ALBANY, NEW YORK

June 20, 1994

4:02 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: Senate will come to order. Members will find their places.

We ask our guests to rise and join us in saying the Pledge of Allegiance to the Flag.

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

We're very pleased to be joined by the Rabbi Lester Bronstein of the Bet Am Shalom Synagogue from White Plains.

Rabbi Bronstein.

RABBI LESTER BENJAMIN BRONSTEIN: From the Mishnah, the ancient book of Jewish law: Every controversy that is for the sake of heaven will in the end prove fruitful. Every controversy not for the sake of heaven will in the end not prove fruitful.

Prayer. Holy One of Blessing, You created us in Your image, one humanity in many manifestations. You gave us one purpose and many different minds, and so we disagree as

to how to achieve Your purpose. Teach us to pursue our controversies not for the sake of victory but for the sake of Your great name.

Remind us of Your gift to us, our ability to make a difference in the lives of our fellow human beings. Teach us to argue for their sake, to debate for their greater good. Show us the sacred sparks in every mundane act of legislation, of debate, of caucus and compromise. Encourage us to see each frustrating day of bills and budgeting as a way of doing Your holy work, the healing of the sick, the housing the homeless, teaching the young, comforting the needy, creating a just and a prosperous society.

Renew us each Senate working day with the thought that we can bring Your light and hope to darkened lives; and remind us that while politics is not religion it is at its best what religion is also most about, the myriad tiny acts of compassion and redemption.

Let us hear in each other's varied voices the spectrum of Your one great

voice. May our controversy indeed be for the sake of heaven and may it bear choice fruit.

May You bless the work of our hands, O God; indeed, may the work of our hands be blessed.

Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Saturday, June 18. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. The Journal of Friday, June 17, was read and approved. On motion, 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.

Secretary will read.

THE SECRETARY: Senator Marino

from the Committee on Rules reports the following bills directly for third reading:

Senate Bill Number 1012F, by Senator Holland, an act to amend the Agriculture and Markets Law.

2428A, by Senator Tully, an act to amend the General Municipal Law.

2430A, by Senator Tully, an act to amend the Retirement and Social Security Law.

4141A, by Senator Kuhl, New York State and Local Employees Retirement System.

4966, by Senator Cook, an act to amend the Education Law.

5701A, by the Committee on Rules, certain police disability retirement benefits.

5738A, by Senator Spano, an act to amend the Vehicle and Traffic Law.

6394A, by Senator DeFrancisco, an act to amend the Family Court Act.

6496A, by Senator Stafford, Environmental Conservation Law.

6594, by Senator Volker, an act to amend the Vehicle and Traffic Law.

6618, by Senator Waldon, New York City convey its interest in certain real property.

6626, by Senator Gold, an act to amend the Education Law.

6641B, by Senator Stavisky, City of New York to reconvey its interest in certain real property.

6855, by Senator Nozzolio, an act to amend the Civil Service Law.

6980, by Senator LaValle, Volunteer Fire Fighters Benefit Law.

7040, by Senator Libous, Mental Hygiene Law.

7073, by Senator Holland, an act to amend the Social Services Law.

7136, by Senator Holland, a Tax Law and a Chapter 491 of the Laws of 1993.

7221, by Senator Velella, City of New York to reconvey its interest in certain real property.

7531, by Senator Wright, an act to amend the Mental Hygiene Law.

7667, by Senator Cook, membership of certain police officers.

7677, by Senator Lack, an act to amend the Real Property Law.

7894, by Senator Larkin, an act to amend the Navigation Law.

7912, by Senator Cook, certain findings and determinations with respect to certain bond anticipation renewal notes.

7922, by Senator Velella, City of New York to reconvey its interest in certain real property.

7928, by Senator Tully, Social Services Law.

8022B, by Senator Larkin, authorize Michael J. Carroll to transfer optional 20-year retirement plan.

8193, by Senator Lack, an act to amend the Tax Law.

8261A, by Senator Daly, Social Services Law.

8266, by Senator Daly, Social Services Law.

8389, by Senator Goodman, General City Law.

8441, by Senator Saland, Family Court Act.

8449A, by Senator Skelos, an act to amend the State Finance Law.

8460, by Senator Kuhl, in relation to membership in the State Police 20 year retirement.

8470, by Senator Marchi, Abandoned Property Law.

8514, by Senator Cook, eligibility for optional 20-year retirement for certain police officers.

8530, by Senator Hannon, an act to amend the Insurance Law and the Vehicle and Traffic Law.

8571, by Senator Wright, Public Authorities Law.

8575, by Senator Nozzolio, an act to amend the Tax Law.

8578, by Senator Daly, Commissioner of General Services to convey an

easement through certain state lands.

8583, by Senator Johnson, Military Law.

8586, by Senator Kuhl, authorize the city of Elmira to sell certain lands.

8587, by Senator Kuhl, city of Elmira to sell certain lands.

8588, by Senator Farley, an act to amend the Public Housing Law.

8592, by Senator Wright, amend Chapter 533 of the Laws of 1993.

8604, by Senator Rath, an act to amend the Executive Law.

And 8616, by Senator Nozzolio, county of Cayuga to convey certain easements.

All bills reported directly for third reading.

ACTING PRESIDENT KUHL: All bills reported directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Holland.

SENATOR HOLLAND: Mr. President. On page 17, I offer the following amendments to Calendar Number 802, Senate Print Number 6501A, my bill, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR HOLLAND: Mr. President. I wish to call up Senator Daly's bill, Print Number 1098, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Daly, Senate Bill Number 1098, an act to amend the Environmental Conservation Law.

SENATOR HOLLAND: Mr. President. I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR HOLLAND: Mr. President. I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Daly.

SENATOR DALY: Mr. President. I wish to call up my bill, Number 1093-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Daly, Senate Bill Number 1093A, Environmental Conservation Law.

SENATOR DALY: Mr. President. I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is before the house.

Senator Daly.

SENATOR DALY: Mr. President. I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Spano.

SENATOR SPANO: Mr. President. On behalf of Senator Velella, on page 33, I offer the following amendments to Calendar 472, Senate Print 6859A, ask the bill retain its place on the Third Reading Calendar and also remove the star.

ACTING PRESIDENT KUHL: Amendments received and adopted. Bill will retain its place on the Third Reading Calendar and the star is removed.

Senator Spano.

SENATOR SPANO: On behalf of Senator Cook, on page 29, I offer the following

amendments to Calendar 1191, Senate Print 2549, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR SPANO: On behalf of Senator Levy, on page 33 of the starred calendar, I offer the following amendments to Calendar 432, Senate Print 79B, ask that the bill retain its place on the Third Reading Calendar and removed the star.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar and the star is removed.

SENATOR SPANO: On behalf of Senator Levy, on the starred calendar page 34, I offer the following amendments to Calendar 538 Senate Print 7431, and ask the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL:

Amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR SPANO: On behalf of Senator Skelos, on page 36, I offer the following amendments to Calendar 771, Senate Print 7797A, ask the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR SPANO: Mr. President. I wish to call up Senator DeFrancisco's bill 6580A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Senate Bill Number 6580A, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR SPANO: I offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Spano.

SENATOR SPANO: On behalf of Senator Stafford, I wish to call up his bill 7023, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Stafford, Senate Bill Number 7023, authorizing

the Town of Waverly, County of Franklin to discontinue the use and transfer of certain park lands.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR SPANO: I offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR SPANO: On behalf of Senator Seward, I wish to call up his bill, 7410, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Seward, Senate Bill Number 7410, authorizing the State University to lease certain lands.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR SPANO: On behalf of Senator Levy I wish to call up his bill, 193C, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Levy, Senate Bill Number 193C, an act to amend the Public Authorities Law and the Railroad Law.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR SPANO: On behalf of Senator Johnson, please removed the sponsor star on Calendar Number 381.

ACTING PRESIDENT KUHL: Sponsor

star is removed on Calendar Number 381.

SENATOR SPANO: On behalf of Senator Velella, please remove the sponsor star on Calendar 1181.

ACTING PRESIDENT KUHL: Sponsor star is removed on Calendar Number 1181.

SENATOR SPANO: On behalf of Senator Levy remove the sponsor star on Calendar 607.

ACTING PRESIDENT KUHL: Sponsor star is removed on Calendar Number 607.

SENATOR SPANO: Do I get extra stipend for this?

On behalf of Senator Skelos, remove the star from Calendar 771, Senate 7797A.

ACTING PRESIDENT KUHL: Star is removed from Calendar 771.

SENATOR SPANO: I wish to call up Assembly Print 825, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Assembly Bill Number 825, an act to amend the Insurance Law,

in relation to notice of availability of uninsured motorist coverage.

SENATOR SPANO: Move to reconsider the vote by which the bill is passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is before the house.

Senator Spano.

SENATOR SPANO: I move to reconsider the vote by which this Assembly bill was substituted for Senator Levy's bill, Senate Print 325, on April 26.

ACTING PRESIDENT KUHL: Without objection.

SENATOR SPANO: I now move that the Assembly Bill, 825, be recommitted to the Committee on Rules and that Senator Levy's bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill will be recommitted; the Senate bill is restored to Third Reading Calendar.

Senator Spano.

Senator Saland.

SENATOR SALAND: Mr. President. I'd like to place a sponsor star on Calendar 478, Senate 5881B.

ACTING PRESIDENT KUHL: Sponsor star will be placed on Calendar Number 478.

Senator Present, we have some substitutions at the desk. Should we read those?

SENATOR PRESENT: Yes.

ACTING PRESIDENT KUHL: Secretary will read the substitutions.

THE SECRETARY: On page 4 of today's calendar, Senator Bruno moves to discharge the Committee on Rules from Assembly Bill Number 9007C, and substitute it for the identical Third Reading Number 40.

On page 8, Senator Wright moves to discharge the Committee on Rules from

Assembly Bill Number 9722C, and substitute it for the identical Third Reading 438.

On page 13, Senator Seward moves to discharge the Committee on Rules from Assembly Bill Number 7625A and substitute it for the identical Third Reading 681.

On page 16, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 3315B and substitute it for the identical Third Reading 767.

Also on page 16, Senator Trunzo moves to discharge the Committee on Rules from Assembly Bill Number 11679A and substitute it for the identical Third Reading 741.

On page 25, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 10839 and substitute it for the identical Third Reading 996.

On page 34, Senator Farley moves to discharge the Committee on Rules from Assembly Bill Number 9046 and substitute it for the identical Third Reading 479.

ACTING PRESIDENT KUHL: All

substitutions are ordered.

Senator Present, that brings us to the calendar.

SENATOR PRESENT: Mr. President. I think Senator Stafford has a privileged resolution. Can we have its title read and acted upon?

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

THE SECRETARY: Legislative Resolution, by Senator Stafford, memorializing the Honorable Mario M. Cuomo to proclaim June 25, 1994, as the Comet Day in New York State.

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Can we take up

the noncontroversial calendar, please.

ACTING PRESIDENT KUHL: Secretary will read the noncontroversial Calendar.

THE SECRETARY: On page 4, substituted earlier today, Calendar Number 40, by Member of the Assembly D'Andrea, Assembly Bill Number 9007C, an act to amend the Highway Law, in relation to designating a portion of the State Highway System as the C.V. Whitney Memorial Highway.

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 346, by Senator Lack, Senate Bill Number 6680B, an act to amend the Civil Service Law and the

Education 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 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 359, by Senator Wright, Senate Bill Number 6861B, authorize the city of Ogdensburg School District to finance the projected accumulated deficit.

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 426, by Member of the Assembly Weinstein, Assembly Bill Number 4537A.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 429, by Senator Skelos.

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 434, by Senator Levy, Senate Bill Number 190.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number

488, by Senator Sears, Senate Bill Number 6805A, an act to amend the Highway 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 600, by Senator Skelos, Senate Bill Number 7412, an act to amend the Insurance Law.

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 701, by Senator Holland, Senate Bill Number 1806B, to provide for payment to providers.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 732, by the Assembly Committee on Rules, Assembly Bill Number 11340, an act to amend the Banking Law.

ACTING PRESIDENT KUHL: Secretary will 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 737, by Senator Farley, Senate Bill Number 6757, an act to amend the Retirement and Social Security 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 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 843, by Senator Goodman, Senate Bill Number 1520A, an act to amend the Tax Law.

ACTING PRESIDENT KUHL: There's a local fiscal impact note at the desk.

Secretary will 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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

895, by Senator Skelos, Senate Bill Number 7129B, an act to amend the Economic Development Law.

ACTING PRESIDENT KUHL: Secretary will 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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 942, by Senator Johnson, Senate Bill Number 7404B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: Secretary will 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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 983, by Senator Libous, Senate Bill Number 7182B, an act to amend the Highway Law.

ACTING PRESIDENT KUHL: Secretary will 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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1016, by Senator Velella, Senate Bill Number 7486A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Secretary will 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 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1017, by Senator Velella, Senate Bill Number 7487, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Secretary will 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 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1038, by Senator Libous, Senate Bill Number 8362A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT KUHL: Secretary will 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 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1103, by Senator Present, Senate Bill Number 7638A, authorize the City of Jamestown, County of Chautauqua, to discontinue the use of certain lands.

ACTING PRESIDENT KUHL: There is a home rule message at the desk.

Secretary will 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 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1137, by Senator Cook, Senate Bill Number 8524, authorize the Town of Andes, County of Delaware, to transfer certain funds.

ACTING PRESIDENT KUHL: There is a home rule message at the desk.

Secretary will 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 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1164, by Senator Kuhl, Senate Bill Number 2068, authorize the County of Yates to convey certain lands.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Lay the bill aside.

THE SECRETARY: Calendar Number 1178, by Senator Pataki, Senate Bill Number 7128, an act to amend the Town Law.

ACTING PRESIDENT KUHL: There's a home rule message at the desk.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1186, by Senator Libous, Senate Bill Number 7975, an act to amend the Tax Law and the Social Services Law.

SENATOR STACHOWSKI: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar number 1189, by Senator Tully, Senate Bill Number 8180A, authorize the Village of Westbury to discontinue the use of certain parklands.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Lay the bill aside.

THE SECRETARY: Calendar Number 1204, by Senator Daly, Senate Bill Number 8061, an act to amend the Monroe County Tax Act.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Present, that completes noncontroversial. What is your pleasure?

SENATOR PRESENT: Take up the controversial, unless you have substitutions.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: On page 14, Calendar Number 701, by Senator Holland, Senate Bill Number 1806B, provide for payment to providers for certain claims submitted under the Medical Assistant Program.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, Senator Stachowski has asked for an explanation, sir.

SENATOR HOLLAND: Yes, in 1991, Mr. President, the Governor and I guess with the assistance of the Legislature implemented a two week lag payment for all Medicaid providers. In 1992, this house and the Assembly passed a bill together which was vetoed by the Governor. We are again bringing the bill up. It simply says that the lag payments will be returned to the providers in a two-year period approximately $100 million a year.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President. If Senator Holland will yield

please.

ACTING PRESIDENT KUHL: Senator Holland, do you yield to Senator Leichter?

SENATOR HOLLAND: Yes, sir.

ACTING PRESIDENT KUHL: Senator Holland yields.

SENATOR LEICHTER: Senator, obviously I and every other member of this house who was here supported that bill. It was vetoed by the governor. You are telling us now you are putting in the exact same bill. Is there any reason to believe that the Governor's response to this bill will be any more favorable to you?

SENATOR HOLLAND: I can't tell you that, Senator. The only thing he says in his veto message of 1992, "I remain willing to discuss with the Legislature the idea."

I think it's unfair to the providers that we should withhold their money and certainly is a poor accounting principle and taxing principle as far as I'm concerned, so even if the Governor does not -- or does veto the bill again, I would bring it up annually

until we have a new governor.

SENATOR LEICHTER: Senator, I think you're right that this ought to become law. Let me ask you a question -

ACTING PRESIDENT KUHL: Senator Holland, do you continue to yield?

SENATOR HOLLAND: Yes.

SENATOR LEICHTER: -- which is, why didn't you move to override?

SENATOR HOLLAND: I never considered it, Senator. To tell you the truth, I don't know whether we had enough votes to override at that point or not in both of the houses.

SENATOR LEICHTER: What did the bill pass by in the Assembly?

SENATOR HOLLAND: Unanimous, I'm told.

SENATOR LEICHTER: Of course, we've -- Senator, we've known that sometimes people change their votes when they are faced with an override. But I would think that much as we respect the Governor, I think he is wrong

on this issue; and just to put it forward in this fashion, I don't know that it's going to accomplish your purpose.

ACTING PRESIDENT KUHL: Secretary will 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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Kuhl, Senate Bill Number 2068.

SENATOR STACHOWSKI: Can we get one day on this, please.

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

THE SECRETARY: Calendar Number 1178, by Senator Pataki, Senate Bill Number 7128, an act to amend the Town Law.

SENATOR LEICHTER: Explanation.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1186, by Senator Libous, Senate Bill Number 7975, an act to amend the Tax Law and the Social Services Law.

SENATOR STACHOWSKI: Can we get one day on that, please?

SENATOR LIBOUS: Sorry?

SENATOR STACHOWSKI: Can we get one day on that, please?

SENATOR LIBOUS: Absolutely.

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

THE SECRETARY: Calendar Number 1189, by Senator Tully, Senate Bill Number 8180A, authorize the Village of Westbury, County of Nassau, to discontinue the use of certain parklands.

ACTING PRESIDENT KUHL: There is a home rule message at the desk.

Secretary will 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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1204, by Senator Daly, Senate Bill Number 8061, an act to amend the Monroe County Tax Act.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator Daly, an explanation has been asked for on Calendar Number 1204 by Senator Dollinger.

SENATOR DALY: Yes, Mr. President. This bill was requested by the Monroe County Legislature, and it would allow at the option of the county legislature the treasurer to publish the pre-August 1 notice of properties that have not paid their county taxes

to be listed in one instead of two newspapers.

The second thing the bill would do is reduce the times, the number of times that the publication had to occur from once every day for 30 days to once a week over a month period, four-week period.

And there were some small detailed changes in the bill, which I don't think interest Senator Dollinger. If we wants me to continue, I will be glad to do so.

But those are the two major thrusts of the bill, Mr. President, one, and basically it will give more power to the county legislature to determine how it wants to list the lands that are available plus in what newspapers they should be listed and how often they could be listed.

ACTING PRESIDENT KUHL: Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President. If the sponsor will yield to a question.

ACTING PRESIDENT KUHL: Senator

Daly, do you yield?

SENATOR DALY: Yes, I will, Mr. President.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR DOLLINGER: Is the procedure contained in the Monroe County Tax Act, which is what I understand this bill amends, is that unique in New York State or is this typical? That what is currently in the law is that followed in the other counties as well with respect to the publication of unpaid taxes?

SENATOR DALY: Mr. President. Very frankly, I did not pay much attention to the other counties. I felt that this was a request from the County of Monroe by its county legislature, in which Senator Dollinger served, and I thought that -- believe in certainly helping local governments wherever we can. This was requested by the county legislature, as I said, and I didn't feel it was necessary to go and check all the other counties in the state as

to what their practices are.

SENATOR DOLLINGER: On the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger on the bill.

SENATOR DOLLINGER: I understand Senator Daly's fealty to the concept of home rule, and I certainly see a great deal of wisdom in that. Interestingly enough, in this particular case, however, I feel bound by a vote I took in the Monroe County Legislature in, I believe, February of 1991 when the issue came up about the -- excuse me, in February of 1992, when the issue came up about the publication of notices in the unpaid taxes; and at that time, there was a discussion about a very similar amendment which I voted against.

The reason why I'm doing that in this capacity, however, as a member of the State Senate is because, if this bill passes, most of the people who I represent who don't pay their taxes won't get notice through publication of the fact that they're unpaid.

According to my information, there were about 6400 listings of unpaid taxes in Monroe County that were published in our newspaper of general circulation, our daily newspaper. About 60 percent of those unpaid taxes were in the City of Rochester.

The weekly newspaper that would be the source of publication under the grant that we give to the county to exercise an option to do would only reach about somewhere between 30 and 35 percent of the total people who haven't paid their taxes.

If our purpose and the purpose of the original taxing act in this case was to give widespread distribution and information to people who hadn't paid their taxes so that they could see it in the newspaper, and either through the power of guilt because they didn't want to see it there again, or because it would prompt their public conscience to make a rapid payment of their taxes, if that was the goal of the original tax act, I submit that by passing this legislation and allowing the county

legislature to now cut back on the public disclosure of this information would be a gross mistake.

If we do this, and the county legislature follows through with what I think is its intended plan, being somewhat familiar with this debate when I sat in that body, about 70 percent of the people who fail to pay their taxes won't get notice through their local newspaper.

And it seems to me that if what we want to do is encourage people to pay their taxes, and the whole purpose of this legislation in the first place was to give people every possible notice of the fact that their taxes are unpaid, to put it in the newspaper, to prompt their public conscience, if that was our goal, we're stepping back from that goal.

I favor more widespread disclosure. I think the way to do it is through the newspaper of general circulation. It may be a bit more costly, but we should certainly have the courage to tell the people of Monroe County,

the people that I represent, that if they don't pay their taxes, it will be disclosed in their daily newspaper.

ACTING PRESIDENT KUHL: Chair recognizes Senator Jones.

SENATOR JONES: Yes. I would have to stand and speak on this bill, as well, because I also was a member of the county legislature when this issue came up; and, you know, I did take the trouble to inquire at least of all the similar counties to Monroe County, all of whom do use the paper of general circulation to print these.

I make no pretense that I'm familiar with tax issues but I am of the assumption, and I believe it's correct, that the purpose of doing this is possibly to generate revenue for the county by the fact that people, as Senator Dollinger described, either see their name there or, perhaps, at some later date this ends up a piece of property that's in foreclosure and somebody purchases it.

So I assume the purpose is to

generate income for the county, and apparently every other county or at least all those of a comparable nature that I inquired do use the paper of general circulation.

Just to give the people an idea, one of the papers that is being used by Monroe County has a circulation of 2900. The general circulation newspaper has a circulation of 172,000. So, you know, I guess my feeling is that if the purpose is that people here see this and are able to respond to it, then I don't see any other way to go. If that isn't the purpose, then it would almost seem as though there is no purpose in having the notices there for any reason in any paper.

For that reason, I would have to oppose it.

ACTING PRESIDENT KUHL: Chair recognizes Senator Daly.

SENATOR DALY: Mr. President. This legislation does not preclude the county from using the newspaper that it presently uses. Under the present law, there is only one

newspaper in Monroe County that can be used. It's a daily. It's a very powerful newspaper, too, Mr. President, as you can appreciate.

This bill states that the county legislature would have the authority to either continue -- continue publishing in that one newspaper or using some of the other newspapers that are in Monroe County. And I do believe that that county legislature should have the right to make that decision. We keep talking about mandates, how we mandate things on county legislatures. Now because they're willing to take on the most important newspaper, the most politically powerful newspaper in that county, we are now going to deny them the opportunity? I don't think so, Mr. President. I think the bill should be passed.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

SENATOR DOLLINGER: To explain my vote, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: I understand Senator Daly's point of view as I also understand the point of view of my former colleagues in the county legislature. I think that the consequence of passing this bill is that people who live in Chili, Churchville, Gates, Hamlin, Hilton, North Chili, Ogden, Parma, Riga, Rush, Scottsville, Spencerport and Wheatland, many of whom are in Senator Daly's district, some of whom are in Senator Jones' district, and the final piece, which is the city of Rochester, where 60 percent of the unpaid taxes are published in the newspaper will not get -- will not get notice if it's not published in the daily newspaper.

The weekly newspapers that serve the suburbs are going to be no consolation to my constituents who live in the city of Rochester. I think it's ill-advised since we took the power

upon ourselves, initially, to mandate, to tell the county legislature what the right form of notice was, I don't see why we can't continue to say we believe strongly enough in the concept of public participation and public notice that we keep this provision that a prior Legislature thought was very important, that we keep it in place.

We're not so much mandating as we're being consistent with the determination made by this Legislature previously that this was the right thing to do for our constituents.

I will be voting in the negative, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger in the negative.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 46. Nays 3. Senators Dollinger, Jones and Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill

is passed.

SENATOR GOLD: Hold on one second.

ACTING PRESIDENT KUHL: Secretary will record Senator Gold, Senator Stachowski, Senator Onorato, in the negative.

Announce the results.

THE SECRETARY: Ayes 43. Nays 6. The bill is passed.

Senator Present, that completes the controversial calendar.

SENATOR PRESENT: Do you have any substitutions? Housekeeping? Nothing?

If not, Mr. President, there being no further business, I move that we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT KUHL: Without objection, the motion is adopted. Senate stands adjourned until tomorrow at 3:00 p.m. sharp.

(Whereupon, at 4:45 p.m., Senate adjourned.)