ALBANY, NEW YORK

February 14, 1996

11:00 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: The Senate will come to order. Ask the members to take their chairs, the staff to find their places. Ask all of you to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

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

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 13th. The Senate met pursuant to adjournment, prayer by the Reverend Peter G. Young, Blessed Sacrament Church, Bolton Landing. The Journal of Monday, February 12th, 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 Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Levy, can we please place a sponsor's star on Calendar Number 108.

ACTING PRESIDENT KUHL: At the request of the sponsor, Calendar Number 108 - 108 is starred.

SENATOR MARCELLINO: Thank you.

SENATOR LAVALLE: Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator LaValle.

SENATOR LAVALLE: I would like to place a sponsor's star on Calendar Number 181, Senate Print Number 1504.

ACTING PRESIDENT KUHL: Calendar Number 181 will be starred at the request of the sponsor.

Senator Bruno, we have a substitution we could take at this time. Ask the Secretary to read.

SENATOR BRUNO: Mr. President, please take it up at this time.

ACTING PRESIDENT KUHL: Ask the Secretary to read the substitution.

THE SECRETARY: On page 13, Senator Volker moves to discharge from the Committee on Education, Assembly Bill Number 7801 and substitute it for the identical Third Reading Calendar 228.

ACTING PRESIDENT KUHL: The substitution is ordered.

Senator Bruno, we have a couple of privileged resolutions at the desk, four of them, I believe, we could take up at this time?

SENATOR BRUNO: Mr. President, can we do that at this time, read the titles and move for their immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the first privileged resolution.

THE SECRETARY: By Senator Libous, Legislative Resolution commending Fred Sampson, Chief Executive Officer of the New York State Restaurant Association upon the occasion of his retirement.

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 Marchi, why do you rise?

SENATOR MARCHI: Mr. President, there may be other members that might wish to join in on that resolution.

ACTING PRESIDENT KUHL: Senator Bruno, the request was -- I don't see Senator Libous in the chair to open up the sponsorship of that resolution. Should we place all the

members of the chamber on the resolution except those who don't wish to go on it?

SENATOR BRUNO: Mr. President, I don't believe the sponsor would object. I think he would welcome opening up this resolution. So I would suggest that we do that.

ACTING PRESIDENT KUHL: We'll place all the members, both the -- those on the left and the right of the aisle on the resolution except those who don't wish to be on the resolution. If those members would indicate to the desk, either now or later in the morning, that would be sufficient.

I'll ask the Secretary to read the next privileged resolution title.

THE SECRETARY: By Senator Smith, Legislative Resolution commending Luis R. Sepulveda upon the occasion of his designation for special honor at Caucus Weekend, February 16 through 19, 1996.

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.

The Secretary will read the title to the next privileged resolution.

THE SECRETARY: By Senator Smith, Legislative Resolution honoring Jermaine Joseph Garden, Sr. upon the occasion of his designation for special commendation at Caucus Weekend, February 16 through 19, 1996.

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.

Ask the Secretary to read the next and last privileged resolution at the desk.

THE SECRETARY: By Senator Smith, Legislative Resolution paying tribute to Toye and Kenyatte Williams upon the occasion of their

designation for special honor at Caucus Weekend, February 16 through 19, 1996.

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.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up the non controversial calendar.

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

THE SECRETARY: On page number 6, Calendar Number 105, by Senator Saland, Senate Print 5616, an act in relation to providing additional state aid to the Copake-Taconic Hills Central School District.

ACTING PRESIDENT KUHL: There's a

local fiscal impact note at the desk. The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect April 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 180, by Senator Skelos, Senate Print 413, an act to amend the Public Health Law and the Correction Law, in relation to requiring certain applicants for employment.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 190, by Member of the Assembly Lafayette, Assembly Print 412, an act to amend the Vehicle and Traffic Law, in relation to signs to be utilized.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 206, by Senator Nozzolio, Senate Print 3947, an act to amend the Criminal Procedure Law, in relation to the extension of crime victims rights at parole hearings.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 208, by Senator Marcellino, Senate Print 5211, an act to amend the Criminal Procedure Law, in relation to anonymous juries and to repeal Subdivision 1(a) of Section 270.15.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 209, by Senator Padavan, Senate Print 5264, an act to amend the Penal Law, in relation to possession of gambling devices.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 211, by Senator Rath, Senate Print 5727, an act to amend the Penal Law, in relation to repeat offender status for petit larceny offenses.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 213, by Senator Leibell, Senate Print 3343, an act to amend the Real Property Tax Law, in relation to the exemption of certain private dwellings.

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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 217, by Senator Present, Senate Print 2311, an act to amend the Economic Development Law, in relation to directing a rural agribusiness study of the potential for attracting new agribusiness in the rural areas of the state.

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 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 221, by Senator Saland, Senate Print 4509, an act to amend the Not-for-Profit Corporation Law, in relation to eliminating limitations on certain corporations.

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 43.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 222, by Senator Marchi, Senate Print 5429, an act to amend the New York State Urban Development Corporation act, in relation to the name of the New York State Urban Development Corporation.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 5. 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 223, by Senator Marchi, Senate Print 5430, an act to amend the Public Authorities Law, in relation to the indemnification of the members of the boards of directors.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

THE SECRETARY: Section 3. 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 224, by Senator Present, Senate Print 5814, an act to amend the Public Authorities Law, in relation to removing the village of Alfred from the Alfred-Almond-Hornellsville Sewer Authority.

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 43.

ACTING PRESIDENT KUHL: The bill

is passed.

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

SENATOR BRUNO: Can we at this time, Mr. President, take up the controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 180, by Senator Skelos, Senate Print 413, an act to amend the Public Health Law and the Correction Law, in relation to requiring certain applicants for employment.

SENATOR SKELOS: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Saland, why do you rise?

SENATOR SALAND: Would it be appropriate, Mr. President, to engage in housekeeping at this point?

ACTING PRESIDENT KUHL: Certainly

would at this moment. There's a motion that you have?

SENATOR SALAND: I would like to remove a sponsor's star from Calendar 137, Senate 3501, and place a star on Calendar 253, Senate 2110.

ACTING PRESIDENT KUHL: Okay. We'll return to motions and resolutions, and at the request of the sponsor, we'll place a star on Calendar Number 225, was that?

SENATOR SALAND: 253.

ACTING PRESIDENT KUHL: 253. Calendar Number 253 will be starred at the request of the sponsor and I believe Calendar Number 137, the star will be removed at the request of the sponsor.

The Chair recognizes Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees.

ACTING PRESIDENT KUHL: We'll return to reports of standing committees. I'll ask the Secretary to read.

THE SECRETARY: Senator Saland, from the Committee on Children and Families, reports the following bill:

2457-A, by Senator Saland, an act to amend the Family Court Act, the Executive Law, the Correction Law, the Vehicle and Traffic Law and the Education Law, in relation to enacting the Juvenile Justice Reform and Delinquency Prevention Act of 1996.

Senator LaValle, from the Committee on Higher Education reports:

Senate Print 539-A, by Senator Rath, an act to amend the Education Law, in relation to student refunds;

2136, by Senator LaValle, an act to amend the Education Law, in relation to registration of a pharmacy;

2355, by Senator Johnson, an act to amend the Education Law, in relation to requiring that the State University graduation ceremonies include the Pledge of Allegiance and National Anthem;

2882, by Senator LaValle, an act

to amend the Education Law, in relation to the registration of licensed professionals;

3089-A, by Senator Padavan, an act to amend the Education Law, in relation to the exclusion of illegal aliens;

3269, by Senator LaValle, an act to amend the Education Law, in relation to the issuance of limited permits in dentistry;

4296, by Senator Kuhl, an act to amend the Education Law, in relation to optional retirement programs for employees of the State University of New York.

All bills ordered directly for third reading.

ACTING PRESIDENT KUHL: Without objection, all bills are directed directly to third reading.

The Chair recognizes Senator Wright.

SENATOR WRIGHT: Mr. President, I wish to call up my bill, Print Number 3186, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 46, by Senator Wright, Senate Print 3186, an act to amend the Vehicle and Traffic Law, in relation to allowing commercial vehicles to have distinctive plates.

ACTING PRESIDENT KUHL: Senator Wright.

SENATOR WRIGHT: 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 43.

ACTING PRESIDENT KUHL: Senator Wright.

SENATOR WRIGHT: Mr. President, I now offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Velella, we have a series of privileged resolutions at the desk that we could take up at this time, if you so wish.

SENATOR VELELLA: We'll proceed in doing that, read the titles.

ACTING PRESIDENT KUHL: I'll ask the Secretary -- there are 12 privileged resolutions at the desk. I'll ask the Secretary to read the titles and then we'll adopt them with one vote, if there's no objection.

SENATOR VELELLA: No objection.

ACTING PRESIDENT KUHL: The Secretary will read the titles to the privileged resolutions.

THE SECRETARY: By Senator Smith, Legislative Resolution honoring Robert Simmons upon the occasion of his designation for special honor on Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution commending Helen W. Wright upon the occasion of her designation for special honor at Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution commending John Jay College of Criminal Justice of the City University of New York upon the occasion of its designation for special honor on Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution paying tribute to Eleanor Clarke upon the occasion of her designation for special honor at Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution honoring Michael J. Diamond upon the occasion of his designation for special commendation at Caucus Weekend to be held February 16 through 19, 1996.

By Senator Smith, Legislative Resolution honoring Roger Corbin upon the occasion of his designation for special honor on Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution honoring Gregory Jackson, Sr. upon the occasion of his designation for special

honor on Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution honoring Jean M. Smith upon the occasion of her designation for special honor on Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution honoring Reverend Preston R. Washington, Sr. upon the occasion of his designation for special commendation at Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution honoring Joseph E. Holley, Sr. upon the occasion of his designation for special commendation at Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution honoring James H. Alston VI upon the occasion of his designation for special commendation at Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution commending Karen L. Clark, President

and Chief Executive Officer, Managed Health Care Systems of New York upon the occasion of her designation for special honor upon the occasion of Caucus Weekend, February 16 through 19, 1996.

By Senator Smith, Legislative Resolution honoring Norman Seabrook upon the occasion of his designation for special commendation at Caucus Weekend, February 16 through 19, 1996.

And by Senator Smith, Legislative Resolution honoring Governor Henley upon the occasion of his designation for special honor at Caucus Weekend, February 16 through 19, 1996.

By Senator Gold, Legislative Resolution honoring Michael Kakos upon the occasion of his 90th birthday.

ACTING PRESIDENT KUHL: The question -- the questions are on the privileged resolutions which the Secretary has read the titles to. All those in favor of the resolutions signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolutions are adopted.

SENATOR VELELLA: Is there any housekeeping?

ACTING PRESIDENT KUHL: There's no house... there's no housekeeping at the desk, Senator Velella.

SENATOR ONORATO: Mr. President.

ACTING PRESIDENT KUHL: Senator Onorato, why do you rise?

SENATOR ONORATO: I inadvertently forgot to offer up a privileged resolution commemorating Valentine's Day. If view of the fact that I didn't, I would like to take this opportunity to wish everybody in the chamber a very Happy Valentine's Day and don't forget your wives and your boyfriends.

ACTING PRESIDENT KUHL: Thank you, Senator Onorato.

The Chair recognizes Senator Velella.

SENATOR VELELLA: Any other housekeeping?

Mr. President, there being no further business, I move we adjourn -

SENATOR GOLD: Mr. President.

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

ACTING PRESIDENT KUHL: Just an inquiry of the Chair. Does the record of today indicate that Senator Velella is a gentleman? It ought to.

ACTING PRESIDENT KUHL: Senator Velella.

SENATOR VELELLA: Senator, I just would respond to that by saying there is such a thing as judicial notice.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Velella.

SENATOR VELELLA: I would just like to note that -- for the record that while Senator Onorato wished everyone a Happy Valentine's Day, I would assume he's the one that delivered the flowers to Senator DiCarlo (laughter).

Mr. President, there being no

further business, I move we adjourn until Monday, February 26th at 3:00 p.m. sharp, intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, February 26th at 3:00 p.m.

(Whereupon, at 11:28 a.m., the Senate adjourned.)