ALBANY, NEW YORK

May 6, 1998

11:12 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, 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 find their places, the guests to find their places. I'd ask everybody in the chamber to rise and join me in saying the Pledge of Allegiance to the Flag and please remain standing for the invocation immediately thereafter.

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

We're very, very pleased to have Father Edson Wood, who is the West Point chaplain at West Point, New York with us to deliver the invocation.

Father Wood.

FATHER EDSON WOOD: Will you join me now as we enter into the silence of our hearts. Let us pray.

Almighty God, we pray You guide this great state and those who lead it. Give Your spirit of wisdom to all whom we entrust with authority over us. In the time of our prosperity, temper our self-confidence with thankfulness and in the day of trouble, let our trust in You never fail.

Look too with Your generous bounty on West Point, which is to be honored here today. Let her remember that her mission of duty, honor, country is not a way of looking only at certain things, it is a certain way of looking at everything. We pray You to make all who are associated with her into men and women for whom duty, honor, country becomes and remains a way of life.

Let this West Point Day be for all of us a happy reminder and a serious challenge, a reminder of past glory and a challenge to keep our motives pure, our goals high and our vision clear.

Our prayer this day comes from hearts that are open to You, eternal God, and we ask these things in Your name which is mighty. May we all say Amen.

ACTING PRESIDENT KUHL: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 5th. The Senate met pursuant to adjournment, Senator Marcellino in the Chair upon designation of the Temporary President. The Journal of Monday, May 6th, 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.

The Chair recognizes Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, on page 45, I offer the following amendments to Calendar 691, Senate Print 4695-A, and I ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 691 are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, I wish to call up Senator Saland's

bill, Print Number 1143, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 18, by Senator Saland, Senate Print 1143, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

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

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which the bill passed the house.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT KUHL: The

amendments are received and adopted.

The Secretary will read the substitutions.

THE SECRETARY: On page 8, Senator LaValle moves to discharge from the Committee on Local Government Assembly Bill Number 9686 and substitute it for the identical First Report Calendar 765.

On page 10, Senator Spano moves to discharge from the Committee on Labor Assembly Bill Number 2666 and substitute it for the identical First Report Calendar 786.

On page 10, Senator Spano moves to discharge from the Committee on Labor Assembly Bill Number 3800 and substitute it for the identical First Report Calendar 787.

On page 13, Senator Spano moves to discharge from the Committee on Transportation Assembly Bill Number 5744-B and substitute it for the identical First Report Calendar 818.

On page 17, Senator Marchi moves to discharge from the Committee on Environmental Conservation Assembly Bill Number 2633 and substitute it for the identical First Report Calendar 854.

On page 18, Senator Farley moves to discharge from the Committee on Civil Service and Pensions Assembly Bill Number 4215-A and substitute it for the identical Second Report Calendar 714.

And on page 24, Senator LaValle moves to discharge from the Committee on Higher Education Assembly Bill Number 3599-A and substitute for the identical Third Reading Calendar 247.

ACTING PRESIDENT KUHL: The substitutions are ordered.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a privileged resolution at the desk. I would ask -- by Senator Larkin. I would ask that we take it up at this time, have it read in its entirety and move for its immediate passage.

ACTING PRESIDENT KUHL: There is a privileged resolution by Senator Larkin at the desk.

I'll ask the Secretary to read it in its entirety.

THE SECRETARY: By Senator Larkin, Legislative Resolution 3292, memorializing Governor George E. Pataki to proclaim May 6, 1998 as "West Point Day" in New York State;

WHEREAS, this legislative body is justly proud to celebrate the establishment of the United States Military Academy at West Point and to call upon Governor George E. Pataki to proclaim May 6, 1998 as "West Point Day" in New York State; and

WHEREAS, by an act of Congress on March 16, 1802, the United States Military Academy was established within the borders of New York State on the banks of the Hudson River; and;

WHEREAS, the Academy and its graduates are an integral part of the proud history of this state and nation.

The leadership and sacrifices of the members of the Long Grey Line have helped this country withstand countless threats to our cherished democratic way of life.

The alumni have excelled not only on the battlefield but in many fields of endeavor.

The Academy continues to provide

our country with able and dedicated future leaders. Its scenic campus is a mecca each year for thousands of visitors from across our state, continent and other countries; and

WHEREAS, the United States Military Academy is in the forefront of our state's outstanding institutions of higher learning.

46 years ago the late James T. McNamara, then a member of the New York State Assembly and a member of the Academy's Class of 1939, was the author of the state Legislature's first "West Point Day" Resolution.

For decades our nation has enjoyed the legacy of freedom and the United States Military Academy at West Point has played a vitally significant role in the maintenance of peace and freedom; and

WHEREAS, the members of this legislative body are equally proud to commemorate this event, marking May 6, 1998 as "West Point Day" in New York State; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to celebrate the establishment of the United States Military

Academy at West Point and to memorialize Governor George E. Pataki to proclaim May 6, 1998 as "West Point Day" in New York State; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Governor George E. Pataki.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Bruno on the resolution.

SENATOR BRUNO: Thank you, Mr. President, my colleagues.

General Christman, General Hasbrouck, very lovely wife Clare, General Traub, cadets and all of the others that have joined us here for what is for us an annual great occasion, I want to be the first to offer our official welcome to you and tell you how pleased we are that you are here and General Christman truly exemplifies what leadership is all about, not only having distinguished himself in his present position but also has a Master's degree in civil engineering and a law degree from George Washington University.

Now, that is what I call accomplishing enough for a lifetime, but he still continues to lead and serve on a daily basis in a

very outstanding and distinguished way and he follows in the tradition of some of the greatest generals that we have had here in the United States: General Pershing, Patton, MacArthur, Eisenhower, Schwarzkopf and Christman.

So welcome, and it's a special honor to have with us two other generals, one from the Class of 1928, Senator Larkin's year of birth -- he doesn't mind -- and that's General Traub, and we are very, very pleased to have you here with us in recognition of all the great things that you have done in your career; and General Hasbrouck, Class of 1920 out of West Point, with his wife Clare sitting here with us, and General Hasbrouck has served literally throughout the world. From the Philippines to Czechoslovakia, Japan, Germany, he has been there. This year General Hasbrouck -- and you don't mind -- will be 100 years old. (Applause)

I can only say to you on behalf of my colleagues that we are really proud, proud that you are here with us, proud of you and the cadets that are here who are representative of cadets throughout the United States and throughout New York State and we can only say to

you that you have role models sitting here in the chamber and you have role models in the history of the United States, but we look to you as the brightest and the best for our future here in this state and in this country and throughout the world.

So thank you for your commitment, for your dedication, for how you handle yourselves physically, mentally, emotionally, and all the good things you do to improve the quality of life for all people throughout the world. You truly represent the very best here in this chamber today of the past, of the present and certainly of the future.

And now, Mr. President, it's my special pleasure to introduce the very accomplished and distinguished Senator, Colonel Bill Larkin. (Applause)

SENATOR LARKIN: Thank you very much, Senator Bruno.

Mr. President, it is my honor and privilege to offer to this house our resolution in honor of the United States Military Academy at West Point.

I am proud to see this tradition

that was started in 1939 by a former classmate of the United States Military Academy, and I want to pay special tribute as our Majority Leader has to General Dan Christman. I have had the pleasure of knowing General Christman from his early years as a young second lieutenant in 1965 when I had the honor of being a colonel.

As Senator Bruno has said, we're really honored here with some special guests, General Hasbrouck, who is a constituent of our dear colleague Senator Cook and his lovely wife Clare. Some of you should know that General Hasbrouck was the chief of staff of the Manhattan Project during the '40s. That was the A-bomb and it did a good job, General, and we thank you, and General Traub, class of 1928. I'll never forget you. His late brother was a doctor, lived in my district and General Traub was the comptroller of the Army during my younger days in the military and we also have some other special guests standing in the back, General Fenimore, the adjutant general of the state of New York and his right hand, General Martin, and a special friend of mine, the Class of 1958, General Bob Pointer and our county executive from Albany County, Mike

Breslin.

You know, but most important, Mr. President, I would like to welcome the sons and daughters of New York State who have their future ahead of them in the United States Army.

The Long Gray Line began in Orange County 196 years ago. Since then New York State has been called the home of many of our distinguished leaders that have been mentioned before.

These leaders share in the knowledge that the strength of the United States military must rest on a solid foundation composed of individual honor and integrity. The lesson was first taught at West Point 180 years ago when General Colonel Sylvanus Thayer became the first superintendent of the United States Military Academy. As an Army colonel, Thayer knew about building foundations both from a military point of view and from the nation. His vision was a class of highly educated, highly trained engineers who could support the rapid westward movement and expansion of the United States.

It is appropriate, therefore, that this house gives special recognition today to

another distinguished engineer, General Daniel Christman, Class of 1955, who was first captain in his class. Upon graduation, General Christman didn't let that idea of engineering go away. His assignments in combat units were in some of the most famous units that we've had, the Second Infantry Division in Korea and the 101st Airborne Division (Airmobile) in Vietnam.

After leading troops -- excuse me. Thank you, sir -- in Korea and Vietnam and in West Germany, General Christman served his country in the upper echelons of military command in our nation's Capitol.

At this time I would like to ask General Christman to stand and be recognized by my colleagues.

General Christman.

(Applause)

We also give special recognition today to the cadets who joined us, the future leaders of the United States Army and the future leaders of our nation.

I have the privilege now, Mr. President, of introducing this contingent led by General Christman and our cadet First Captain Pat

Connelly from the great state of Texas. I would ask that each cadet, when we announce your name, if you would do me the courtesy of please standing so that you can be recognized.

Cadet First Captain Pat Conway.

(Applause)

Cadet David Allen Amamoo from Kingston.

(Applause)

Cadet David Chen from New York City.

(Applause)

Cadet Michael Crowell from Auburn.

(Applause)

Cadet Joseph DeMike from Orchard Park.

(Applause)

Cadet Ludwig Diaz from Woodside.

(Applause)

And from the great 39th Senatorial District, Cadet Michael Fuchs from the town of Monroe.

(Applause)

Cadet Peter Glantzis from Roscoe.

(Applause)

Cadet Jennifer Hafey from Staten Island.

(Applause)

Cadet Benjamin Hung from Wappingers Falls.

(Applause)

Cadet Jennifer Toby-Johnson from Syracuse.

(Applause)

Cadet Sara Kierpiec from Fultonville.

(Applause)

Cadet Nathaniel Kutsko from Old Forge.

(Applause)

And Cadet Elizabeth Lawney from Latham.

(Applause)

Today's Army leaders must know how to move equipment and troops to the far reaches of this planet in a matter of hours, not months. Many of the cadets here seated in this chamber will be asked to serve their nation in Bosnia, the Congo, Eastern Europe or the Far East.

However, today's Army serves not only abroad but here at home. I must report, Mr. President, that I am especially fortunate to represent a region that bears witness every day to another cornerstone of the Army tradition taught at West Point. That cornerstone is concern for others and the communities in which the corps of cadets share.

West Point is not an island within New York State. The Long Gray Line is an active participant not only in our economy but in the hearts and souls of our communities.

The corps of cadets of the United States Military Academy incorporate this training in their daily lives. They are regular participants in community efforts to educate our children, care for our ill and attend to our elderly. Duty, honor and country and a concern for others. These values are the values of leadership, Mr. President. It is upon the bedrock of values that each cadet will build his or her career. It is an unchanging standard that we in New York must strive to embody.

It is upon this bedrock that future leaders of United States Army will lead

soldiers into harm's way when it is necessary and to preserve the freedom on which our nation is founded.

Mr. President, we owe a debt of gratitude to the United States Military Academy for bestowing upon the state of New York all that is good in our nation.

We thank General Christman, his faculty and staff and the corps of cadets for continuing to build on the bedrock that started on the shores of the Hudson almost 200 century - two centuries ago and we have a special message for Senator Leibell. Cadets. Beat Navy!

(Applause)

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the resolution?

(There was no response.)

Hearing none, the question is on -- excuse me. Senator DeFrancisco.

SENATOR DeFRANCISCO: You know, I would just like to speak on behalf of the cadets in general and one of the cadets here from my district.

You know, we hear so many negative

things today about the youth of our community. If any of you have just talked with any of these cadets for five minutes, you know that our future is strong and secure.

Toby-Johnson is from my district but it could be said for everyone of the cadets here today. They're leaders in their community. Their families are outstanding families in their community and they're carrying that tradition on by becoming wonderful cadets and future officers in the United States Army.

As a veteran, I'm pleased to add my commendation to all the young people today that are cadets and wish them the best in the future.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the resolution?

Senator Larkin.

SENATOR LARKIN: Move the resolution.

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 unanimously adopted.

General Christman, cadets, other generals, guests, on behalf of Senator Bruno, Senator Larkin and all of the members, we appreciate everything you do day in and day out. If it wasn't for your contribution in the past, your contribution to be in the future, the members of this body would not be able to serve in the capacity that they serve. You protect our freedoms, our constitutional rights. You allow us to represent the people and make decisions which we think are in their best interests.

For all of that and so much more that we could go on and on and on about, we're forever thankful and indebted to you for what you do and thank you for coming and spending just a few moments of your life with us.

Thank you for being here.

(Applause)

Senator Bruno, the Secretary has asked whether or not you would like the direction to be given to him to put all of the members as co-sponsors on that resolution.

SENATOR BRUNO: Please do, Mr. President, on behalf of our colleagues.

ACTING PRESIDENT KUHL: The Chair would direct all the members to be included as co-sponsors of the resolution unless there's anybody who wishes not to be.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there is a privileged resolution at the desk by Senator Dollinger. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: There is a privileged resolution by Senator Dollinger.

The Secretary will read the title to the resolution.

THE SECRETARY: By Senator Dollinger, Legislative Resolution 3374, commemorating the week of May 6 through May 12, 1998 as Nurses' Week in the state of New York.

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 Bruno, there are two additional substitutions at the desk we'd like to read at this time if that's permissible.

SENATOR BRUNO: Substitutions.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 22, Senator Spano moves to discharge from the Committee on Labor Assembly Bill Number 4435-A and substitute it for the identical Third Reading Calendar 158.

And on page 10, Senator Spano moves to discharge from the Committee on Labor Assembly Bill Number 4798 and substitute it for the identical First Report Calendar 784.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Bruno, that brings us to the calendar.

SENATOR BRUNO: Mr. President, can we at this time call for an immediate meeting of the Finance Committee in Room 123.

ACTING PRESIDENT KUHL: There will

be an immediate meeting of the Senate Finance Committee, an immediate meeting of the Senate Finance Committee in Room 123. Note the change. Room 123, immediate meeting of the Senate Finance Committee.

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: Calendar Number 5, by Senator Libous, Senate Print 5053-A, an act to amend the Mental Hygiene Law, in relation to disqualification.

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

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 65, by Senator LaValle, Senate Print 3201, an act to amend the Education Law, in relation to proceedings.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 189, by Senator Padavan, Senate Print 1854, an act to amend the Public Authorities Law, in relation to the composition of the committee.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

216, by Senator Cook, Senate Print 616-A, an act to amend the County Law, in relation to review and approval.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 346, by Senator Alesi, Senate Print 4912-A, an act to amend the General Business Law, in relation to criminal and monetary sanctions.

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

THE SECRETARY: Section 2. 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 572, by Senator DeFrancisco, Senate Print 6534, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to the penalty.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 587, by Senator Kuhl, Senate Print 6283, an act to amend the Public Officers Law, in relation to authorizing the assistant public defender.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 590, by Senator Goodman, Senate Print 6577, an act to amend the Public Lands Law, in relation to authorizing the Commissioner of General Services.

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 -

SENATOR PATERSON: Lay it aside, Mr. President.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR PATERSON: I'm sorry, Mr.

President. I'm sorry.

THE SECRETARY: Calendar Number 608, by Senator Larkin, Senate Print 6373-B, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to membership in the National Thoroughbred Racing Association.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 648, by Senator Volker, Senate Print 3614, an act to amend the Civil Practice Law and Rules, in relation to unsworn affirmation.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 656, by Senator Present, Senate Print 3295-A, an act to amend the Real Property Tax Law, in relation to eligibility for real property tax exemption.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 664, by Senator Holland, Senate Print 5989-A, an act to amend the Social Services Law, in relation to permitting.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 665, by Senator Present, Senate Print 6143, an act to enact the Private Activity Bond Act of 1980 -- 1998.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

674, by Senator Marchi, Senate Print 6844, an act to amend Chapter 759 of the Laws of 1973.

ACTING PRESIDENT KUHL: The bill -- 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 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 742, by Senator Breslin, Senate Print 6059-C -

SENATOR SPANO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Bruno, that completes the reading of the non-controversial calendar.

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

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar, beginning with Calendar Number 5, by Senator

Libous, Senate 5053-A.

THE SECRETARY: Calendar Number 5, by Senator Libous, Senate Print 5053-A, an act to amend the Mental Hygiene Law, in relation to disqualification.

SENATOR PATERSON: Explanation.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Libous.

SENATOR LIBOUS: This bill passed the Senate on -- in February and we're actually amending the bill at the request of the Assembly because they would like a sunset provision, and I believe, Mr. President, Senator Paterson, I answered a number of questions for him back in February when the bill came up and that the bill itself, Mr. President, has not changed except that we are adding at the request of the Assembly that a report by OMH is required within two years and that there would be a three-year sunset for the bill.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President,

I want to thank Senator Libous for the explanation.

We understand that the Mental Health Association still has some problems with the legislation and we appreciate that Senator Libous did try to make an adjustment that would suit their concerns.

Just briefly, the concern is that under Section 9.05 (a) Subdivision (3) of the Mental Health Law that the two physicians certificate which would be required for detention of a civil patient, that one of -- in a private facility, if one of the doctors is a member of the hospital staff, that there is an implied conflict of interest there.

We understand that in many situations it is difficult to find the two physicians to fill out the certificate and there's great need for 15 days or eventually 60 days of civil commitment.

However, we agree with the Mental Health Association that we have to find a better way other than the situation where it could certainly be construed even if it isn't true that the physician signing the certificate is somehow

tainted by the fact that it is a private facility of which the physician is staffed at that facility and that inherent conflict causes us to suggest that we still can't support the bill, in spite of the fact that we do understand the need to have physicians available to sign these certificates.

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 -

ACTING PRESIDENT KUHL: Record the negatives. Announce the results.

THE SECRETARY: -- 53, nays 1, Senator Paterson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 590, by Senator Goodman, Senate Print 6577, an

act to amend the Public Lands Law, in relation to authorizing.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Goodman, an explanation has been requested of Calendar Number 590, Senate 6577, by Senator Paterson, the Acting Minority Leader.

SENATOR GOODMAN: Mr. President, the purpose of this bill is to grant the Commissioner of General Services the authority to convey small parcels of state land which are not otherwise marketable to owners of contiguous land by private sale at the appraised value rather than by public auction or sealed bid.

This bill amends Subdivision (2) of Section 33 of the Public Lands Law by adding a paragraph which grants the Commissioner of General Services the authority to convey parcels of state land which would not be approvable building lots which have a value of less than $10,000 to owners of contiguous parcels of land upon a finding by the commissioner that such a sale and method of conveyance is in the state's best interests.

The bill will extend to the

Commissioner of General Services the necessary authority to more practically and efficiently dispose of small parcels that are not marketable and have very limited value.

This is an OGS program bill and which OGS does receive occasional requests from the public to purchase small pieces of property to settle boundary disputes or to clear title to land currently occupied by an owner of property adjacent to state lands and many of these requests involve property worth only hundreds for a few thousand dollars.

To meet the requests, the OGS must offer such property useful to only one individual for public sale by auction or sealed bid or alternatively the applicant must seek a special bill in the Legislature.

Any of these methods of sale are administratively expensive. Often the costs of conducting a sale can be far more than the value of the property sold.

The bill will provide a practical method to sell small parcels by private sale by forgoing the expense of an auction or sealed bid.

The bill protects the state's interest by limiting this authority to only parcels which by themselves would not constitute a legal building lot which have a value less than the threshold for review by the comptroller pursuant to the State Finance Law currently $10,000.

The bill will provide small savings to the administration of the state's real property interests.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

We would just like to be assured that the authority granted to the Office of General Services in this specific situation, though it be discretionary, is limited and that it does not depart from the overall policy of the Office of General Services.

If Senator Goodman would yield for a thought on that.

ACTING PRESIDENT KUHL: Senator Goodman.

SENATOR GOODMAN: Yes.

ACTING PRESIDENT KUHL: Did you care to respond?

SENATOR GOODMAN: Would you like a response to your query?

SENATOR PATERSON: Please.

SENATOR GOODMAN: As I've indicated, this is a very limited granting of authority in highly specialized cases in which the cost of an auction might actually exceed the cost of the land and as you can see, therefore, it represents a common-sense approach to solving a disposition problem which OGS wishes to do.

SENATOR PATERSON: Excellent, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Explanation more than satisfactory.

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 54.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 742, by Senator Breslin, Senate Print 6059-C, an act authorizing the city of Albany to appoint additional members.

SENATOR SPANO: Explanation, please.

ACTING PRESIDENT KUHL: Senator Breslin, Senator Spano has asked for an explanation of Calendar Number 742, Senate 6059-C.

SENATOR BRESLIN: Mr. President, the bill is a local bill dealing with the city of Albany which is reassessed for the first time in over 30 years. They have three full-time assessors to hear cases but there's a backlog and in order to increase the number of assessors the Common Council in Albany would have had to act by October of last year and inadvertently was not done which requires this legislation to increase the number from three to five so that complaints

can be expeditiously handled by those five people for the citizens of Albany.

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

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Velella.

SENATOR VELELLA: Mr. President, may we return to reports of standing committees. I believe we have a report from Finance.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. There is a report from the Finance Committee which has just completed its meeting at the desk.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Niagara

Frontier Transportation Authority: Henry M. Sloma, of Lewiston.

SENATOR VELELLA: Mr. President, move the nomination.

ACTING PRESIDENT KUHL: The question is on the nomination. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nomination is -- the nominee is confirmed.

Senator Velella.

SENATOR VELELLA: Mr. President, do we have any housekeeping?

ACTING PRESIDENT KUHL: The desk is clean.

Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Mr. President, I would like to have unanimous consent to be recorded in the negative on Calendar Number 5.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator

Montgomery will be recorded in the negative on Calendar Number 5.

Senator Velella.

SENATOR VELELLA: Mr. President, can we just stand at ease for a moment or two? I believe some members are trying to get in here from the Finance Committee to cast some votes that they have to cast.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Abate. Why do you rise?

SENATOR ABATE: Yes. I would like to be recorded in the negative on Calendar Number 506 -- Calendar 5.

Thank you.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Abate will be recorded in the negative on Calendar Number 5.

Senator Leichter, why do you rise?

SENATOR LEICHTER: Yes, Mr. President. May I also be recorded in the negative on Calendar Number 5.

ACTING PRESIDENT KUHL: Without objection.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Leichter will be recorded in the negative on Calendar Number 5.

Is there any other member wishing to register a vote?

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, can I have unanimous consent to be recorded in the negative on Calendar Number 590.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number 590.

Any other member wishing to register a vote?

(There was no response.)

Hearing none, the Chair recognizes Senator Velella.

SENATOR VELELLA: Mr. President, there being no further business, I move we adjourn until Monday, May 11th, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until

Monday, May 11th, 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 11:51 a.m., the Senate adjourned.)