ALBANY, NEW YORK

May 25, 1994

2:41 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Members take their places -- seats, staff. Ask the members of the gallery to rise with us and join with us in saying the Pledge of Allegiance to the Flag.

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

In the absence of clergy, I would ask all of you to bow your heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 24th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Journal of Monday, May 23rd, was read and approved. On motion, the Senate adjourned.

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

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 Rath.

SENATOR RATH: Mr. Chairman, on page 28, I would like to offer an amendment to Calendar Number 894, Senate Print 7054-A, ask that it retain its place on the third reading.

ACTING PRESIDENT KUHL: Without objection, so ordered.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Spano, if he's -- he's here.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: Mr. President, there's a privileged resolution at the desk. I ask that title be read.

ACTING PRESIDENT KUHL: The clerk will read the title of the privileged resolution.

THE SECRETARY: Legislative Resolution, by Senators Trunzo, Marino, Spano and other members of the Senate, honoring the New York State Professional Fire Fighters in recognition of the Professional Fire Fighters' Week, May 23rd through 27th, 1994.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

On behalf of Senator Trunzo, it's my pleasure to offer this resolution and to just say a couple of words.

Number one, just as an apology to the fire fighters who waited for several hours today for the beginning of the session. They - this was the culmination of their week in Albany where we had hundreds of fire fighters who were paid Professional Fire Fighters from across the state of New York visited the state Capitol to

talk to us about their job and their legislative proposals, and we -- which has become a tradition in this house.

I presented this resolution to all the members for their response ship, just to let them know that we recognize the fine job that they do on a daily basis in putting their lives on the line.

As a person who is family just had a personal touch with the horrors of the tragedy of a fire in our own home, we recognize -- I recognize the job that they do on a daily basis, and they should be credited for their bravery and their -- in a way that they just conduct themselves and do their jobs.

So, Mr. President and my colleagues, I just want to make sure that we all just pause for a moment to say thank you to those fire fighters who are led by the president, Jim McGowan and so many other representatives of those fire fighters who were here visiting us in our office this week, in recognition of the fire fighters' week right

here in the state Capitol, and I want to make sure that we didn't just passes that resolution without having an opportunity to get up and say that we recognize the job they do, and it's a good job, on our behalf on a daily basis.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Present, is it your intention to put all of the members of the Legislature on this resolution except for those who wish they not be on it and have them indicate?

(Senator Present nods head.)

ACTING PRESIDENT KUHL: Okay. Fine. The clerk will do that. The question is on the resolution. All those in favor signify by saying eye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Hearing no opposition, the resolution is adopted unanimously.

Senator Present.

SENATOR PRESENT: Would you

recognize Senator Nozzolio, please?

ACTING PRESIDENT KUHL: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

I have a privileged resolution at the desk. I ask that its title be read.

ACTING PRESIDENT KUHL: Ask the clerk to read the privileged resolution.

THE SECRETARY: Legislative Resolution, by Senator Nozzolio, commemorating the village of Waterloo, New York, as the federally designated birth place of Memorial Day as they celebrate the 100 30th anniversary of the village.

ACTING PRESIDENT KUHL: Senator Nozzolio, on the resolution.

SENATOR NOZZOLIO: On the resolution, Mr. President.

Waterloo is the birth place of Memorial Day. As we enter into the Memorial Day weekend to memorialize those who have shed their blood so that our democracies can continue, I

ask adoption of the resolution.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying eye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Ohrenstein, please?

ACTING PRESIDENT KUHL: The Chair recognizes Senator Ohrenstein.

SENATOR OHRENSTEIN: Mr. President, there's a resolution at the desk and I'd appreciate it if you would read it.

ACTING PRESIDENT KUHL: In its entirety, Senator, or -

SENATOR OHRENSTEIN: Yeah, I think so.

ACTING PRESIDENT KUHL: The clerk will read the resolution in its entirety.

THE SECRETARY: Legislative

Resolution, by Senators Ohrenstein, Goodman and Marino, honoring the memory of former First Lady Jacqueline Kennedy Onassis;

WHEREAS, Jacqueline Kennedy Onassis who was, in the eyes of so many citizens, this nation's most beloved and best known former First Lady of the United States, died on Thursday, May 19th, 1994 at the age of 64;

The untimely death of Jacqueline Kennedy Onassis in New York City has been so roundly acknowledged and deeply mourned by people from all around the world, many of whom fondly remember that all too brief period more than 30 years ago when she and her husband, president John F. Kennedy, brought to life the legend of "Camelot" in America's highest office;

Throughout her 64 years, Jacqueline Kennedy Onassis knew both the highest glory and the most devastating tragedy and was ultimately destined, although a highly private person, to play out her life on the most public of stages;

Jacqueline Kennedy Onassis who worked as an inquiring photographer at the Washington Times Herald following her graduation from George Washington University in 1951, married then Massachusetts Senator John F. Kennedy in 1953, accompanying him to the White House seven years later upon his election as the 35th President of the United States;

Over the course of the three short years of the Kennedy administration, both John F. Kennedy and Jacqueline Kennedy Onassis changed forever the way the people of this country and the world would view the office of the President of the United States, bringing to the White House an unique vibrancy, energy and style while advancing the vision of a more prosperous, just and compassionate America;

An entire nation mourned alongside of Jacqueline Kennedy Onassis but took strength from her courage, grace and dignity when an assassin's bullet cruelly claimed the life of president John F. Kennedy in Dallas, Texas and left her a widow at the age of 34 in

November of 1963;

In the years following the death of president Kennedy, the life of Jacqueline Kennedy Onassis remained an object of intense interest to the people of a nation who had been both profoundly affected by the bright promise of the Kennedy administration and deeply stunned by the overwhelming tragedy in Dallas;.

In those years -- in those later years, the former First Lady who moved to New York City in 1964 worked to raise her two young children, care line and John, Jr., married Aristotle Onassis in 1968 and struggled to maintain some measure of privacy in a world that would clearly continue to be fascinated by her every move;

Jacqueline Kennedy Onassis, who was widowed for a second time in 1975 upon the death of Aristotle Onassis, began in the mid 1970s a brilliant career in publishing that would continue foreclose to 20 years up until her death and provide an appropriate show case for her impressive intellect, wit and literary

style;

Jacqueline Kennedy Onassis, who was widely renowned for filling the salons of the White House with the most distinguished of artists, authors and musicians during her residency there, held throughout her entire life a deep and abiding love for the fine arts and worked diligently to garner and expand support for cultural pursuits;

Jacqueline Kennedy Onassis also devoted many years and a great deal of energy to historic landmarks preservation efforts, both in New York City and elsewhere, leading the fight to save New York City's magnificent Grand Central Station Terminal from destruction and successfully working to preserve Washington, D.C.'s historic Lafayette Square;

In addition to her most famous role as a former First Lady, Jacqueline Kennedy Onassis will forever be remembered as a devoted parent, an independent and hard-working professional and a woman of timeless elegance who was in so many different ways, a tremendous

inspiration and role model for countless people throughout this country and around the globe;

Jacqueline Kennedy Onassis, born in 1929 in East Hampton, Long Island, to John Vernou Bouvier, III and Janet Lee Bouvier, was once a revered international figure and beloved native of New York State;

Jacqueline Kennedy Onassis is survived by her daughter, Caroline Kennedy Schlossberg; her son, John F. Kennedy, Jr.; her sister, Lee Radziwill Ross and three grandchildren, Rose Kennedy, Tatiana Celia Kennedy, and John Bouvier Kennedy Schlossberg; now, therefore be it

RESOLVED, that this legislative body pause in its deliberations to honor the memory of Jacqueline Kennedy Onassis and extend its deepest sympathies to her family, friends and other loved once; and be it further

RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to the daughter of Jacqueline Kennedy Onassis, care line Kennedy Schlossberg and her son, John

F. Kennedy, Jr. and her sister, Lee Radziwill Ross.

SENATOR OHRENSTEIN: Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Ohrenstein on the resolution.

SENATOR OHRENSTEIN: Of course, I think this resolution speaks for itself, as does the life of this very great woman. I'm deeply grateful to Senator Goodman and Senator Marino for co-sponsoring this resolution to give us just a moment to reflect on a -- on an incredible moment in the history of this country. The immediate outpouring of sentiments following the sudden death of Jacqueline Kennedy Onassis, I think, was one of those extraordinary events in our country.

Clearly, it was a tribute to many things, but first and for most, I think it was a tribute -- it is a tribute to this very, very great woman who graced the White House, was a native of New York State and who brought so much credit to this state and to our community in New

York City.

Here is someone who came to the attention of this country because of her husband, first as a United States Senator and then as the President of the United States, but clearly, she carved out a role for herself because she was herself throughout her whole career a woman of great charm and of great independence, of great intelligence and great competence competent.

She lived a life which was one of great glamour but also of great and profound tragedy and, throughout it all, she maintained a poise and a personal integrity which, I think, captivated the nation and the world.

We are lucky that she was a native of this great state and she was a resident to the end of the great -- the greatest city of this world -- of this state, New York City.

So I think it is fitting that we pause a few moments here to pay tribute to her and to pay tribute for all that she stands for.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

SENATOR OHRENSTEIN: Open it up for -

ACTING PRESIDENT KUHL: Senator Present, Senator Ohrenstein is indicating he would like to open it for response ship. Is it your desire to have all of the members placed on the resolution as response with the exception of those that indicate to this desk otherwise?

SENATOR PRESENT: Correct.

ACTING PRESIDENT KUHL: Thank you. All members will be placed on the resolution.

Senator Tully.

SENATOR TULLY: Yes, Mr. President.

I have a resolution at the desk. May I ask that its title be read?

ACTING PRESIDENT KUHL: The clerk will read the privileged resolution title at the desk for Senator Tully.

THE SECRETARY: Legislative Resolution, by Senator Tully, commemorating the annual student energy research competition.

ACTING PRESIDENT KUHL: The question -- Senator Tully.

SENATOR TULLY: May we have a vote on that resolution?

ACTING PRESIDENT KUHL: Certainly.

SENATOR TULLY: Thank you.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Farley.

SENATOR FARLEY: On behalf of Senator Seward, please place a sponsor's star on Calendar Number 947.

ACTING PRESIDENT KUHL: Calendar star is placed on -- sponsor's star is placed on Calendar Number 947.

Senator Present.

SENATOR PRESENT: Mr. President, would you recognize Senator Galiber, please?

ACTING PRESIDENT KUHL: The Chair recognizes Senator Galiber.

SENATOR GALIBER: Thank you, Mr. President.

I have a privileged resolution here. I would like the title read. Its a Galiber-DiCarlo resolution.

ACTING PRESIDENT KUHL: The clerk will read the title of the privileged resolution, by Senator Galiber.

THE SECRETARY: Legislative Resolution, by Senator Galiber and Senator DiCarlo, acknowledging the contributions of black Americans in the defense of this nation

and its ideals upon the occasion of the may 30th, 1994 Memorial Day celebration.

ACTING PRESIDENT KUHL: The question is on the resolution.

Senator Galiber.

SENATOR GALIBER: Just -- would you open it up for all the members?

ACTING PRESIDENT KUHL: Senator Present, a similar request is being made.

) Senator Present nods head.)

ACTING PRESIDENT KUHL: All members will be placed on the resolution except for those who indicate to the clerk otherwise.

The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up the non-controversial calendar,

please.

ACTING PRESIDENT KUHL: The clerk will read the non-controversial calendar.

THE SECRETARY: On page 5, Calendar Number 307, by Senator Saland, Senate Bill Number 2244 -

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 340, by member of the Assembly McEneny, Assembly Bill Number 5631, an act to amend the Election Law, in relation to permitting the use of name stamps for voting machine write-in and paper ballots.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41, nays 1, Senator Libous recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 341, by member of the Assembly R. Sweeney, Assembly Bill Number 63 one two A, an act to amend the Election Law, in relation to the time for filing independent nominating petitions.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 388, by Senator Volker, Senate Bill Number 2502-D, an act to amend the Penal Law and the General Business Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 399, by Senator Sears, Senate Bill Number 6756-A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 416, by Senator Cook, Senate Bill Number 2970-A, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 478, by Senator Saland, Senate Bill Number 5881-B, an act -

SENATOR PRESENT: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number

502, by Senator Volker, Senate Bill Number 3474.

SENATOR GOLD: Can we have one day on this, please?

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 540, by member of the Assembly gallon he have, Assembly Bill Number 5131-B, an act to amend the Election Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 542, by member of the Assembly Vitaliano,

Assembly Bill Number 5401-B, an act to amend the Education Law, in relation to the deadline for receipt of absentee -- military ballots.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 667, by Senator Velella, Senate Bill Number 7454, an act to amend the Insurance Law, in relation to insurance exchanges.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 682, by Senator Seward, Senate -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay it aside the bill aside.

THE SECRETARY: Calendar Number 683, by Senator Seward, Senate Bill Number 5230-C, an act to amend the Public Service Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

684, by Senator Seward, Senate Bill Number 5231-A, an act to amend the Energy Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 719, by Senator Johnson -

SENATOR GOLD: Can we have a day on this?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT KUHL: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 725, by Senator Sears, Senate Bill Number 1129-B, an act to amend the Executive Law, in relation to making amendments to the New York

State Uniform Fire Prevention Code.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Call number 795, by the Assembly Committee on Rules, Assembly Bill Number 8832-B, an act to amend the Agriculture and Markets Law, in relation to manufacturers information.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 812, by Senator Larkin.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 858, by member of the Assembly Dinowitz, Assembly Bill Number 10249-A, an act to amend the Election Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 905, by Senator Daly, Senate Bill Number 7705, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 913, by Senator Wright, Senate Bill Number 7420, an act to amend the Executive Law, in relation to the drug abuse resistance education program.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 917, by Senator Wright -

SENATOR WRIGHT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1020, by Senator Levy, Senate Bill Number 7932, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1021, by Senator Levy, Senate Bill Number 7944, an act to amend the Highway Law, in relation to the inspection of highway bridges.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1037, by member of the Assembly Destito, Assembly Bill Number 9619, an act to amend the Mental Hygiene Law, providing for the membership of the Board of Visitors of the Rome Developmental Disability Services office.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1052, by Senator Saland, Senate Bill -

SENATOR PRESENT: Lay it aside for the day, please.

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

Senator Present, that completes the non-controversial calendar. What's your pleasure, sir?

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Can we lay aside 682 for the day?

ACTING PRESIDENT KUHL: Calendar Number 682 will be laid aside for the day.

SENATOR PRESENT: And, Mr. President, may I ask that the Senate stand at ease for a few moments?

ACTING PRESIDENT KUHL: The Senate will stand at ease temporarily.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: The Senate will come to order.

The Chair recognizes Senator Stafford for an announcement.

SENATOR STAFFORD: Thank you, Mr. President.

I would announce an immediate meeting of the Committee on Finance in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Senate Committee on Finance in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: The Senate will come to order.

The Chair recognizes Senator Present.

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

ACTING PRESIDENT KUHL: The Chair recognizes Senator Marchi.

SENATOR MARCHI: Immediate meeting of the Committee on Investigations and Taxation in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the committee on Taxation -- excuse -- Taxation and Governmental Operations in Room 332.

SENATOR PRESENT: Mr. President, can we continue to stand at ease?

ACTING PRESIDENT KUHL: The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: The Senate will come to order. Members take their seats.

The Chair recognizes Senator

Present.

SENATOR PRESENT: Can we return to reports of standing committees?

ACTING PRESIDENT KUHL: The clerk will read the report of a standing committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill directly for third reading: Senate Bill Number 8513, by the Senate Committee on Rules, an act to authorize payments for the general support of public schools and making an appropriation there for.

ACTING PRESIDENT KUHL: The bill is reported directly to third reading.

Senator Present.

SENATOR PRESENT: Can we have a reading of that bill at this time?

ACTING PRESIDENT KUHL: That, we can. The clerk will read.

THE SECRETARY: Calendar Number 1088, by the Senate Committee on Rules, Senate Bill Number 8513, authorize payments for the general support for public schools and making an

appropriation therefor.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of appropriation, a message of necessity at the desk for this bill?

ACTING PRESIDENT KUHL: Senator Present, the clerk informs me that there is no message of necessity nor no message of appropriation at the desk.

SENATOR COOK: Mr. President.

SENATOR PRESENT: Mr. President, before you recognize Senator Cook, I would like to advise the chamber that a request for a message was made early this afternoon, and it was -- just recently we were advised by the Governor's office that no message would be forthcoming for an appropriation bill today.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: Mr. President, its a travesty that the Governor has seen fit -

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Why do you rise, Senator Gold?

SENATOR GOLD: Just a point of order, point of inquiry of the Chair. I would like to know just procedurally where we were. We have called this but we don't have a message. Are we acting on this bill now? Are we going forward with the bill? What are we doing?

ACTING PRESIDENT KUHL: I think that's what we're about to find out from the response of the bill. The speaker is speaking to it.

SENATOR PRESENT: We're debating the bill at this time.

SENATOR GOLD: We'll debate the bill and then we'll see whether we can vote, is that -

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: Mr. President, it's a travesty that the Governor has seen fit

not to send a message on this bill. Certainly, it is no secret to him that there's almost $2 billion of money that's due to flow to the school districts, every school district in the state of New York, that the school districts have anticipated this money, that, in fact, if the money does not flow to them, they will be put in a situation where they have to borrow money, that they will be left not knowing when -- when the need -- the money might flow to them, and we have a difficult budget negotiation, and the good thing this year is that there has been a procedure up to this point wherein we have not placed upon the schools the additional cost of borrowing, because there was in place a procedure by which those funds could, indeed, flow to them.

However, we have now reached a point where that process no longer works, where it is absolutely necessary for us to pass the bill that has been reported by the Finance Committee because if we don't, the school districts are going to be out of funds and going

to have to borrow money.

I don't understand, frankly, why the Governor, who knows full well that the delay in this budget lies at his door step, refuses to give us the message that we need in order to serve the needs of the school districts and the students of the state of New York.

I am very upset about this. I - I can't imagine how we can responsibly talk about how we're taking care of the peoples business when the Governor refuses to keep current the things that are already owed to the schools in this state.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: I don't imagine that a message has arrived since we last spoke.

ACTING PRESIDENT KUHL: It has not, Senator Present.

SENATOR PRESENT: I have been advised that we will not receive today any more messages, and reluctantly, I ask that this bill be laid aside.

ACTING PRESIDENT KUHL: The bill will be laid aside.

SENATOR GOLD: Reluctantly.

SENATOR PRESENT: Reluctantly.

ACTING PRESIDENT KUHL: Senator Present, we have some housekeeping. Can we return to motions and resolutions?

SENATOR PRESENT: I think we have a privileged resolution at the desk. Can we take that now?

ACTING PRESIDENT KUHL: Fine.

THE SECRETARY: Legislative resolution, by Senator Stafford, memorializing the life and career of Nathan Proller, former New York State Senator and chairman of the Warren County Board of Supervisors.

ACTING PRESIDENT KUHL: On the resolution. All those in favor signify by saying -

SENATOR STAFFORD: Mr. President -- Mr. President, this is a very brief reso lution. I would ask that it be read, please.

ACTING PRESIDENT KUHL: The clerk

will read the resolution in its entirety.

THE SECRETARY: Legislative Resolution, memorializing the life and career of Nathan Proller, former New York State Senator and chairman of the Warren County Board of Supervisors;

WHEREAS, it is the sense of this legislative body that the quality and character of life in this great empire state is indelibly enriched by the faithful and caring efforts of those who devote their life to public service;

Nathan Proller, former New York State Senator and chairman of the Warren County board of supervisors, passed away at the age of '92 at his home in Glens Falls, New York;.

Born August 20th, 1901 in Gloversville, New York, Nathan Proller was a self-employed insurance and real estate agent for 40 years with offices in Glens Falls, New York and served as a member of the New York State Senate representing the 47th District from 1965-1966;

A former supervisor for the town

of Lake Luzerne, Nathan Proller also served with the New York State Lottery Commission, the Executive Committees of the Association of Towns and the Adirondack Park Association and was co-chairman of the Adirondack Northway Commission;

A graduate of Corinth High School and a former World War II veteran, Nathan Proller attended the war ton school of finance and chambers, was a member of the Temple Beth El of Glens Falls and has held membership in a number of civic and fraternal organizations which included Lodge 81 of the benevolent Protective Order of Elks, the American Legion and the Glens Falls Country Club;

Pre-deceased by his beloved wife, Mildred, in 1990, Nathan Proller is survived by one sister, Fay Wilfeld of Baltimore, Maryland and a number of nieces and nephews;

This legislative body now mourns the death of Nathan Proller, may it yet find solace in the significance of his contributions and accomplishments over a distinguished career

in government and public service; now, thereof therefore be it

RESOLVED, that this legislative body pause in its deliberations to honor, with deep respect and admiration, the life and career of an esteemed public serve aunt and colleague, former state nor Nathan Proller, expressing its condolences to his family upon the occasion of his passing; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the family of Nathan Proller.

ACTING PRESIDENT KUHL: Senator Stafford, on the resolution.

SENATOR STAFFORD: Mr. President, many of us knew Nate Proller from Glens Falls very well. He was a great -- great friend. I look around here, I don't know how many actually served with him. I know Freddy did, also Senator -- Manny did -- Senator Gold did.

You know, I would point out that he was back to the days when probably 10 out of 35 people in a room would all have nice big,

long cigars, and he always had one for everybody, and those times have changed, probably for the good, but I would say those times were good then.

But on a serious note about Nate Proller, he was in government, very successful in local government. He was an excellent Senator. He was one who had a great deal to do with the Northway being constructed which has opened up upstate New York. He was very successful in his insurance business in the Glens Falls area. He was a friend to all. It was just great to see him enjoy life to 92 years. He stayed very interested.

Just last year he cashed 9 out of ten tickets at the track last year when I was with him. The reason I know that's true is because I took him up to buy the tickets, and he did -- always did very well there.

I know we're all thinking of his family, his nieces and nephews and his sister, and this body was much better because of Nate and our state was also.

Thank you.

ACTING PRESIDENT KUHL: Senator Marchi.

SENATOR MARCHI: Mr. President, I served -- I had two years of service with Nate Proller, and as Senator Stafford has pointed out, he did, indeed, have the -- enjoyed a warm friendship with all of his colleagues and certainly had our respect and admiration.

I am I -- I'm saddened by the fact that he -- that he passed away, but it was a full life, and certainly the family and those he -- those who were his next of kin can draw consolation from the good taste that universally I'm a native from and wherever he served.

We will miss him.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Saland.

SENATOR SALAND: Mr. President -

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Senator Stafford would like that resolution to be opened up for response ship to all members.

ACTING PRESIDENT KUHL: Would you like us to put all members on the resolution except those indicating at the desk otherwise?

SENATOR PRESENT: Yes.

ACTING PRESIDENT KUHL: Thank you. I'll direct the clerk to do that.

SENATOR PRESENT: Senator Saland.

ACTING PRESIDENT KUHL: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

I would at this time like to remove the star -- a sponsor's star from Calendar Number 302, Senate Bill 6338-A.

ACTING PRESIDENT KUHL: At the

request of the sponsor, the star is removed on Calendar Number 302.

Senator Tully.

SENATOR TULLY: Yes, Mr. President.

On behalf of Senator Levy, on page 10, I offer the following amendments to Calendar Number 485, Senate Print Number 193-B and, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: So ordered.

The clerk will read substitutions at the desk.

THE SECRETARY: On page 23 of today's calendar, Senator Nozzolio moves to discharge the Committee on Rules from Assembly Bill Number 7984-A and substitute it for the identical Calendar Number 814.

On page 25, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 11 397 and substitute it for the identical Calendar Number 850.

On page 32, Senator DeFrancisco moves to discharge the Committee on Rules from Assembly Bill Number 11673 and substitute it for the identical Third Reading 963.

ACTING PRESIDENT KUHL: All substitutions are ordered.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until Tuesday, May 31st at 12:00 p.m., intervening days to be legislative days.

I advise the members again that they are subject to the call of the Majority Leader for a session upon 24 hours notice.

ACTING PRESIDENT KUHL: The Senate stands adjourned until Tuesday at 12:00 noon.

(Whereupon at 5:45 p.m., the Senate adjourned.)