ALBANY, NEW YORK

January 19, 1994

4:30 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.

(Whereupon, the Senate joined in the Pledge of Allegiance to the Flag.)

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

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, January the 18th. The Senate met pursuant to adjournment. Senator Spano in the chair upon designation of the Temporary President. The Journal of Monday, January 17, 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.

The Secretary will read.

THE SECRETARY: Senator Volker from the Committee on Codes reports the following bills directly for third reading:

Senate Bill Number 233, by Senator Tully and others, Criminal Procedure Law.

234, by Senator Tully, an act to amend the Penal Law.

888, by Senator Saland, an act to amend the Penal Law.

1243A, by Senator Tully, an act to amend the Penal Law.

1554, by Senator Saland, an act to amend the Criminal Procedure Law.

2123, by Senator Lack, an act to amend the Penal Law.

2372, by Senator Johnson, an act to amend the Penal Law.

3059, by Senator Johnson, an act to amend the Penal Law.

3237A, by Senator Marino and

others, Criminal Procedure Law.

3866, by Senator Volker, an act to amend the Criminal Procedure Law.

4091, by Senator Volker, an act to amend the Penal Law.

4891, by Senator Libous, an act to amend the Penal Law.

6380, by Senator DiCarlo, an act to amend the Criminal Procedure Law and the Penal Law.

And also, 4944, by Senator Volker, an act to amend the Civil Rights Law, reported with amendments.

ACTING PRESIDENT SPANO: Without objection.

THE SECRETARY: Senator Levy from the Committee on Transportation reports the following bills directly for third reading:

Senate Bill Number 67, by Senator Levy, in relation to requiring Department of Motor Vehicles to inform the public with problems associated with night-time driving.

Senate Bill Number 68, by Senator

Levy, an act to amend the Vehicle and Traffic Law.

Senate Bill Number 70, by Senator Levy, an act to amend the Vehicle and Traffic Law.

610, by Senator LaValle, an act to amend the Vehicle and Traffic Law.

2507, by Senator Nozzolio, an act to amend the Vehicle and Traffic Law.

2640, by Senator Cook and others, an act to amend the Transportation Law.

4434, by Senator Skelos, an act to amend the Vehicle and Traffic Law.

4489, by Senator Libous, an act to amend the Vehicle and Traffic Law.

Senate Bill Number 6300, by Senator Bruno, an act to amend the Highway Law.

Senator Maltese from the Committee on Crime Victims, Crime and Correction, reports the following bills directly for third reading:

Senate Bill Number 1156, by Senator Skelos, an act to amend the Executive

Law and the Penal Law.

3799, by Senator Maltese, an act to amend the Executive Law.

5321, by Senator Skelos, an act to amend the Correction Law and the County Law.

All bills reported directly for third reading.

ACTING PRESIDENT SPANO: Without objection, third reading.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Daly, please.

ACTING PRESIDENT SPANO: Senator Daly.

SENATOR DALY: Excuse me, Mr. President, would you just give me a minute to find out what I'm being recognized for.

ACTING PRESIDENT SPANO: Senator Daly, you have offered two resolutions at the desk.

SENATOR DALY: I'd like to offer the following resolutions and ask their adoption.

ACTING PRESIDENT SPANO:

Secretary will read the title of the resolution.

THE SECRETARY: Legislative Resolution, by Senator Daly, paying tribute to David L. Ulrich upon the occasion of his designation for special honor by the Eastern Niagara Chamber of Commerce.

Also, Legislative Resolution, by Senator Daly, honoring Clinton J. Starke of Lockport, New York, upon the occasion of his designation as Citizen of the Year by the Eastern Niagara Chamber of Commerce.

ACTING PRESIDENT SPANO: The question is on the resolutions. On the adoption of the aforementioned resolutions, all those in favor, signify by saying aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolutions are adopted.

Motions and resolutions.

Senator Present.

SENATOR PRESENT: Mr. President.

On behalf of Senator Larkin, I offer the following privileged resolution and ask for its adoption.

ACTING PRESIDENT SPANO: Secretary will read the title of the resolution.

THE SECRETARY: Legislative Resolution, by Senator Larkin, commemorating the 100th anniversary of the Kingston Hospital.

ACTING PRESIDENT SPANO: The question occurs on the adoption of the resolution. All those in favor, signify by saying aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Cook.

SENATOR COOK: No, it's a motion. Mr. President. Can I star a couple of bills?

ACTING PRESIDENT SPANO: By all means.

SENATOR COOK: Senate Print -- I

haven't got the calendar number, I'm sorry.

ACTING PRESIDENT SPANO: We will be right back. Any other motions and resolutions?

Senator Present.

SENATOR PRESENT: Let's take up the noncontroversial calendar, please.

ACTING PRESIDENT SPANO: Secretary will read noncontroversial calendar.

THE SECRETARY: On page 4, Calendar Number 9, by Senator Volker, Senate Bill Number 406A, an act to amend the Criminal Procedure Law, in relation to administering the oath to a grand jury witness.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

SENATOR GOLD: Wait a minute. I'm sorry. I'm sorry. I'm sorry. Never mind.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 12, by Senator Volker, Senate Bill Number 1137A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 13, by Senator Levy, Senate Bill Number 1313, an act to amend the Penal Law, in relation to

including the theft of dogs and cats.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 19, by Senator Cook, Senate Bill Number 4787, an act to amend the Education Law.

SENATOR SMITH: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 24, by Senator Stafford, Senate Bill Number 441C, an act to amend the Tax Law.

ACTING PRESIDENT SPANO: Local fiscal impact note is at the desk.

Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT SPANO: The bill

is passed.

THE SECRETARY: Calendar Number 26, by Senator Wright, Senate Bill Number 2389, State Administrative Procedure Act.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present, that completes the noncontroversial calendar.

SENATOR PRESENT: Mr. President. Take up the controversial calendar, please.

ACTING PRESIDENT SPANO: Secretary will read the controversial calendar.

THE SECRETARY: On page 4, Calendar Number 13, by Senator Levy.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 19, by Senator Cook, Senate Bill Number 4787, an act to amend the Education Law, in relation to procedures for the submission of propositions.

SENATOR SMITH: Explanation, please.

ACTING PRESIDENT SPANO: Senator Cook, an explanation has been asked for.

SENATOR COOK: Mr. President. This bill basically clarifies the law relative to the manner in which voters may present propositions to be considered at the district election. It really wouldn't apply, I don't believe, to the City of New York. It applies to Upstate, to Central School Districts, et cetera.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR DOLLINGER: This is the proposition bill, just so I'm correct? This is Number 19?

SENATOR COOK: That's correct.

SENATOR DOLLINGER: Just so I understand -- Mr. President. Does this provide for the use of an initiative process for the propositions that go on the ballot?

And just so I understand it, Mr. President, if the speaker would yield to another question? Does this increase the scope of propositions and initiatives that could be made by residents of the school district to their school board?

SENATOR COOK: Mr. President. Essentially, it clarifies. It possibly does expand to some degree, but it's more a matter of trying to make the law clear because, right now, it's rather nebulous as to whether certain things can be considered and what the procedure is for doing it. It's a matter more of clarifying the law than it is expanding it.

ACTING PRESIDENT SPANO: Excuse me, Senator Cook.

Senator Dollinger, I would like to please ask you to remove the sign from your desk.

SENATOR DOLLINGER: Mr. President. I'd ask for an explanation as to why I need to do that.

ACTING PRESIDENT SPANO: Senator Dollinger, according to Rule 3 of the Senate Rules, the presiding officer shall preserve the decorum and the order of the Senate chamber. In the opinion of the presiding officer that sign violates that rule.

SENATOR DOLLINGER: For purposes so I understand it, Mr. President, could you explain to me how that sign affects the decorum of this chamber so I know and, therefore, can make a judgment as to the chair's ruling with respect to decorum?

I'm simply inquiring of the President to tell me how this sign affects the decorum of this chamber.

ACTING PRESIDENT SPANO: Senator Dollinger, it's not the intention of the presiding officer to get into a debate with you, just to point out the fact that the rules do require me to preserve the order and the decorum

of the chamber. We have ruled that that sign does not fall in line with the rules of this house and that it is the power of the presiding officer to cause that sign to be removed; and if you are not going to be remove it, we have to cause it to be removed, sir.

SENATOR DOLLINGER: Mr. President. Again, may I just inquire about the ruling of the chair. Is it the chair's ruling that it's Article 3, Section 1, that the presiding officer of the Senate shall preserve order and decorum in the chamber? Is that the section that the presiding officer -

ACTING PRESIDENT SPANO: That is correct, Senator Dollinger.

SENATOR DOLLINGER: Is there any other portion of the Senate rules in which the chair is relying on in making this ruling?

ACTING PRESIDENT SPANO: At this point, Rule 3 seems pretty clear, Senator Dollinger, and it's not necessary for us to go through the rest of the rules of this house to make this ruling. I have made the ruling.

You can if you wish appeal the ruling of the chair, but that is your decision.

SENATOR DOLLINGER: I understand, Mr. President. I would appeal the ruling of the chair.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Mr. President. First of all, I have the greatest respect for you. I don't always envy the job that you have, and I certainly don't envy it now. We waited a long time today to start session, and it was explained to me why, and I have some sensitivity to the reason why we were delayed, but I always wonder why we take a situation and always find a way to make it bigger than it is.

Senator Dollinger, as everybody knows, has a certain commitment to a certain issue, and that issue, assault weapons and controls, is an important issue he believes; and, as a matter of fact, if I read Senator Marino properly a few days ago, I think he

thinks it's an important issue. Senator Dollinger is committed to try to get us to deal with that.

Now, I'm looking at something which -- I'm not that good, but I would say maybe 12 inches by 14 inches or something along those lines. It's on Senator Dollinger's desk. It's not hanging from the chandeliers. There are no balloons attached to it. Most respectfully, if I were the presiding officer, I would take a yawn and go about my business and let things go, but now it's as if Senator Dollinger had paid off everybody to make an issue out of it. It is silly. He has freedom of speech in this country to be able to draw attention to this very significant issue.

To start now to take a rule, which gives you important power, Mr. President, the power to maintain decorum in this chamber, and to force my very respected colleagues on the Republican side to vote that a 12 by 14 or 16 inch sign which says "Day 3" on it destroys the order and decorum of this chamber and we're

going to now take our sergeant at arms and put him through the degradation of removing a piece of paper, I mean really belittles -- belittles the dignity of the chamber. I mean it really does.

And I would urge upon you, Mr. President, that Senator Dollinger is going to remain committed to this issue no matter what we do, and Senator Dollinger is going to talk about it, and the presence of that sign is nothing. The issue is important. Gun control, assault weapons.

Let's not get sidetracked and have appeals and have slow roll calls and have a war over a sign. Let's have negotiation and deal with an issue, the banning of assault weapons.

So I would urge, Mr. President, that you rethink what we're doing with your authority. God forbid there were a problem with decorum or order in this chamber, I expect that in your worthy hands this rule would be applied and we will all feel protected, but let's not

diminish your role by forcing you and our sergeant at arms to take war against a piece of paper that's maybe 12 by 14 or 15 inches big. That's not going to destroy the political careers of anybody here. It's not going to impede the processes of our chamber. I really would ask you to reconsider so that we don't have to appeal.

ACTING PRESIDENT SPANO: Senator Cook.

SENATOR COOK: Mr. President. We have a couple of choices, one which would be that the sergeant at arms would be at his own volition forced to make a decision relative to that sign being removed, in which case he would have a confrontation with a member or we would have the house in its official capacity give an instruction to the sergeant at arms which clearly delineates what his responsibility and authority is in a given case.

And I think you can understand that the sergeant at arms is not in a position to get into a debate with a member; that the

house, of necessity, needs to make an instruction so that the sergeant at arms clearly knows what his responsibility is.

The first year I was in this house, we celebrated the reopening of this chamber after it had been renovated and redecorated and restored to something very close to its original architecture, and it has been incumbent upon us as members and individuals and presiding officers to maintain the decorum and the decor of this chamber so that each one of us doesn't put up signs that are slogans for our favorite political issue. Presumably, we could have 61 signs around this room saying protect the rights of gun owners, down with guns. We could end up with this place looking like a shopping mall with all kinds of things stuck all over the walls. And, clearly, it is in the interest of the decorum of this chamber that that not happen.

And I think that rather than make an issue over something like a sign that, clearly, within the understanding of every

member in this house has been something we have just not done through the years, that we ought not to make an issue of starting a practice now that will degrade the appearance of the house, destroy the decorum of our proceeding; and if it is necessary for us to support the ruling of the chair, we'll certainly do so; but I would think that perhaps out of courtesy and out of understanding of the tradition of the house in which he serves, Senator Dollinger might desire to voluntarily remove the sign.

SENATOR GOLD: Mr. President, may I?

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Senator Cook, I respect very much what you said and I listened very much to what you said; and the fact of the matter is that, unfortunately, we have waffled in this chamber from time to time. There have been times when somebody can hold up a chart. There are times if it happens to be the wrong member of a wrong party where you shouldn't hold

up a chart. There have been times when, as a matter of fact, you have allowed Senator Velella or myself to bring guns to the floor of this chamber, and we've demonstrated -- Senator Padavan once gave what was a very effective demonstration on drug paraphernalia right on the floor of this chamber. There was a historic debate between the late Senator Thaler and the late Senator Knorr where we had an art show right on the floor of this chamber.

Now, Senator Cook, if it is the desire of the Majority to make some rule about this kind of thing, that's one thing; but I would suggest that maybe you want to think about that for a few days, and maybe by Monday you will have another rule, but to say that under the auspices of order and decorum -- the same sentence, by the way, which talks about disturbance and disorderly conduct and causing the chamber to be cleared. I don't suggest that anybody feels threatened by the sign and we're going to ask the chamber to be cleared. I think we're just getting this thing out of

proportion.

It is one sign. It is one day. Senator Cook, I don't see the rafters filled with signs. I have not been approached by other members who say that they have instigated Senator Dollinger to do this because they've got to print the printing of their signs for Monday. I don't see any of that as a threat.

And my suggestion, Mr. President, is that at this point, if you believe it is proper, withdraw the request. Why don't we think about it? If you want to have a rule on Monday that deals with any kind of presentations, we can deal with it. But, right now, it is a haphazard situation, and I think Senator Dollinger -- whether I would have done it, anybody else would have done it, is not an issue. Senator Dollinger has a right to have that small sign just as Senator Padavan had a right to have his drug paraphernalia, other people have had a right, when it's been judged appropriate, to bring on this floor any number of things.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I am mindful of the comments of Senator Cook, and I am mindful of the tradition.

SENATOR PADAVAN: Point of order.

ACTING PRESIDENT SPANO: Senator Padavan.

SENATOR PADAVAN: Did not Senator Dollinger challenge the ruling of the chair?

ACTING PRESIDENT SPANO: That is correct.

SENATOR PADAVAN: Therefore, is not a vote on that challenge appropriate?

SENATOR DOLLINGER: Mr. President, if I can, I believe Senator Cook got up to address the issue.

SENATOR PADAVAN: Excuse me. I'm addressing the chair.

SENATOR DOLLINGER: Excuse me.

SENATOR PADAVAN: Did not a challenge of the ruling of the chair eminate

from the Senator?

ACTING PRESIDENT SPANO: We have been, Senator Padavan, somewhat lenient in letting the members express their opinion. But we would like to remind the members that this is an issue that is not debatable. And, Senator Dollinger, if you would like to make a very quick statement and maybe bring this issue to conclusion, we would like to do that.

SENATOR DOLLINGER: I will be extremely brief, Mr. President.

I am respectful of Senator Cook's comments. I'm respectful of this chamber. This is an issue that I feel very strongly about. My views are reflected in this sign. This is an expression of my speech. Since I'm not going to get the opportunity to debate the amendments that I was going to tack onto the bill because apparently the Senate Majority does not want that debate to occur again, I did this in a very restrained manner. I was simply going to put it up when the issue was debated. I would take it down when the issue was done. My intention is

to do it every day until there is an assault weapon ban in this state.

With respect to timing, Mr. President, I can appreciate that others may have waived their constitutional rights when they were elected to this body and came into this chamber. I don't intend to do that. I intend to assert them here. I believe this is not a disruption of the decorum. I intend to take it down when this debate is done, but I'm telling you I will come back. It will be here. It is carefully tailored to avoid disrespect for this chamber, but this is an expression of my constitutional rights, and I don't know about the rest of you, but I didn't waive them when I was elected in the 54th district and walked into this chamber.

And my hope is that everyone over there respects that rule that's higher than the rules of this chamber, called the Constitution of the United States, the Constitution of the State of New York, will respect my right to do this.

Thank you, Mr. President.

I appeal the ruling of the chair.

ACTING PRESIDENT SPANO: The question is on the appeal of the ruling of the chair.

SENATOR DOLLINGER: Point of order. I understand the ruling is whether this sign needs to be removed. Is that correct? Or has it been ruled out of order, the sign has been ruled out of order?

ACTING PRESIDENT SPANO: As the presiding officer, Senator Dollinger, we have ruled that the presence of that sign in the chamber violates Section 1 of Rule 3, and we have ruled. You have appealed that.

The question is on the appeal of the ruling of the chair. A vote in the affirmative upholds the ruling of the chair. A vote in the negative does not.

All those in favor -

SENATOR DOLLINGER: Mr. President. My point of order on the ruling.

ACTING PRESIDENT SPANO: Senator

Dollinger.

SENATOR DOLLINGER: Is the effect of the ruling also to require the sergeant at arms to remove the sign?

ACTING PRESIDENT SPANO: Yes, sir.

SENATOR DOLLINGER: Mr. President. I believe that's unconstitutional. I intend to go to court, if necessary, to prove that it's unconstitutional.

ACTING PRESIDENT SPANO: The question is on the appeal of the decision of - Senator Saland.

SENATOR SALAND: Thank you, Mr. President. I will be very brief because I really don't want to prolong this charade.

I listened very carefully to Senator Dollinger's comments and listened to him sanctimoniously decry the question of constitutionality and watched carefully as the Senate Minority photographer captured in celluloid, for whatever purpose the Senator may have, his every movement so that this can be

made into an event.

We're not here to participate in the bizarre. We're not here, basically, to set up little displays on each and every one of our desks.

If Senator Dollinger wishes to pursue the issue, he has plenty of forums. Why would he want to demean the house and really demean everybody in this house? I understand what party loyalty is all about. We engage in it. You engage in it. And it's nice for you to fall in ranks behind Senator Dollinger; but, nonetheless, it's a travesty, and it's really a cheap PR stunt.

Thank you.

SENATOR JOHNSON: Mr. President, if I may.

ACTING PRESIDENT SPANO: Senator Johnson.

SENATOR JOHNSON: Senator Dollinger addressed the question to the chair which I think may have been answered -- may be answered either way. He said, "Is it required

that the sergeant at arms remove the sign?" And I think you answered yes. That may be correct, but I think it's also permissible for him to remove it himself and avoid the confrontation if he chooses to do that. Is that not correct?

ACTING PRESIDENT SPANO: If the sign is removed, then he will no longer be in violation of Rule 3 of the house, Senator Johnson, Section 1.

SENATOR DOLLINGER: I decline to do that.

ACTING PRESIDENT SPANO: Okay. The question is on the appeal of the decision of the chair. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The rule of the chair is that the affirmatives have it, and we have upheld the ruling of the chair.

We would then instruct the sergeant at arms to please remove that sign from

Senator Dollinger's desk.

(Whereupon, the sign was removed.)

Senator Present, we're ready to continue the business of the house.

Senator Cook, you did have the floor, sir.

SENATOR COOK: Mr. President. I was asking for a couple of bills to be starred, Bills Number 18 and 21. Oh, we never finished the bill?

ACTING PRESIDENT SPANO: Excuse me, Senator Cook. One second. Stand at ease one second.

SENATOR COOK: Last section.

ACTING PRESIDENT SPANO: We are currently debating Calendar 19, Bill 4787, which is before the house.

Read the last section.

SENATOR DOLLINGER: Is this the one on the proposition, since that issue was raised in the middle of the -

ACTING PRESIDENT SPANO: Senator

Dollinger, we are on Calendar 19.

SENATOR DOLLINGER: Can I just ask one other question to the -

ACTING PRESIDENT SPANO: Excuse me, Senator Dollinger. Do you wish to be recognized?

SENATOR DOLLINGER: Will Senator Cook yield to a question?

ACTING PRESIDENT SPANO: Senator Cook, will you yield?

SENATOR COOK: Yes.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: My understanding that this will create initiative and referendum in school districts?

SENATOR COOK: It doesn't generally create it. Mr. President. The bill doesn't generally create anything. It basically reorganizes a number of sections of law which are in various places at the present time, puts them all into a coherent -- one coherent section so that anyone who wishes to make reference to

it will be able to find it and read it and hopefully understand it and apply it uniformly. There have been court cases and controversies relative to various sections which don't seem to conform to each other, and this is simply an effort to make conformity.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Again, will Senator Cook yield to a question?

ACTING PRESIDENT SPANO: Senator Cook, will you yield to another question?

SENATOR COOK: Yes.

ACTING PRESIDENT SPANO: Senator Cook yields.

SENATOR DOLLINGER: Again, Senator, I'm just trying to find out this. This doesn't contain any limitation. As I read this bill, it doesn't contain a limitation on the propositions that could be raised through the initiative process that's talked about here.

SENATOR COOK: Mr. President. I

believe that's the case. It doesn't make any - it doesn't add or subtract anything from the existing law. Anything that currently could be initiated by a petition can continue to be, and anything that was not previously able to be presented by petition cannot be. So it doesn't change anything except to make it clear when somebody reads the law as to exactly what the provisions are.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: If Senator Cook will just yield -

ACTING PRESIDENT SPANO: Senator Cook, will you continue to yield?

SENATOR COOK: Yes.

ACTING PRESIDENT SPANO: Senator Cook yields.

SENATOR DOLLINGER: On page 4 of the bill, line 33, 34 -- again, I apologize, Senator Cook, because I didn't raise this before

with you. But it says, Section E, "That the proposition has been defeated by the voters during the current school years."

SENATOR COOK: M-m h-m-m.

SENATOR DOLLINGER: Tell me what that means, why the term is "years" rather than year?

SENATOR COOK: Simply because a school year extends over two calendar years.

SENATOR DOLLINGER: Okay. So it's during the current school -

Mr. President, on the bill.

ACTING PRESIDENT SPANO: Senator Dollinger on the bill.

SENATOR DOLLINGER: Mr. President. Let me first apologize to my colleagues if I disrupted the decorum of this house. I don't believe I did. I don't see any disruption of the decorum of this house. I think it was restored instantaneously whatever disruption there was, and I can't understand, frankly, why that sign was so disruptive. I intend to pursue my own rights in that regard,

Mr. President.

But on this bill, I think this is a good bill. I think it takes us a step closer to the concept of initiative and referendum. I have supported it in this state. There are bills in this state. My hope is that the other side of the aisle have recognized that initiative and referendum is a good thing in school districts would also recognize that it would be a good thing for this state to have, and my hope is that a number of bills that deal with initiative and referendum in New York will be produced during this session and that this session will act in a substantive way to bring initiative and referendum throughout the state and not just in school districts.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first day of September.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present, that concludes the controversial calendar.

SENATOR PRESENT: Mr. President. In behalf of Senator Marino, I hand up the following committee assignments and ask that be filed at the desk.

ACTING PRESIDENT SPANO: They will be filed in the Journal. Secretary has the list. They will be filed in the Journal, Senator Present.

THE SECRETARY: Also, by Senator Marino, I hereby appoint Senator Galiber ranking member of the Senate Finance Committee.

(Applause.)

ACTING PRESIDENT SPANO: That will also be filed in the Journal.

Senator Cook.

SENATOR COOK: Mr. President. Could I star Calendar Numbers -- yep, I lost

them again -- 18 and 21, please.

ACTING PRESIDENT SPANO: Calendar Numbers 18 and 21 will be starred at the request of the sponsor.

Senator Present.

SENATOR PRESENT: Mr. President. There being no further business, I move that we adjourn until Monday, January 24, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT SPANO: Senate will stand adjourned until Monday.

(Whereupon, at 5:02 p.m., Senate adjourned.)