ALBANY, NEW YORK

February 7, 1996

3:00 p.m.

REGULAR SESSION

SENATOR MARY LOU RATH, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT RATH: Senate will come to order.

All please rise and join me in the Pledge of Allegiance.

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

We will observe a moment of silence.

(Whereupon, there was a moment of silence.)

Thank you. Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 6th. The Senate met pursuant to adjournment. The Journal of Monday, February 5th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT RATH: The Journal has been read. Without 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, Madam President. On behalf of Senator Saland, on page 16, I offer the following amendments to Calendar Number 218, Senate Print Number 2916, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT RATH: Amendments received.

Substitutions at the desk.

THE SECRETARY: On page 12, Senator Levy moves to discharge from the Committee on Transportation Assembly Bill 1849 and substitute it for the identical Senate Bill 371.

On page 12, Senator Levy moves to

discharge from the Committee on Alcoholism and Drug Abuse Assembly Bill 6048B and substitute it for the identical Senate Bill 380.

On page 12, Senator Larkin moves to discharge from the Committee on Transportation Assembly Bill 412 and substitute it for the identical Senate Bill 4222.

On page 15, Senator Volker moves to discharge from the Committee on Codes Assembly Bill 5707B and substitute it for the identical Senate Bill 5741.

ACTING PRESIDENT RATH: Substitutions are ordered.

Senator Skelos, are you ready for the calendar?

SENATOR SKELOS: Madam President, at this time, may we please have the noncontro versial calendar read?

ACTING PRESIDENT RATH: Secretary will read.

THE SECRETARY: Calendar Number 42, by Senator Levy, Senate Print 369, an act to amend the Vehicle and Traffic Law, in relation

to authorizing the proration of registration fees.

ACTING PRESIDENT RATH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of September.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 48, by Senator Levy, Senate Print 4857, an act to amend the Vehicle and Traffic Law, in relation to increasing fines associated with passing school buses.

ACTING PRESIDENT RATH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 1st day of November.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 133, by Senator Cook, Senate Print 418, an act to amend the Environmental Conservation Law, in relation to permitting certain directional signs in the Catskill Park.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT RATH: Lay the bill aside.

THE SECRETARY: Calendar 153, by Senator Leibell, Senate Print 2741, an act to amend the Real Property Tax Law, in relation to collection of taxes.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 155, by Senator Marcellino, Senate Print 5489A, an act to amend the General Municipal Law, in relation to payments of certain insurance premiums.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 157, by Senator Cook, Senate Print 221, an act to amend the General Municipal Law, in relation to establishing uniform procedures.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 159, by Senator Marchi, Senate Print 3009, an act directing the City of New York to refund to certain not-for-profit organizations.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT RATH: The bill

is passed.

THE SECRETARY: Calendar 163, by Senator Cook, Senate Print 2902A, an act to amend the Education Law, in relation to authorizing electronic funds transfer of state aid payments.

ACTING PRESIDENT RATH: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 1st day of July.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 164, by Senator Cook, Senate Print 3913A, an act to amend the Education Law, in relation to the transportation of pupils.

ACTING PRESIDENT RATH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 165, by Senator Tully, Senate Print 3644.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT RATH: Lay the bill aside.

Senator Skelos, that completes the noncontroversial reading of the calendar.

SENATOR SKELOS: Madam President, if we could take up the controversial calendar.

ACTING PRESIDENT RATH: The clerk will read.

THE SECRETARY: Calendar 133, by Senator Cook, Senate Print 418, an act to amend the Environmental Conservation Law, in relation to permitting certain directional signs in the

Catskill Park.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT RATH: Explanation has been requested by Senator Paterson.

Chair recognizes Senator Cook.

SENATOR COOK: Madam President, thank you.

This bill really expands slightly upon the existing law which permits logo type signs on the roads. The difficulty that we have in the Catskills, as in other tourist type areas, is that while the logo sign points to the -- tells the person at what exit they may get off the main highway, there may be several more turns prior to the time when the individual actually reaches the destination, and what this bill would permit would be the placement of small signs at those intersections which would indicate which fork of the road an individual is supposed to follow in order to finally reach their destination.

ACTING PRESIDENT RATH: Is there

any other discussion?

Senator Paterson.

SENATOR PATERSON: If Senator Cook would yield for a brief question.

ACTING PRESIDENT RATH: Senator Cook.

SENATOR COOK: Yes.

ACTING PRESIDENT RATH: Senator Cook will yield.

SENATOR PATERSON: Thank you so much, Senator Cook. As you know, our concern on this is the integrity of the park, and we feel that, in other areas, one alternative has been the establishment of the kiosks, where all the information would be available so you don't have a plethora of signs flooding the park.

People don't come to the park to see the signs. They come to enjoy the park, but we do understand the need that business has to advertise. What about the kiosk as an alternative to what you are proposing in this bill?

ACTING PRESIDENT RATH: Senator

Cook.

SENATOR COOK: A kiosk located in -- let's say at the Thruway exit in Kingston is a good way of telling people the general location of a particular business, but the difficulty is that it's one thing to be 25 miles away and have somebody tell you generally where you are supposed to go. It's a different thing to be driving your car down the road and suddenly come to a fork in the road and not know which way you are supposed to travel, and I can tell you there are locations that you can find yourselves in some pretty remote areas with no way of turning around, as I have sometimes found myself, if you don't have some better direction as to where you are going, and that's really all these signs are intended to be is a small arrow with the business name on it saying, "Go on the left fork instead of the right fork."

ACTING PRESIDENT RATH: There being no other speakers, read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

SENATOR SKELOS: Would you lay that bill aside temporarily.

ACTING PRESIDENT RATH: The bill will be laid aside temporarily.

Clerk shall read.

THE SECRETARY: Calendar 165, by Senator Tully, Senate Bill 3644, an act to amend the Public Authorities Law, in relation to the use of video conferencing equipment.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT RATH: Explanation has been requested.

Senator Tully.

SENATOR TULLY: Thank you, Madam President. This legislation would allow the Environmental Facilities Corporation to use video conferencing equipment for attendance by board members. It's a departmental bill.

ACTING PRESIDENT RATH: Senator Stachowski.

SENATOR STACHOWSKI: Madam

President. Would Senator Tully yield for a couple questions?

ACTING PRESIDENT RATH: Senator Tully, will you yield?

SENATOR TULLY: Yes, Madam President.

ACTING PRESIDENT RATH: Yes.

SENATOR STACHOWSKI: Senator Tully, didn't the people who agreed to serve on this board realize that there would be meetings and where the location of those meetings would take place when they accepted the appointment to the board?

SENATOR TULLY: Yes, Madam President. I really can't speak for them, but I would expect that to be true.

SENATOR STACHOWSKI: Still -- I understand the convenience, and in the committee, we also talked about that the public would get more input, because if they happened to be at the location that the committee member that couldn't make it to the meeting was at, they possibly could get some public input. Was

that one of the selling points of this video technology?

SENATOR TULLY: Yeah, they did want to make sure, Madam President, that public participation would be not adversely affected.

SENATOR STACHOWSKI: Thank you, Senator.

On the bill.

ACTING PRESIDENT RATH: On the bill.

SENATOR STACHOWSKI: I'm not against technology, but I have a problem with the fact that people accepted positions on this board and were expected to attend a limited number of meetings. I don't think the number of meetings is a large amount. I don't agree with the argument that the public gets more input, because if you don't happen to be in that location where the non -- the person who isn't at the meeting is at, doing the video conferencing, you don't get any input. So you either have to be at where the meeting is or at where the member is to get any kind of

additional input, so the people in other parts of the state who maybe don't have a member don't get that advantage of having that kind of video setup for active participation.

The example I'm going to use to explain why I think it's a negative idea rather than a positive is that there was a lot of surprise and possibly even, in some areas, dismay over the fact that the SUNY Board of Trustees this year made a rather controversial vote with regard to this year's budget, and they did a lot of that using telecommunications or telephone as a way of getting the votes in to support what was considered by many in the University system to be a controversial and, in some places, an adversarial vote to the University's well-being when they took an early position that accepted a cut and proposed a tuition increase.

So that I think that that's the kind of thing we want to avoid, and I don't think that we want to expand that kind of capability to other areas where they are doing

financing and where there's limited amounts of money, and only for those reasons -- and not because I'm Neanderthal and don't want to see us advance into telecommunication capabilities - am I going to oppose this bill.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT RATH: Announce the vote.

THE SECRETARY: Those recorded in the negative on Calendar Number 165 are Senators Connor, Nanula, Onorato, Paterson, Stachowski and Waldon. Ayes 34, nays 6.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Also Senator Oppenheimer.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT RATH: Senator Skelos.

SENATOR SKELOS: On calendar Number 159, by Senator Marchi, I move we reconsider the vote by which the bill was passed.

ACTING PRESIDENT RATH: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT RATH: Lay the bill aside.

SENATOR SKELOS: Is there any housekeeping at the desk?

(There was no response.)

We'll stand at ease.

ACTING PRESIDENT RATH: We'll stand at ease.

Senator Cook, why do you rise?

SENATOR COOK: Madam President, can I star a bill? Calendar Number 170, Senate

Bill 2964, page 10 on today's calendar, would you star that, please.

ACTING PRESIDENT RATH: The bill is starred at the request of the sponsor.

Senate stands at ease.

(The Senate was at ease for a moment.)

ACTING PRESIDENT RATH: Senator Santiago.

SENATOR SANTIAGO: May I ask unanimous consent to be recorded in the negative on Calendar 165, please.

ACTING PRESIDENT RATH: Senator Santiago has requested unanimous consent to be recorded in the negative on Calendar Number 165. Without objection.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT RATH: Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT RATH: No, Senator Skelos.

SENATOR SKELOS: There being no further business, I move we adjourn until Monday, February 12th, 1996, at 3:00 p.m. sharp, intervening days to be legislative days.

ACTING PRESIDENT RATH: Without objection, the Senate stands adjourned until Monday, February 12th, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 11:19 a.m., the Senate adjourned.)