ALBANY, NEW YORK

April 18, 1994

3:44 p.m.

REGULAR SESSION

SENATOR NICHOLAS A. SPANO, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT SPANO: Senate will come to order.

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

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

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

(Whereupon, there was a moment of silence.)

Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Secretary will read reports of standing committees.

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

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

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

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

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

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

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

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

3955, by Senator Kuhl, Cooperative Corporations Law.

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

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

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

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

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

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

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

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

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

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

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

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

All bills reported directly for third reading.

ACTING PRESIDENT SPANO: Without objection, third reading.

Motions and resolutions.

Senator Velella.

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

Third Reading Calendar.

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

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

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

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

ACTING PRESIDENT SPANO: Without objection.

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

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

ACTING PRESIDENT SPANO: So ordered.

Senator Lack.

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

ACTING PRESIDENT SPANO: So ordered.

SENATOR LACK: Thank you, "President Chiquita."

ACTING PRESIDENT SPANO: So ordered.

Secretary will read substitution.

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

ACTING PRESIDENT SPANO: Substitution ordered.

Any other motions, resolutions?

(There was no response.)

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

SENATOR PRESENT: Mr. President. Let's take up the noncontroversial calendar.

ACTING PRESIDENT SPANO: Secretary will read the noncontroversial calendar.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 434, by Senator Levy.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

THE SECRETARY: Calendar Number 438, by Senator Wright.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT SPANO: The bill is passed.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold to explain his vote.

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

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

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

ACTING PRESIDENT SPANO: Senator Gold in the affirmative.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number

558, by Senator Hannon.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35.

ACTING PRESIDENT SPANO: The bill is passed.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT SPANO: The bill is passed.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT SPANO: The bill is passed.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT SPANO: The bill is passed.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 569, by Senator Larkin.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

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

SENATOR GOLD: Lay it aside for Senator Leichter.

ACTING PRESIDENT SPANO: Lay it aside.

Senator Present, that completes the noncontroversial calendar.

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

ACTING PRESIDENT SPANO: Secretary will read the bills on the

controversial calendar.

SENATOR MARKOWITZ: Mr. President.

ACTING PRESIDENT SPANO: Senator Markowitz.

SENATOR MARKOWITZ: Yes, thank you. Just if I may, Senator.

Had I been present on Wednesday during the roll call vote, I would have voted no on Calendar Number 354, S.3558.

Thank you.

ACTING PRESIDENT SPANO: The record will so indicate.

THE SECRETARY: On page 15, Calendar Number 569, by Senator Larkin.

SENATOR GOLD: May we have a day on this, please?

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

THE SECRETARY: Calendar Number 572, by Senator Kuhl, Senate Bill Number 7544A,

an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present, that completes the controversial calendar.

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

ACTING PRESIDENT SPANO: Stand at ease.

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

ACTING PRESIDENT SPANO: Senator Present.

SENATOR PRESENT: Mr. President.

Would you recognize Senator Goodman, please?

ACTING PRESIDENT SPANO: Senator Goodman.

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

ACTING PRESIDENT SPANO: Senate chamber.

SENATOR GOODMAN: Senate. Did I say Assembly?

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

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

Thank you.

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

Senator Present.

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

ACTING PRESIDENT SPANO: Stand at ease.

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

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT SPANO: Senator Present.

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

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

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

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

Law.

ACTING PRESIDENT SPANO: Without objection, Third Reading.

Senator Present.

SENATOR PRESENT: Any housekeeping?

(There was no response.)

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

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

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