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ALBANY, NEW YORK  
February 28, 1996  
11:01 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY ROSS McCAUGHEY, President  
STEPHEN F. SLOAN, Secretary

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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.

1 Messages from the Governor.

2 Reports of standing committees.

3 Senator Skelos.

4 SENATOR SKELOS: Any motions and  
5 resolutions?

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

8 Motion. Secretary will read.

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

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

17 THE PRESIDENT: The substitutions  
18 are ordered.

19 Senator DiCarlo.

20 SENATOR DiCARLO: Yes, Madam  
21 President. On behalf of Senator Cook, on page  
22 23, I offer the following amendments to Calendar  
23 170, Senate Print 2964, and ask that said bill

1 retain its place on Third Reading Calendar.

2 Also remove the star on Calendar  
3 170.

4 THE PRESIDENT: Amendments  
5 received. The star is removed.

6 SENATOR DiCARLO: Also, Madam  
7 President, on behalf of Senator Volker, on page  
8 20, I offer the following amendments to Calendar  
9 324, Senate Print 3132, and ask said bill retain  
10 its place on Third Reading Calendar.

11 THE PRESIDENT: Amendments  
12 received.

13 Senator Skelos.

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

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

19 THE PRESIDENT: There is an  
20 immediate meeting of the Rules Committee in Room  
21 332.

22 Secretary will read.

23 THE SECRETARY: Calendar Number

1 90, by Senator Marchi, Senate Print 5183A, an  
2 act to amend the Public Authorities Law, in  
3 relation to the approval of the Public  
4 Authorities Control Board.

5 THE PRESIDENT: Read the last  
6 section, please.

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

9 THE PRESIDENT: Call the roll.  
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 32.

12 THE PRESIDENT: The bill is  
13 passed.

14 THE SECRETARY: Calendar Number  
15 91, by Senator Gold, Senate Print 193B, an act  
16 to amend the General Business Law, in relation  
17 to requiring child safety devices on shopping  
18 carts.

19 THE PRESIDENT: Read the last  
20 section, please.

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

1 THE PRESIDENT: Call the roll.

2 (The Secretary called the roll.)

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

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 122, by Senator DeFrancisco, Senate Bill 1967,  
11 an act to amend the Criminal Procedure Law, in  
12 relation to the collection of court-imposed  
13 financial obligations.

14 THE PRESIDENT: Read the last  
15 section, please.

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

18 THE PRESIDENT: Call the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 36.

21 THE PRESIDENT: The bill is  
22 passed.

23 THE SECRETARY: Calendar 183, by

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

4 THE PRESIDENT: Read the last  
5 section, please.

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

9 THE PRESIDENT: Call the roll.  
10 (The Secretary called the roll.)

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

13 THE PRESIDENT: The bill is  
14 passed.

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

20 THE PRESIDENT: Read the last  
21 section.

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

1 November.

2 THE PRESIDENT: Call the roll.

3 (The Secretary called the roll.)

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

6 ACTING PRESIDENT KUHL: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 227, by Senator Maltese, Senate Print 449, an  
10 act to amend the Education Law, in relation to  
11 instruction and display, use and proper respect  
12 for the Flag.

13 ACTING PRESIDENT KUHL: Read the  
14 last section.

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

17 ACTING PRESIDENT KUHL: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 36.

21 ACTING PRESIDENT KUHL: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number

1 242, by Senator Skelos, Senate Print 2478, an  
2 act to amend the Family Court Act and the  
3 Criminal Procedure Law, in relation to the age  
4 of child witnesses.

5 ACTING PRESIDENT KUHL: Read the  
6 last section.

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 36.

14 ACTING PRESIDENT KUHL: The bill  
15 is passed.

16 Senator Cook, why do you rise?

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

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

1 Secretary will continue to call  
2 the noncontroversial calendar.

3 THE SECRETARY: Calendar Number  
4 235, by Senator Hannon, Senate Print 1266, an  
5 act authorizing the county of Nassau to accept  
6 an application for real property tax exemption  
7 on certain property.

8 ACTING PRESIDENT KUHL: Read the  
9 last section.

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

12 ACTING PRESIDENT KUHL: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 38.

16 ACTING PRESIDENT KUHL: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 250, by Senator Johnson, Senate Print 5830, an  
20 act to amend the Environmental Conservation Law,  
21 in relation to permitting certain additional  
22 persons to obtain commercial lobster permits.

23 ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 38.

8 ACTING PRESIDENT KUHL: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 251, by Senator Skelos, Senate Print 408, an act  
12 to amend the Correction Law and the County Law,  
13 in relation to maintenance of prisoners in  
14 county jail facilities.

15 ACTING PRESIDENT KUHL: Secretary  
16 will read the last section.

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

19 ACTING PRESIDENT KUHL: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 38.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 267, by Senator Velella, Senate Print 6147, an  
4 act to amend the Insurance Law, in relation to  
5 the termination of individual hospital and  
6 medical contracts.

7 ACTING PRESIDENT KUHL: Secretary  
8 will read the last section.

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

11 ACTING PRESIDENT KUHL: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 39.

15 ACTING PRESIDENT KUHL: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 275, by Senator DiCarlo, Senate Print 6149, an  
19 act to amend the Real Property Tax Law, the  
20 Administrative Code of the City of New York and  
21 Local Law Number 1 of the City of New York.

22 SENATOR SKELOS: Lay it aside for  
23 the day.

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

3                   SENATOR MARKOWITZ: Mr.  
4 President.

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

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

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

15                  Secretary will continue to call  
16 the noncontroversial calendar.

17                  THE SECRETARY: Calendar Number  
18 295, by Senator Rath, Senate Print 6035, an act  
19 to amend the General Municipal Law, in relation  
20 to permitting the New York State Town Clerks  
21 Association to make purchases through the Office  
22 of General Services.

23                  ACTING PRESIDENT KUHL: Senator

1           Leichter, why do you rise?

2                         SENATOR LEICHTER:  Yes, before we  
3 go any further, could I ask you to hold Calendar  
4 90 at the desk?  I trust it's still there.

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

11                        SENATOR LEICHTER:  It's gone.

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

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

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

20                        I ask the Secretary to read the  
21 last section.

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

1                   ACTING PRESIDENT KUHL: Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 41.

5                   ACTING PRESIDENT KUHL: The bill  
6 is passed.

7                   Senator Mendez, why do you rise?

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

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

15                   Senator Abate, why do you rise?

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

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

23                   Senator Wright, why do you rise?

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

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

8                   Senator Saland.

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

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

16                  Senator Hoblock, why do you  
17 rise?

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

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

1 Number 91.

2 Senator Larkin, why do you rise?

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

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

10 Senator Smith, why do you rise?

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

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

18 Senator Maziarz.

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

23 ACTING PRESIDENT KUHL: Without

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

4 Senator Nozzolio, why do you  
5 rise?

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

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

13 Senator Leichter, why do you  
14 rise?

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

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

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

1 THE SECRETARY: Calendar Number  
2 297, by Senator Leibell, Senate Print 5927A, an  
3 act to amend the Private Housing Finance Law, in  
4 relation to loans to owners of multiple  
5 dwellings.

6 ACTING PRESIDENT KUHL: Secretary  
7 will read the last section.

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 47.

14 ACTING PRESIDENT KUHL: The bill  
15 is passed.

16 SENATOR SKELOS: Mr. President.

17 ACTING PRESIDENT KUHL: Senator  
18 Skelos.

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

23 ACTING PRESIDENT KUHL: There is

1 a report, Senator Skelos.

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

4 Secretary will read.

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

8 By Senator Velella, Senate Print  
9 6172, an act to amend the Insurance Law, in  
10 relation to extending the expiration date for  
11 Article 54 of the Insurance Law, relating to the  
12 New York property insurance.

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

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

17 All those in favor, signify by  
18 saying aye.

19 (Response of "Aye.")

20 Opposed, nay.

21 (There was no response.)

22 The Rules Committee report is  
23 adopted.

1 Senator Skelos.

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

6 ACTING PRESIDENT KUHL: I ask the  
7 Secretary to read.

8 THE SECRETARY: Calendar Number  
9 334, by Senator Velella, Senate Print 6172, an  
10 act to amend the Insurance Law, in relation to  
11 extending the expiration date for Article 54 of  
12 the Insurance Law, relating to the New York  
13 property insurance.

14 ACTING PRESIDENT KUHL: Senator  
15 Skelos.

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

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

20 SENATOR SKELOS: Move to accept  
21 the message.

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

1 All those in favor, signify by  
2 saying aye.

3 (Response of "Aye.")

4 Opposed, nay.

5 (There was no response.)

6 Message is adopted.

7 Secretary will read the last  
8 section.

9 THE SECRETARY: Section 3. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT KUHL: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 50.

15 ACTING PRESIDENT KUHL: The bill  
16 is passed.

17 Senator Skelos.

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

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

23 We'll return to reports of

1 standing committees.

2 I'll ask the Secretary to read.

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

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

11 4443A, by Senator Libous, an act  
12 to amend the Mental Hygiene Law and the Vehicle  
13 and Traffic Law, in relation to parking spaces  
14 for handicapped persons;

15 4630, by Senator Libous, an act  
16 to amend the Mental Hygiene Law, in relation to  
17 limiting the use of state funds;

18 5833, by Senator Libous, an act  
19 to amend the Mental Hygiene Law, in relation to  
20 authorizing the Commissioner of Mental Health to  
21 fingerprint certain patients.

22 All bills directly for third  
23 reading.

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

4                   Senator Saland.

5                   SENATOR SALAND: Thank you, Mr.  
6                   President.

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

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

13                  Senator Hoffmann.

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

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

21                  Senator Skelos.

22                  SENATOR SKELOS: Is there any  
23                  other housekeeping or motions?

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

4                   SENATOR SKELOS: Mr. President,  
5 there will be a Majority Conference on Monday at  
6 2:00 o'clock, and there being no further  
7 business, I move we adjourn until Monday, March  
8 4, 1996 at 3:00 p.m. sharp, intervening days to  
9 be legislative days.

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

14                  Without objection, the Senate  
15 stands adjourned until Monday afternoon, March  
16 4, at 3:00 p.m.

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

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