ALBANY, NEW YORK

June 30, 1996

7:05 p.m.

REGULAR SESSION

SENATOR NICHOLAS A. SPANO, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT SPANO: Senate will come to order. All please rise for the Pledge of Allegiance to the Flag.

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

In the absence of clergy, can we please bow our heads for a moment of silence.

Reading of the Journal.

THE SECRETARY: In Senate, Saturday, June 29th. The Senate met -

ACTING PRESIDENT SPANO: Senator Bruno.

SENATOR BRUNO: Mr. President, can we call for an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT SPANO: Immediate Finance Committee meeting in Room 332.

Reading of the Journal.

THE SECRETARY: In Senate, Saturday, June 29th. The Senate met pursuant to adjournment. The Journal of Friday, June 28th,

was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT SPANO: 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 from select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Seward.

SENATOR SEWARD: Mr. President, on behalf of Senator LaValle, I wish to call up his bill, Print Number 3292-B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator LaValle, Senate Print 3292-B, an act to amend the Education Law.

ACTING PRESIDENT SPANO: Senator Seward.

SENATOR SEWARD: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

ACTING PRESIDENT SPANO: Senator Seward.

SENATOR SEWARD: Mr. President, I now move the following amendments.

And on behalf of Senator Nozzolio, I wish to call up his bill, Print Number 6114, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Nozzolio, Senate Print 6114, an act to amend the Public Authorities Law.

SENATOR SEWARD: Mr. President, I

now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 33.

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

ACTING PRESIDENT SPANO: Amendments received and adopted.

Senator Farley.

SENATOR FARLEY: Mr. President, I wish to call up, on behalf of Senator Marchi, Print Number 6406, which was recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Marchi, Senate Print 6406, an act to amend the Navigation Law.

SENATOR FARLEY: I now move to reconsider the vote by which this bill was

passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

SENATOR FARLEY: I now move to recommit the bill to Rules.

ACTING PRESIDENT SPANO: The bill is recommitted.

SENATOR FARLEY: On behalf of Senator Kuhl, I wish to call up his bill, Print Number 2404-A, recalled from the Assembly now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Kuhl, Senate Print 2404-A, an act to amend the Public Officers Law.

SENATOR FARLEY: I move to reconsider the vote by which this bill passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

ACTING PRESIDENT SPANO: Senator Farley.

SENATOR FARLEY: I now offer the following amendments, and that's it.

ACTING PRESIDENT SPANO: The amendments are received.

Senator Farley.

SENATOR FARLEY: On behalf of Senator Stafford, I wish to call up his bill, Print Number 6590, recalled from the Assembly which is now at the desk.

THE SECRETARY: By Senator Stafford, Print Number 6590, an act to amend the Tax Law.

SENATOR FARLEY: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT SPANO: The amendments are received.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Johnson, I wish to call up his bill, Print Number 6304-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Johnson, Senate Print 6304-A, an act to amend the Public Health Law.

SENATOR LIBOUS: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 41.

SENATOR LIBOUS: Mr. President, I

offer up the following amendments.

ACTING PRESIDENT SPANO: Amendments are received.

Senator Skelos.

SENATOR SKELOS: Is there any other housekeeping at the desk?

ACTING PRESIDENT SPANO: Yes, there is, Senator Skelos. We're trying to track it down.

Senator Marcellino.

SENATOR MARCELLINO: Having just tracked it down, Mr. President, I wish to call up Senator Larkin's bill, Print Number 7503, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Larkin, Senate Print Number 7503, an act to amend the Highway Law.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

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

ACTING PRESIDENT SPANO: Amendments are received.

SENATOR MARCELLINO: Mr. President, this bill will be recommitted to Third Reading Calendar.

ACTING PRESIDENT SPANO: Bill will be recommitted to the calendar.

Senator Marcellino.

SENATOR MARCELLINO: I wish to call up my bill, Print Number 3642, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Marcellino, Senate Print 3642, an act to amend

the Environmental Conservation Law.

SENATOR MARCELLINO: Mr. President, I now wish to reconsider the vote by which this bill, worthy though it is, has passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT SPANO: Bill is before the house.

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

ACTING PRESIDENT SPANO: Amendments are received and adopted.

SENATOR MARCELLINO: And with the wish that the bill will be put on the Third Reading Calendar.

ACTING PRESIDENT SPANO: So moved.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there any other housekeeping at the desk?

ACTING PRESIDENT SPANO: Senator Skelos, there's no more housekeeping apparently.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room and if we could return to reports of standing commit tees, I believe there's a report of the Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT SPANO: Immediate meeting of the Rules Committee in the Majority Conference Room.

Secretary will read the copy of the report of the Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers up directly for third reading, from the Committee on Rules, Senate Print 7902, an act making appropriation for the support of government.

ACTING PRESIDENT SPANO: Without objection, bill is reported directly to third

reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there a -- may we please take up Calendar Number 1681, Senate 7902, which was just reported.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: Calendar Number 1681, by the Committee on Rules, Senate Print Number 7902, an act making appropriation for the support of government.

SENATOR SKELOS: Mr. President, are there messages of appropriation and necessity at the desk?

ACTING PRESIDENT SPANO: Yes, there are, Senator Skelos.

ACTING PRESIDENT SPANO: All in favor of accepting the message of necessity and appropriation signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The messages are accepted. Read the last section.

THE SECRETARY: Section 34. This act shall take effect immediately.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR SKELOS: Stand at ease for a moment.

ACTING PRESIDENT SPANO: The Senate will stand at ease.

(The Senate stood at ease briefly at 7:14 p.m.)

ACTING PRESIDENT SPANO: Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT SPANO:

Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bill directly for third reading:

7817, by the Committee on Rules, an act to amend the Administrative Code of the city of New York.

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

ACTING PRESIDENT SPANO: All in favor of accepting the Rules Committee report, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

It's accepted.

Senator Skelos.

SENATOR SKELOS: If we could take the bill up at this time, Mr. President.

ACTING PRESIDENT SPANO: Read the last section. I'm sorry. Secretary will read.

THE SECRETARY: Calendar Number 1682, by the Committee on Rules, Senate Print

7817, an act to amend the Administrative Code of the city of New York.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

THE SECRETARY: This act shall take effect immediately.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR SKELOS: Mr. President, is there any other housekeeping at the desk?

ACTING PRESIDENT SPANO: Yes. Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Maziarz, I wish to call up his bill, Senate Print 7277-A, which was recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Maziarz, Senate Print 7277-A, an act to amend the State Administrative Procedure Act.

SENATOR FARLEY: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 52.

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT SPANO: Amendments are received and adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, within a couple of minutes, the Senate will stand at ease, and what is suggested by the leader is that the members could call the operator, which is 455-2800 at 9:00 p.m., to

find out whether there will be any other business taken up by the Senate at that time. So if the members would call the switchboard operator at 9:00 p.m., 455-2800, we'll know whether there will be additional business taken up this evening.

The Senate is going to stand at ease. If there is no business taken up this evening, there will be a Majority Conference at 4:30 tomorrow and session will be at 5:00 p.m.

The Senate will stand at ease.

ACTING PRESIDENT SPANO: Senate will stand at ease.

(The Senate stood at ease from 7:30 p.m. until 11:50 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room and the Senate will stand at ease.

ACTING PRESIDENT KUHL: Immediate

meeting of the Rules Committee in the Majority Conference Room. Immediate meeting of the Rules Committee in the Majority Conference Room, Room 332, and the Senate stands at ease.

(The Senate stood at ease from 11:51 p.m. until 11:56 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order.

The Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, if we can return to reports of standing committees. I believe there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT KUHL: There is a report of the Rules Committee at the desk. We'll return to the order of reports of standing committees. I'll ask the Secretary to read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bill directly for third reading:

Senate print 7905, from the

Committee on Rules, an act to amend Chapter 905 of the Laws of 1986, amending the General Municipal Law.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the report of the Rules Committee. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report is accepted.

For the benefit of the members, the bills are being handed out on your desks as we speak.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Senate 7905.

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

THE SECRETARY: Calendar Number 1683, Senate Print 7905, by the Committee on

Rules, an act to amend Chapter 905 of the Laws of 1986.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: There is a message of necessity at the desk, Senator Skelos.

SENATOR SKELOS: Move to accept.

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.)

The message is accepted.

Secretary will read the last section.

THE SECRETARY: Section 1. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Padavan.

SENATOR PADAVAN: Mr. President, I'd like to explain my vote.

ACTING PRESIDENT KUHL: Excuse me, Senator Padavan. Read the last section.

SENATOR PADAVAN: I thought you had.

THE SECRETARY: This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Padavan, to explain his vote.

SENATOR PADAVAN: Mr. President, obviously we must adopt this measure tonight. There are too many critical things involved in it. However, I do feel obliged to point out one area of the bill with which I disagree and that is the portion of the bill that relates to simulcasting, particularly the simulcasting of

racing into people's homes and allowing of wagering from their homes. I think it's a mistake. It's poor policy for the state to be involved to that extent in this form of gambling in a law.

I'll be voting for the bill. I wish the record to clearly indicate my opposition to that portion of it.

I vote aye.

ACTING PRESIDENT KUHL: Secretary will announce the results.

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT KUHL: Senator Goodman to explain his vote.

SENATOR GOODMAN: Mr. President, I'd like to point out that within this bill there is an extremely important renewal of the loft law which, as you know, has been a matter of considerable concern to me and others in this house.

I'd like to remind the house that loft tenants are, by and large, members of the artistic community in New York City, which the

Port Authority has authoritatively indicated is a more than $9 billion economic stimulus to the greater New York area, and I'd also like to point out, Mr. President, that with respect to lofts, it may not be generally understood but loft owners moved into an area of New York City, generally the downtown area known as Soho and its environs, in which we have had a situation where manufacturing concerns have moved out of the City and artists have come in, have taken over spaces, have with the sweat of their brows done great things in the restoration of buildings that were otherwise on the verge of abandonment and, as a result of this, they have given great contributions to the City and its ambience.

Mr. President, it is exceedingly urgent that we maintain this loft law in effect for the protection of these good people and the fact that we've extended it and breathed new life into it is highly significant. I'd like to remind the house that should this law expire, it would create a chaotic situation for some 10,000

tenants who live in loft buildings around the southern part of Manhattan and other related areas and, therefore, it's needless to say a very salutary development that we have shown the concern for this and have extended it for four days during which I trust we'll arrange for a permanent and lasting extension of this law.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

(Applause from the gallery.)

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: Nothing, Senator Skelos.

Senator Skelos.

SENATOR SKELOS: Mr. President, just again a reminder, there will be a Majority

Conference at 4:30 in the Majority Conference Room, and there being no further business I move we adjourn until July 1st, 1996 at 5:00 p.m., sharp.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, the Senate stands adjourned until tomorrow, July 1st, 1996 at 5:00 p.m.

(Whereupon, at 12:03 a.m., July 1st, 1996 the Senate adjourned.)