ALBANY, NEW YORK

June 24, 1994

11:41 a.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. Ask for all of you to rise and join me in saying the Pledge of Allegiance.

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

In the absence of clergy, I will ask us all to bow our heads in a moment of silence.

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Thursday, June 23. The Senate met pursuant to adjournment. Senator Spano in the chair upon designation of the Temporary President. The Journal of Wednesday, June 22, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: 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 Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Hannon, on page 4, Calendar 202, Senate Print 2976, I offer the following amendments.

On behalf of Senator Saland, on page 6, 305 -- Calendar 305, Senate Print 2224A; and

On behalf of Senator Levy, page 7, Calendar 392, 4901A;

On behalf of Senator Tully, page 7, Calendar 414, 4484A; and

On behalf of Senator Rath, on page 38, 1064 Calendar Number, and Senate Print 6730.

I offer amendments and ask these

bills retain their places on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. The bills will retain their places on Third Reading Calendar.

SENATOR FARLEY: On behalf of Senator Holland, please place a sponsor star on Calendar Numbers 706, 799, 800 and 1133.

ACTING PRESIDENT KUHL: Sponsor star is placed on those calendar bills.

SENATOR FARLEY: On behalf of Senator Skelos, please remove the sponsor star on 1095.

ACTING PRESIDENT KUHL: Sponsor star is removed on Calendar number 1095.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President. I wish to call up, on behalf of Senator Wright, bill, Print Number 7013, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Wright, Senate Bill Number 7013, an act to amend the State Administrative Procedure Act.

SENATOR DiCARLO: 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 31.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR DiCARLO: Mr. President. I now move the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR DiCARLO: Mr. President. On behalf of Senator Levy, I wish to call up bill, Print Number 785, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Levy, Senate Bill Number785, an act to amend the Vehicle and Traffic Law, in relation to making technical corrections.

SENATOR DiCARLO: 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 31.

ACTING PRESIDENT KUHL: The bill is before the house.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Farley.

SENATOR DiCARLO: On behalf of -

SENATOR FARLEY: Whoa, he's still on.

ACTING PRESIDENT KUHL: Senator

DiCarlo.

SENATOR DiCARLO: On behalf of Senator Saland, Mr. President, I wish to call up bill, Print Number 4660, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Saland, Senate Bill Number 4660, an act to amend the Family Court Act.

SENATOR DiCARLO: 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 31.

ACTING PRESIDENT KUHL: The bill is before the house.

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

ACTING PRESIDENT KUHL:

Amendments are received and adopted.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. To correct the record, on behalf of Senator Holland, I'd like to remove the sponsor star from Calendars Number 706, 799, 800, and 1133.

ACTING PRESIDENT KUHL: The stars are removed. The sponsor stars are removed.

Senator Present, we have a couple of substitutions. That's okay.

Secretary will read the substitutions.

THE SECRETARY: On page 10 of today's calendar, Senator LaValle moves to discharge the Committee on Rules from Assembly Bill Number 9831A and substitute it for the identical Calendar Number 539.

On page 12, Senator Levy moves to discharge the Committee on Rules from Assembly Bill Number 825A and substitute it for the identical Third Reading 663.

On page 29, Senator Rath moves to

discharge the Committee on Rules from Assembly Bill Number 11820 and substitute it for the identical Third Reading 1255.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Present, that brings us to the calendar.

SENATOR PRESENT: Let's take up the noncontroversial calendar, please.

ACTING PRESIDENT KUHL: Secretary will call the noncontroversial calendar.

THE SECRETARY: On page 7, Calendar Number 394, by member of the Assembly Lentol.

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, Senate Bill Number 6522A, an act to amend Chapter 704 of the laws of 1991, amending the Arts and Cultural Affairs Law.

ACTING PRESIDENT KUHL: The 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 31.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 472, by Senator Velella, Senate Bill Number 6859B, an act to amend the Insurance Law, in relation to motor vehicle identification glass etching standards.

ACTING PRESIDENT KUHL: The 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 32.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 653, by Senator Hannon.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 779, by Senator Saland.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 842, by Senator Seward, Senate Bill Number 7725, an act to amend the Correction Law.

ACTING PRESIDENT KUHL: The 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 32.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 910, by Senator Levy, Senate Bill Number 5551A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: The 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 32.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 950, by Senator Seward, Senate Bill Number 3434A, an act to amend the Energy Law.

ACTING PRESIDENT KUHL: The 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 32.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 957, by Senator Skelos, Senate Bill Number 2622, an act to amend the Real Property Law.

ACTING PRESIDENT KUHL: The 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 32.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1139, by the Senate Committee on Rules, Senate Bill Number 8526, an act to amend the Local

Finance Law, in relation to bonds and notes for the city of Yonkers.

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

The 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 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Kuhl.

SENATOR GOLD: Lay it aside.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1181, by the Assembly Committee on Rules,

Assembly Bill Number 11408A, amends Chapter 285 of the Laws of 1891.

ACTING PRESIDENT KUHL: The 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 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1255, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11820, an act to amend the Executive Law, providing seminars for women veterans.

ACTING PRESIDENT KUHL: The 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 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1276, by member of the Assembly Feldman, Assembly Bill Number 9354, an act to amend the Executive Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1287, by Senator Rath.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1290, by Senator Stafford.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR GOLD: Can we do the day on that?

ACTING PRESIDENT KUHL: Senator Stafford?

SENATOR GOLD: All right. Thank you.

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

THE SECRETARY: Calendar number 1311, by Senator Wright, Senate Bill Number 7942A, an act to amend the Environmental Conservation Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1315, by Senator Tully.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1317, by the Senate Committee on Rules.

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

SENATOR PRESENT: Yes.

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

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

SENATOR PRESENT: Controversial calendar.

ACTING PRESIDENT KUHL: Okay. Before that, Senator DiCarlo.

SENATOR DiCARLO: Mr. President. On behalf of Senator Levy, remove the star on Calendar Number 538, Senate 7431A, please.

ACTING PRESIDENT KUHL: Sponsor star is removed on Calendar Number 538.

Secretary will read the controversial calendar.

THE SECRETARY: On page 29, Calendar Number 1276, by member of the Assembly Feldman, Assembly Bill Number 9354, an act to amend the Executive Law, requiring the Division of Criminal Justice Services to collect and analyze data.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Padavan, an explanation had been asked for by Senator Gold.

SENATOR PADAVAN: Which bill is that?

ACTING PRESIDENT KUHL: Calendar Number 1276, page 29.

SENATOR PADAVAN: Thank you, Mr. President. This bill would relate to the Division of Criminal Justice Services in terms of their being required to collect and analyze data concerning firearms used in the commission of a crime, in an effort to require more specific information as to the nature of these weapons, ammunition used and so on.

SENATOR GOLD: Will the Senator yield?

ACTING PRESIDENT KUHL: Senator Padavan, will you yield to Senator Gold?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: Senator Padavan yields.

SENATOR GOLD: Senator, there is just a question I was asked I'd like to ask you. Aren't they presently doing this in terms of collecting this information? Why are you putting it in statute? I thought Criminal Justice Services had this kind of a program.

SENATOR PADAVAN: Yes, it's done, but it's not done in an orderly, universal, comprehensive manner. It's done depending upon how effecient or how -- how the local police department or agency or whatever used the collection of this data. Sometimes it's comprehensive, and sometimes it's not. I think it would be helpful to have a uniform standard throughout the state so when we deal with issues involving gun control, other related areas, that information will be as accurate as it possibly can be.

ACTING PRESIDENT KUHL: Secretary will read the last section of Calendar Number 1276.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it

shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1287, by Senator Rath.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1311, by Senator Rath -- excuse me -- by Senator Wright, Senate Bill Number 7942A, an act to amend the Environmental Conservation Law.

SENATOR GOLD: Explanation.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Present, that completes the controversial calendar. We do have a motion if we can return to motions and resolutions.

Senator Hannon.

SENATOR HANNON: Mr. President. On page 12, I offer the following amendments to Calendar Number 653, Senate Print 276A, and I would 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.

There is no other housekeeping, Senator Present.

Senator Wright.

SENATOR WRIGHT: Mr. President. I wish to place a sponsor star on Calendar Number 1311.

ACTING PRESIDENT KUHL: Sponsor star will be placed on Calendar Number 1311.

Senator Present.

SENATOR PRESENT: Mr. President. I would like to announce an immediate meeting of the Rules Committee in Room 332, and I would ask that the Senate stand at ease awaiting the Rules

Committee report. Upon the report of the committee, we will adjourn until Monday, June 27, at 3:00 p.m.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Rules Committee in the Senate Majority Conference Room, Room 332. The Senate will stand at ease awaiting the report of the Rules Committee.

(Whereupon, at 11:57 a.m., the Senate was at ease.)

(Whereupon, at 12:47 p.m., Senate reconvened.)

ACTING PRESIDENT KUHL: Senate will come to order.

Return to motions and resolutions and recognize Senator Pataki.

SENATOR PATAKI: Mr. President. On behalf of Senator Levy, on page 32, I offer the following amendments to Calendar Number 293, Senate Print Number 184, and request 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 PATAKI: On behalf of Senator Lack, I wish to call up Calendar Number 492, Assembly Print Number 9115.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: An act to amend the Real Property Law, in relation to allowing an assignment of mortgage in lieu of a certificate of discharge.

SENATOR PATAKI: I now move to reconsider the vote by which the Assembly bill was substituted for Senator Lack's Senate Print Number 6935 on March 31.

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 PATAKI: I now move Assembly Bill Number 9115 be committed to the Committee on Rules and that Senator Lack's Senate Bill be restored to the order of Third Reading Calendar.

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

SENATOR PATAKI: Thank you.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Can we return to reports of standing committees and receive that report?

ACTING PRESIDENT KUHL: We will return to 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 488A, by Senator Paterson, authorize the City of New York to reconvey certain real property.

797B, by Senator Saland and others, an act to amend the State Finance Law and the Election Law.

1995B, by Senator Cook, an act to amend the Education Law.

2486, by Senator LaValle, an act to amend the General Municipal Law.

2597B, by Senator Mendez, to permit Robin L. Lieberman to revoke a previous selection of death benefit coverage.

3181A, by Senator Johnson, to allow Teresa Murphy, a former employee of the Department of Labor, to receive credit.

4262A, by Senator Seward, an act to amend the Tax Law and the Public Service Law.

5322B, by Senator Skelos, amends Chapter 879 of the laws of 1936.

5396A, by Senator Volker, Retirement and Social Security Law.

6504, by Senator Saland, State Finance Law.

6505A, by Senator Saland, State Finance Law.

6564, by Senator Tully, General Municipal Law.

6617, by Senator Volker, amends Chapter 644 of the Laws of 1993.

6851, by Senator Johnson, Environmental Conservation Law.

7406A, by Senator Kuhl, to reopen the 20 to 25 year retirement plan.

7512, by Senator Spano, an act to amend the Labor Law.

7634, by Senator Larkin, an act to amend Chapter 545 of the Laws of 1938.

8088, by Senator Spano, amends Chapter 78 of the Laws of 1989.

8227, by Senator Seward, Public Authorities Law.

8254, by Senator Rath, General Municipal Law.

8440, by Senator Saland, Family Court Act.

8452, by Senator Skelos, Vehicle and Traffic Law.

8573A, by Senator Bruno,

authorize the Town of Clifton Park to lease certain parkland.

8582A, by Senator Lack, General Obligations Law.

8590, by Senator Spano, authorizing the city of Yonkers to discontinue as a parkland certain lands.

8610, by Senator Padavan, an act to amend the Vehicle and Traffic Law.

8619, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law.

8636, by Senator Stafford, Racing, Pari-Mutuel Wagering and Breeding law.

8682, by the Committee on Rules, Retirement and Social Security Law.

6403, by Senator Volker, General Municipal Law.

All bills reported directly for third reading.

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

Senator Present.

SENATOR PRESENT: Mr. President.

There being no further business, I move that we adjourn until Monday, June 27, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without objection, the motion to adjourn is adopted. Senate stands adjourn until Monday at 3:00 p.m.

(Whereupon, at 12:52 p.m., Senate adjourned.)