ALBANY, NEW YORK

February 28, 1996

11:01 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY ROSS McCAUGHEY, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Would everyone 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.)

May we bow our heads in a moment of silence.

(Whereupon, there was a moment of silence.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Tuesday, February 27. The Senate met pursuant to adjournment, Senator Kuhl in the Chair. The Journal of Monday, February 26, was read and approved. Upon motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Skelos.

SENATOR SKELOS: Any motions and resolutions?

THE PRESIDENT: I'm sorry, Senator Skelos, there is a motion to be read.

Motion. Secretary will read.

THE SECRETARY: Senator Lack moves to discharge from the Committee on Judiciary, Assembly Bill 7860A and substitute it for the identical Senate Bill 4614A.

Senator Volker moves to discharge from the Committee on Local Government, Assembly Bill 5085 and substitute it for the identical Senate Bill 3032.

THE PRESIDENT: The substitutions are ordered.

Senator DiCarlo.

SENATOR DiCARLO: Yes, Madam President. On behalf of Senator Cook, on page 23, I offer the following amendments to Calendar 170, Senate Print 2964, and ask that said bill

retain its place on Third Reading Calendar.

Also remove the star on Calendar 170.

THE PRESIDENT: Amendments received. The star is removed.

SENATOR DiCARLO: Also, Madam President, on behalf of Senator Volker, on page 20, I offer the following amendments to Calendar 324, Senate Print 3132, and ask said bill retain its place on Third Reading Calendar.

THE PRESIDENT: Amendments received.

Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Rules Committee in Room 332 of the Capitol.

And if we, at this time, could take up the noncontroversial calendar.

THE PRESIDENT: There is an immediate meeting of the Rules Committee in Room 332.

Secretary will read.

THE SECRETARY: Calendar Number

90, by Senator Marchi, Senate Print 5183A, an act to amend the Public Authorities Law, in relation to the approval of the Public Authorities Control Board.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 91, by Senator Gold, Senate Print 193B, an act to amend the General Business Law, in relation to requiring child safety devices on shopping carts.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect 360 days succeeding the next date.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 91 are Senator DiCarlo, Senator Holland, Senator Kuhl and Senator Marcellino. Ayes 32, nays 4.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 122, by Senator DeFrancisco, Senate Bill 1967, an act to amend the Criminal Procedure Law, in relation to the collection of court-imposed financial obligations.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar 183, by

Senator Levy, Senate Print 327, an act to amend the Vehicle and Traffic Law, in relation to requiring suspension of a driver's license.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35, nays 1, Senator Kuhl recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar 185, by Senator Levy, Senate Print 364, an act to amend the Vehicle and Traffic Law, in relation to imposing an additional fine and imprisonment for DWI offenses.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of

November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 227, by Senator Maltese, Senate Print 449, an act to amend the Education Law, in relation to instruction and display, use and proper respect for the Flag.

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 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

242, by Senator Skelos, Senate Print 2478, an act to amend the Family Court Act and the Criminal Procedure Law, in relation to the age of child witnesses.

ACTING PRESIDENT KUHL: 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 36.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Cook, why do you rise?

SENATOR COOK: Mr. President, could I be in the negative on Calendar 91, please?

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Cook will be recorded in the negative on Calendar Number 91.

Secretary will continue to call the noncontroversial calendar.

THE SECRETARY: Calendar Number 235, by Senator Hannon, Senate Print 1266, an act authorizing the county of Nassau to accept an application for real property tax exemption on certain property.

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 38.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 250, by Senator Johnson, Senate Print 5830, an act to amend the Environmental Conservation Law, in relation to permitting certain additional persons to obtain commercial lobster permits.

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 38.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 251, by Senator Skelos, Senate Print 408, an act to amend the Correction Law and the County Law, in relation to maintenance of prisoners in county jail facilities.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 267, by Senator Velella, Senate Print 6147, an act to amend the Insurance Law, in relation to the termination of individual hospital and medical contracts.

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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 275, by Senator DiCarlo, Senate Print 6149, an act to amend the Real Property Tax Law, the Administrative Code of the City of New York and Local Law Number 1 of the City of New York.

SENATOR SKELOS: Lay it aside for the day.

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

SENATOR MARKOWITZ: Mr. President.

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

SENATOR MARKOWITZ: Calendar 251 went by so quickly, Senator, if it's possible, I would like to be recorded in the negative on that bill. It went by very, very quickly.

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Markowitz will be recorded in the negative on Calendar Number 251.

Secretary will continue to call the noncontroversial calendar.

THE SECRETARY: Calendar Number 295, by Senator Rath, Senate Print 6035, an act to amend the General Municipal Law, in relation to permitting the New York State Town Clerks Association to make purchases through the Office of General Services.

ACTING PRESIDENT KUHL: Senator

Leichter, why do you rise?

SENATOR LEICHTER: Yes, before we go any further, could I ask you to hold Calendar 90 at the desk? I trust it's still there.

ACTING PRESIDENT KUHL: Senator Leichter, Calendar Number 90 has gone from this house, I'm told by the Secretary at the desk. It was signed earlier in the day by the Lieutenant Governor and has been exported to the other house, I believe.

SENATOR LEICHTER: It's gone.

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

SENATOR MENDEZ: Mr. President. I am requesting unanimous consent -

ACTING PRESIDENT KUHL: Senator Mendez, let me come back to you. We're on a bill right now. Let us finish. We are on Calendar Number 295. The bill has been read.

I ask the Secretary to read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Mendez, why do you rise?

SENATOR MENDEZ: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar 251.

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Mendez will be recorded in the negative on Calendar Number 251.

Senator Abate, why do you rise?

SENATOR ABATE: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 90.

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Abate will be recorded in the negative on Calendar Number 90.

Senator Wright, why do you rise?

SENATOR WRIGHT: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 91.

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Wright will be recorded in the negative on Calendar Number 91.

Senator Saland.

SENATOR SALAND: Mr. President, I request unanimous consent to be recorded in the negative on Calendar 185.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Saland will be recorded in the negative on Calendar Number 185.

Senator Hoblock, why do you rise?

SENATOR HOBLOCK: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 91.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Hoblock will be recorded in the negative on Calendar

Number 91.

Senator Larkin, why do you rise?

SENATOR LARKIN: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 91.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Larkin, you will be recorded in the negative on Calendar Number 91.

Senator Smith, why do you rise?

SENATOR SMITH: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 251.

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Smith will be recorded in the negative on Calendar Number 251.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, I would like to request unanimous consent to be recorded in the negative on Calendar Number 91, please.

ACTING PRESIDENT KUHL: Without

objection, and hearing no objection, Senator Maziarz will be recorded in the negative on Calendar Number 91.

Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Mr. President, I wish to be recorded in the negative on Calendar Number 91.

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Nozzolio will be recorded in the negative on Calendar Number 91.

Senator Leichter, why do you rise?

SENATOR LEICHTER: Mr. President, may I be recorded in the negative on Calendar 90 and on Calendar 251.

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Leichter will be recorded in the negative on Calendar 90 and also Calendar 251.

I will ask the Secretary to continue to call the noncontroversial calendar.

THE SECRETARY: Calendar Number 297, by Senator Leibell, Senate Print 5927A, an act to amend the Private Housing Finance Law, in relation to loans to owners of multiple dwellings.

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 47.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees, I believe there is a report from the Rules Committee at the desk.

ACTING PRESIDENT KUHL: There is

a report, Senator Skelos.

I will ask the Secretary to return to reports of standing committees.

Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill:

By Senator Velella, Senate Print 6172, an act to amend the Insurance Law, in relation to extending the expiration date for Article 54 of the Insurance Law, relating to the New York property insurance.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT KUHL: The motions is to accept the Rules Committee report.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Rules Committee report is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, if we could take up Calendar Number 334, Senate 6172, which was just reported from the Rules Committee.

ACTING PRESIDENT KUHL: I ask the Secretary to read.

THE SECRETARY: Calendar Number 334, by Senator Velella, Senate Print 6172, an act to amend the Insurance Law, in relation to extending the expiration date for Article 54 of the Insurance Law, relating to the New York property insurance.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, Is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: I'm informed by the Secretary that there is.

SENATOR SKELOS: Move to accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity at the desk.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Message is adopted.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk? Senator Saland.

ACTING PRESIDENT KUHL: Senator Skelos, there is a report of a standing committee we could read in at this time.

We'll return to reports of

standing committees.

I'll ask the Secretary to read.

THE SECRETARY: Senator Libous, from the Committee on Mental Health and Developmental Disabilities, reports the following bills:

Senate Print 3858, by Senator Libous, an act to amend the Mental Hygiene Law, in relation to the conversion of already admitted patients;

4443A, by Senator Libous, an act to amend the Mental Hygiene Law and the Vehicle and Traffic Law, in relation to parking spaces for handicapped persons;

4630, by Senator Libous, an act to amend the Mental Hygiene Law, in relation to limiting the use of state funds;

5833, by Senator Libous, an act to amend the Mental Hygiene Law, in relation to authorizing the Commissioner of Mental Health to fingerprint certain patients.

All bills directly for third reading.

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

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President. I'd like to remove a sponsor star: Calendar 253, Senate Bill 2110.

ACTING PRESIDENT KUHL: At the request of the sponsor, the star is removed on Calendar Number 253.

Senator Hoffmann.

SENATOR HOFFMANN: I request unanimous consent, Mr. President, to be recorded in the negative on Calendar 91.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Hoffmann will be recorded in the negative on Calendar Number 91.

Senator Skelos.

SENATOR SKELOS: Is there any other housekeeping or motions?

ACTING PRESIDENT KUHL: Secretary informs me all the housekeeping has been taken care of, Senator Skelos.

SENATOR SKELOS: Mr. President, there will be a Majority Conference on Monday at 2:00 o'clock, and there being no further business, I move we adjourn until Monday, March 4, 1996 at 3:00 p.m. sharp, intervening days to be legislative days.

ACTING PRESIDENT KUHL: There will be a Majority Conference in the Majority Conference Room, Room 332, on Monday at 2:00 p.m. prior to session.

Without objection, the Senate stands adjourned until Monday afternoon, March 4, at 3:00 p.m.

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