANO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 565, by Senator Levy, Senate Bill Number 194A,
21 an act to amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT SPANO: Read the
23 last section.

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

3 ACTING PRESIDENT SPANO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 35. Nays
7 1. Senators DeFrancisco recorded in the
8 negative.

9 ACTING PRESIDENT SPANO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 566, by Senator Levy, Senate Bill Number 5436,
13 an act to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT SPANO: Read the
15 last section.

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

18 ACTING PRESIDENT SPANO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 37.

22 ACTING PRESIDENT SPANO: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 567, by Senator Levy, Senate Bill Number 7441,
3 an act to amend the Transportation Law.

4 ACTING PRESIDENT SPANO: Read the
5 last section.

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

8 ACTING PRESIDENT SPANO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 39.

12 ACTING PRESIDENT SPANO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 568, by Senator Levy, Senate Bill Number 7560,
16 an act to amend the Vehicle and Traffic Law, in
17 relation to speed limits at toll plazas.

18 ACTING PRESIDENT SPANO: Read the
19 last section.

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

22 ACTING PRESIDENT SPANO: Call the
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 39.

3 ACTING PRESIDENT SPANO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 569, by Senator Larkin.

7 SENATOR GOLD: Lay it aside.

8 ACTING PRESIDENT SPANO: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 572, by Senator Kuhl, Senate Bill Number 7544A,
12 an act to amend the Agriculture and Markets Law.

13 SENATOR GOLD: Lay it aside for
14 Senator Leichter.

15 ACTING PRESIDENT SPANO: Lay it
16 aside.

17 Senator Present, that completes
18 the noncontroversial calendar.

19 SENATOR PRESENT: Mr. President.
20 Let's take up the controversial calendar,
21 please.

22 ACTING PRESIDENT SPANO:
23 Secretary will read the bills on the

1 controversial calendar.

2 SENATOR MARKOWITZ: Mr.

3 President.

4 ACTING PRESIDENT SPANO: Senator

5 Markowitz.

6 SENATOR MARKOWITZ: Yes, thank

7 you. Just if I may, Senator.

8 Had I been present on Wednesday

9 during the roll call vote, I would have voted no

10 on Calendar Number 354, S.3558.

11 Thank you.

12 ACTING PRESIDENT SPANO: The

13 record will so indicate.

14 THE SECRETARY: On page 15,

15 Calendar Number 569, by Senator Larkin.

16 SENATOR GOLD: May we have a day

17 on this, please?

18 SENATOR PRESENT: Lay it aside

19 for the day.

20 ACTING PRESIDENT SPANO: Lay it

21 aside for the day.

22 THE SECRETARY: Calendar Number

23 572, by Senator Kuhl, Senate Bill Number 7544A,

1 an act to amend the Agriculture and Markets Law.

2 ACTING PRESIDENT SPANO: Read the
3 last section.

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

6 ACTING PRESIDENT SPANO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 40.

10 ACTING PRESIDENT SPANO: The bill
11 is passed.

12 Senator Present, that completes
13 the controversial calendar.

14 SENATOR PRESENT: Mr. President.
15 I ask the Senate to stand at ease for a few
16 moments.

17 ACTING PRESIDENT SPANO: Stand at
18 ease.

19 (The Senate was at ease for a few
20 moments.)

21 ACTING PRESIDENT SPANO: Senator
22 Present.

23 SENATOR PRESENT: Mr. President.

1 Would you recognize Senator Goodman, please?

2 ACTING PRESIDENT SPANO: Senator
3 Goodman.

4 SENATOR GOODMAN: Mr. President.
5 There will be an immediate meeting of the Senate
6 Committee on Investigations, Taxation and
7 Government Operations in the parlor off the
8 Assembly chamber.

9 ACTING PRESIDENT SPANO: Senate
10 chamber.

11 SENATOR GOODMAN: Senate. Did I
12 say Assembly?

13 ACTING PRESIDENT SPANO: I
14 thought you might want to go back to the
15 Assembly.

16 SENATOR GOODMAN: We can do it in
17 the Assembly chamber, but for ease and
18 convenience, I think I will reschedule it to the
19 Senate chamber.

20 Thank you.

21 ACTING PRESIDENT SPANO:
22 Immediate meeting of the Senate Investigations
23 Committee right outside the Senate chamber.

1 Senator Present.

2 SENATOR PRESENT: We will stand
3 at ease awaiting their report.

4 ACTING PRESIDENT SPANO: Stand at
5 ease.

6 (Whereupon, the Senate was at
7 ease for a few moments.)

8 SENATOR PRESENT: Mr. President.

9 ACTING PRESIDENT SPANO: Senator
10 Present.

11 SENATOR PRESENT: May we have the
12 report of a standing committee.

13 ACTING PRESIDENT SPANO:
14 Secretary will read reports of standing
15 committees.

16 THE SECRETARY: Senator Goodman
17 from Committee on Investigations, Taxation and
18 Government Operations reports the following bill
19 directly for third reading:

20 Senate Bill Number 7543, by
21 Senator Marino and others, an act to amend the
22 Chapter of the Laws of 1994, as proposed in
23 Legislative Bill Number S.7246 amending the Tax

1 Law.

2 ACTING PRESIDENT SPANO: Without
3 objection, Third Reading.

4 Senator Present.

5 SENATOR PRESENT: Any
6 housekeeping?

7 (There was no response.)

8 Mr. President. There being no
9 further business, I move we adjourn until
10 tomorrow at 3:00 p.m.

11 ACTING PRESIDENT SPANO: Senate
12 will stand adjourned until tomorrow at 3:00 p.m.

13 (Whereupon, at 4:05 p.m., Senate
14 adjourned.)

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