ALBANY, NEW YORK

February 5, 1997

11:02 a.m.

REGULAR SESSION

SENATOR THOMAS W. LIBOUS, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LIBOUS: The Senate will come to order. Members please find their seats. Would you all please rise and join me in the national -- in the Pledge of Allegiance.

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

In the absence of clergy, we'll all bow our heads and have a moment of silence, please.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 4. The Senate met pursuant to adjournment. The Journal of Monday, February 3rd, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT LIBOUS: Hearing no objections, 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.

Communication and reports from state officers.

Motions and resolutions.

Senator Connor, do you have a motion?

SENATOR CONNOR: Yes, thank you, Mr. President.

I move that -- on behalf of Senator Stavisky, I move that the following bill be discharged from its committee and be recommitted with instructions to strike the enacting clause: Senate Bill Number 805.

ACTING PRESIDENT LIBOUS: The bill is recommitted and the enacting clause is stricken, without objection.

Senator Bruno.

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

ACTING PRESIDENT LIBOUS: We will take up the non-controversial calendar. Secretary will read.

THE SECRETARY: Calendar Number

43, by Senator Goodman, Senate Print Number 424, an act to amend the Penal Law, in relation to consecutive terms of imprisonment.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 55, by Senator Goodman, Senate Print Number 638, an act to amend the Vehicle and Traffic Law, in relation to allowing parking violation bureaus to increase the fine for illegal parking.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT LIBOUS: Call the roll.

Lay the bill aside.

THE SECRETARY: Calendar Number 57, by Senator Seward, Senate Print 293, an act to amend the Real Property Tax Law, in relation to business investment exemptions.

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT LIBOUS: Lay it aside.

THE SECRETARY: Calendar Number 61, by Senator DeFrancisco, Senate Print Number 477, an act to amend the Tax Law, in relation to authorizing an infrastructure exemption.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 72, by Senator Seward, Senate Print Number 375, an act to amend the Public Service Law, in

relation to removal of telephonic blocks.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 75, by Senator Skelos, Senate Print Number 179, an act to authorize the payment of transporta tion aid to the Baldwin Union Free School District.

ACTING PRESIDENT LIBOUS: Read the last section. There's a local fiscal note at the desk. Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 78, by Senator Wright, Senate Print Number 731, an act to legalize, ratify and confirm the acts and proceedings of the board of education of the Mexico Central School District.

ACTING PRESIDENT LIBOUS: There's a local fiscal impact note at the desk. Call the roll.

Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 81, by Senator LaValle, Senate Print Number 734, an act to amend the Vehicle and Traffic Law, in relation to traffic control indicators.

ACTING PRESIDENT LIBOUS: Read

the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 83, by Senator Levy, Senate Print Number 925, an act to amend the Transportation Law, in relation to establishing a demonstration program.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 30 days.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number

111, by Senator Goodman, Senate Print Number 1664, an act to amend Chapter 12 of the Laws of 1920, relating to allowing and regulating boxing, sparring and wrestling matches.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as such chapter.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT LIBOUS: The bill is passed.

Senator Bruno, that completes the non-controversial calendar.

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

ACTING PRESIDENT LIBOUS: Controversial calendar. Secretary will read.

THE SECRETARY: Calendar Number 55, by Senator Goodman, Senate Print Number 638, an act to amend the Vehicle and Traffic Law, in

relation to allowing parking violation bureaus to increase the fine for illegal parking.

ACTING PRESIDENT LIBOUS: Read the last section. That bill is laid aside.

THE SECRETARY: Calendar Number 57, by Senator Seward, Senate Print Number 293, an act to amend the Real Property Tax Law, in relation to business investment exemptions.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT LIBOUS: An explanation -- Senator Sampson, you require an explanation?

SENATOR SAMPSON: Yes. I'd like a question or two of Senator Seward, if possible.

ACTING PRESIDENT LIBOUS: Senator Seward? Senator Seward. Senator Sampson, can we just lay that aside temporarily?

SENATOR SAMPSON: O.K.

ACTING PRESIDENT LIBOUS: Senator Paterson, why do you rise, sir?

SENATOR PATERSON: Mr. President, yesterday in the chamber we passed Calendar Number 31, which related to the provision that would require the Pledge of Allegiance and the

National Anthem to be conducted at State University graduations, and Senator Lachman and I voted against the legislation and voiced a few concerns.

Senator Johnson, after session, was able to explain to the satisfaction of Senator Lachman and myself how the legislation would act and that it would not limit anyone who, for religious reasons or any others, did not want to participate in stating the Pledge of Allegiance.

Therefore, hoping that I speak for Senator Lachman and myself, had we been able to discuss that earlier, we would have voted affirmatively on that bill with the understanding that what makes our country as great as it is is that we do even allow those who don't even see the value in our country or for religious reasons that they do not want to participate, that we still welcome them as citizens.

Thank you.

ACTING PRESIDENT LIBOUS: Senator Paterson, the record will note that.

SENATOR LACHMAN: For both of

us.

ACTING PRESIDENT LIBOUS: Both Senator Lachman and Senator Paterson. Correct.

SENATOR LACHMAN: Thank you.

ACTING PRESIDENT LIBOUS: Secretary will read Calendar Number 57.

THE SECRETARY: Calendar Number 57, by Senator Seward, Senate Print Number 293, an act to amend the Real Property Tax Law, in relation to business investment exemptions.

ACTING PRESIDENT LIBOUS: Senator Sampson.

SENATOR SAMPSON: Yes, I'd like to have Senator Seward yield to a question.

ACTING PRESIDENT LIBOUS: Senator Seward, will you yield to Senator Sampson?

SENATOR SEWARD: Certainly, Mr. President.

SENATOR SAMPSON: My question is, Senator Seward, why aren't we removing fire districts from this bill?

SENATOR SEWARD: Why?

SENATOR SAMPSON: Yes.

SENATOR SEWARD: Well, Mr. President, the logic here is, while we are all

collectively very interested in economic devel opment and as part of our economic development efforts in the state, very often new business ventures are granted business investment exemptions in terms of local tax, and that's very very appropriate.

What this bill seeks to do is to uncouple the fire district taxes from that process with the idea behind it that the new business venture that's in town obviously needs to have fire service and that it seems appropriate that the business venture in the community should contribute toward the expenses of providing that fire service in the community through the fire district taxes.

It's -- these are generally very small amounts. I do not believe that in any way that it would alter the decision of a business coming into the community or not, but what we seek to do here is to have that new business venture contribute to the expenses of the local fire service, and I think that's very appropriate, and I think that helps the community to be even more open to new business, the fact that we have a good strong effective

fire service in place.

ACTING PRESIDENT LIBOUS: Senator Sampson.

SENATOR SAMPSON: So it's your position that it wouldn't stifle business investment?

SENATOR SEWARD: That's correct, Mr. President. We're talking about, in compari son to the regular property taxes, these are - obviously vary from community to community, but these -- we're talking about such small amounts here that, if I felt for one moment that it would alter a business decision, that it would slow down business development in this state, I would not be sponsoring this bill.

ACTING PRESIDENT LIBOUS: Senator Sampson.

SENATOR SAMPSON: Thank you.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT LIBOUS: The bill is passed.

Secretary will read Calendar Number 55.

THE SECRETARY: Calendar Number 55, by Senator Goodman, Senate Print Number 638, an act to amend the Vehicle and Traffic Law, in relation to allowing parking violations bureaus to increase the fine for illegal parking.

ACTING PRESIDENT LIBOUS: Read the last section.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT LIBOUS: Senator Goodman, an explanation has been asked on Calendar Number 55.

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Goodman.

SENATOR GOODMAN: This bill seeks to amend the Vehicle and Traffic Law in relation to allowing parking violations bureaus to increase the fine for illegal parking in spaces designated for use by the handicapped. The bill increases the maximum fine for parking in a

handicapped parking zone from 150 to $250.

The purpose of the bill is obviously to discourage people from using handicapped parking spaces which are clearly reserved for the intended use of those who have difficulty going from a space to a store and there, unfortunately, are a number of thought less people and selfish people who decide to preempt to themselves the parking spaces designated for the handicapped even though they're not handicapped, so I think this bill seeks to add a deterrent to make certain that the handicapped spaces are indeed available for uses intended.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 55 are Senators Maltese, Onorato, Padavan, Rosado, Sampson, Skelos and Velella. Ayes 42 -- also Senator

Kruger. Ayes 41, nays 8.

ACTING PRESIDENT LIBOUS: The bill is passed.

Could we go back to reports of standing committees, please. Secretary will read.

THE SECRETARY: Senator Marchi, from the Committee on Corporations, Authorities and Commissions, reports the following bills:

Senate Print 117, by Senator Nozzolio, an act to amend the Cooperative Corporations Law;

Senate Print 153, by Senator Tully, an act to amend the Public Authorities Law, in relation to the use of video conferencing equipment.

Senator LaValle, from the Committee on Higher Education, reports the following bills:

Senate Print 559, by Senator LaValle, an act to amend the Education Law, in relation to community service opportunities;

738, by Senator Johnson, an act to amend the Education Law, in relation to prohibiting particular political organizations;

and

931, by Senator Maziarz, an act to amend the Education Law, in relation to prohibiting the merchandising of credit cards.

All bills ordered directly for third reading.

ACTING PRESIDENT LIBOUS: Without objection, bills reported.

Senator Bruno, that concludes the calendar.

SENATOR BRUNO: Mr. President, do you have any other things that have to be done, save by way of keeping order in this chamber?

ACTING PRESIDENT LIBOUS: I believe there is no housekeeping at this time.

SENATOR BRUNO: Then, Mr. President, there being no further business to come before the Senate, I move that we stand adjourned until Monday, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT LIBOUS: The Senate stands adjourned until Monday at 3:00 p.m.

(Whereupon at 11:27 a.m., the Senate adjourned.)