ALBANY, NEW YORK

January 5, 1994

12:25 p.m.

REGULAR SESSION

LT. GOVERNOR STAN LUNDINE, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I'd like to ask everyone present to rise and repeat the Pledge of Allegiance with me.

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

Please be seated.

The invocation today will be given by the Right Reverend David S. Ball, Bishop of the Episcopal Diocese of Albany. Reverend Ball -- Bishop Ball.

BISHOP BALL: Thank you. Instead of saying a brief prayer for the Senate, I'm going to offer a more inclusive prayer for the common life in this country of ours.

Almighty God, You have given us this good land for our heritage. We humbly beseech You that we may always prove ourselves a people mindful of Your favor and glad to do Your will. Bless our land with honorable industry, sound learning and pure manners. Save us from

violence, discord and confusion, from pride and arrogance and from every evil way. Defend our liberties and fashion into one united people the multitudes brought here out of many places and tongues. Imbue the spirit of wisdom those to whom in Your name we entrust the authority of government, especially members of this Senate, that there may be justice and peace at home and that, through obedience to Your law, we may show forth Your praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness and in the day of trouble, suffer not our trust in You to fall or to fail. We ask these things in Your holy and life-giving name. Amen.

Thank you, Governor.

THE PRESIDENT: Thank you very much.

The Secretary will call the roll.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Bruno.

(There was no response.)

Senator Connor.

SENATOR CONNOR: Here.

THE SECRETARY: Senator Cook.

SENATOR COOK: Here.

THE SECRETARY: Senator Daly.

SENATOR DALY: Here.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Here.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Here.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: Here.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Galiber.

SENATOR GALIBER: Here.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Gonzalez.

SENATOR GONZALEZ: Here.

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: Here.

THE SECRETARY: Senator Hannon.

(There was no response.)

Senator Hoffmann.

SENATOR HOFFMANN: Here.

THE SECRETARY: Senator Holland.

(There was no response. )

Senator Johnson.

SENATOR JOHNSON: Here.

THE SECRETARY: Senator Jones.

SENATOR JONES: Here.

THE SECERETARY: Senator Kuhl.

SENATOR KUHL: Present.

THE SECRETARY: Senator Lack.

(There was no response.)

Senator Larkin.

(There was no response.)

Senator LaValle.

SENATOR LAVALLE: Here.

THE SECRETARY: Senator

Leichter.

SENATOR LEICHTER: Here.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Here.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Here.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Present.

THE SECRETARY: Senator Marino, here.

Senator Markowitz.

SENATOR MARKOWITZ: Here.

THE SECRETARY: Senator Mendez.

(There was no response.)

Senator Montgomery.

(There was no response.)

Senator Nolan.

(There was no response.)

Senator Nozzolio.

SENATOR NOZZOLIO: Present.

THE SECERETARY: Senator

Ohrenstein.

SENATOR OHRENSTEIN: Here.

THE SECRETARY: Senator Oppenheimer.

(There was no response.)

Senator Padavan.

(There was no response.)

Senator Paterson.

(There was no response.)

Senator Present. Senator Present excused.

Senator Rath.

SENATOR RATH: Here.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Here.

THE SECRETARY: Senator Santiago.

SENATOR SANTIAGO: Here.

THE SECRETARY: Senator Sears.

SENATOR SEARS: Here.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Here.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Here.

THE PRESIDENT: A quorum is present. There will be order in the chamber.

The Chair hands down a communication from the Governor. The Secretary will read.

THE SECRETARY: January 4th, 1994: Dear Mr. President: I would appreciate the privilege of appearing before your honorable bodies in joint session on Wednesday, January 5th, 1994 at 1:00 p.m., or as soon thereafter as may be convenient to deliver personally my annual message to the Legislature.

Sincerely, Mario Cuomo.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Mr. President, in this connection, we have two distinguished members from the Assembly who wish to impart their wisdom and their message to us.

THE PRESIDENT: Assemblyman Silver and Assemblyman Healy are recognized.

ASSEMBLYMAN SILVER: Assemblyman Healy and I are here to advise you that the

Assembly has organized for the 1994 session, invites you to join us in the Assembly Chamber for the governor's speech, State of the State address, and we hope to expect your presence before 1:00 o'clock to start.

THE PRESIDENT: Thank you, Assemblyman Silver.

Senator Marchi.

SENATOR MARCHI: Mr. President, I have -- hand up this following resolution, request that it be read and -

THE PRESIDENT: Secretary will read.

SENATOR MARCHI: -- acted upon.

THE PRESIDENT: Like to ask for order in the chamber.

THE SECRETARY: By Senator Marino: Resolved, if the Assembly concur, that the Senate and Assembly meet in joint session in the Assembly Chamber at 1:00 p.m. today for the purpose of receiving a message from the Governor.

THE PRESIDENT: On the

resolution, all those in -

THE SECRETARY: The Assembly transmits their adopted resolution, the same as the one that was just read.

THE PRESIDENT: The Assembly resolution will be substituted.

On the resolution, all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is adopted.

Senator Marchi.

SENATOR MARCHI: On behalf of Senator Marino, I submit the following resolution and request that it be read and moved.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Marino, resolved that a committee of two be appointed to inform the Governor that the Senate

has adjourned its 216th session sine die and has again convened and has organized and is ready to proceed to business and will meet with the Assembly in joint session in the Assembly Chamber at 1:00 o'clock p.m. today to receive the Governor's message.

THE PRESIDENT: On the resolution, all those in favor say aye.

(Response of Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is adopted.

The Chair appoints Senator Daly and Senator Dollinger to wait upon the Governor.

Senator Marchi.

SENATOR MARCHI: Mr. President, on behalf of Senator Marino, I hand up the following resolution, request that it be acted upon.

THE PRESIDENT: The Secretary will read.

SENATOR MARCHI: Move its

adoption.

THE SECRETARY: By Senator Marino: Resolved that a committee of two be appointed to inform the Assembly that the Senate has adjourned its 216th session sine die and has again convened and is organized and is ready to proceed with business, and will meet with the Assembly in joint session in the Assembly Chamber at 1:00 o'clock p.m. today to receive the Governor's message.

THE PRESIDENT: On the resolution, all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is adopted.

The Chair appoints Senator Rath and Senator Waldon to wait upon the Assembly.

Senator Marchi.

SENATOR MARCHI: Mr. President, on behalf of Senator Marino, I hand up the following resolution, request that it be read

and adopted and also request the members to pay attention. There is a slight modification from usual procedures here.

THE SECRETARY: Senate Resolution, by Senator Marino: Resolved, that unless otherwise ordered by the Senate the hours of meeting shall be as follows: Mondays 3:00 p.m., Tuesdays 3:00 p.m., Wednesdays and Thursdays at 11:00 a.m., and Fridays at 10:00 a.m.

THE PRESIDENT: On the resolution all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is adopted.

Senator Marchi.

SENATOR MARCHI: Mr. President, again Senator Marino requests that this resolution be read and adopted. I submit it, Mr. President.

THE PRESIDENT: Secretary will

read.

THE SECRETARY: By Senator Marino: Resolved, that during the 217th legislative session, notwithstanding any rule to the contrary, the Temporary President, when acting as President or the Senator presiding upon the designation of the Temporary President during any such period, shall be vested with all the powers and duties conferred by the rules of the Senate and by Section 40 of the Legislative Law upon the President.

SENATOR MARCHI: Mr. President.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: In the interest of -- I believe the resolution mentions 11:00 o'clock on Friday.

THE PRESIDENT: The resolution I have -

SENATOR MARCHI: It should read 11:00 o'clock Friday.

THE PRESIDENT: So the resolution will be -- without objection, the resolution will be amended to provide the hours as follows:

Mondays 3:00 o'clock, Tuesdays 3:00 o'clock, Wednesdays, Thursdays and Fridays at 11:00 o'clock. Is that correct?

SENATOR MARCHI: That's correct.

THE PRESIDENT: On the resolution, all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is adopted.

On the resolution regarding the Temporary President, all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is adopted.

SENATOR MARCHI: Mr. President.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: On behalf of Senator Levy, I'd like to announce a Majority Conference in Room 332 immediately following the

State of the State message.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Mr. President, I move that the Senate stand in recess while we go to the Assembly to receive the Governor's message.

THE PRESIDENT: The Senate stands in recess.

(Whereupon at 12:39 p.m., the Senate recessed. )

(The Senate reconvened at 5:15 p.m.)

ACTING PRESIDENT FARLEY: The Senate will come to order.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Is there a privileged resolution at the desk?

ACTING PRESIDENT FARLEY: There is, Senator Kuhl.

SENATOR KUHL: If there is, I'd ask the clerk to read the title, please.

ACTING PRESIDENT FARLEY: Clerk

will read the title.

THE SECRETARY: Legislative Resolution, by Senator Johnson, honoring the students and faculty members participating in the West Babylon Russian Exchange Program on the occasion of a reception in their honor on January 11th, 1994.

SENATOR KUHL: Mr. President, I move we adopt the resolution.

ACTING PRESIDENT FARLEY: All in favor of adopting the resolution, say aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: Mr. President, I move that the Senate adjourn until Monday at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT FARLEY: Senate stands adjourned until Monday at 3:00 p.m., intervening days to be legislative days.

SENATOR GOLD: Party vote, party vote.

Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold, before we adjourn.

SENATOR GOLD: Yes, Mr. President. Before we adjourn I think that the record ought to indicate that the last hour produced an awful lot of really great things and I want to congratulate Senator Ohrenstein for his guidance in getting me out of here so quickly.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned.

(Whereupon at 5:16 p.m., the Senate adjourned. )