ALBANY, NEW YORK

March 7, 1994

3:31 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: The Senate will come to order. Senators, please find their seats. Please rise with me for the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT FARLEY: We are pleased to have with us today the Reverend Finley Schaef of Park Slope United Methodist Church of Brooklyn, New York.

Reverend Schaef.

REVEREND SCHAEF: Let us unite our hearts and minds in prayer.

Great Spirit and Mystery behind all that we know, and Mother and Father of us all, make us courageous to define and debate the unprecedented problems and the unprecedented opportunities that face the human race in these difficult times.

Make us further courageous to make wise decisions and compassionate decisions that honor the poor and the oppressed.

Creator God, help us create a world in which straight and gay live together as brothers and sisters, four-legged creatures are respected by the two-legged, the homeless find homes, the jobless find jobs, addicts find treatment, and all of us find new styles of living to conserve, defend and protect the earth's ecosystems. Let us turn away from incinerators and all high technology pollutants of life forces.

Bless this chamber and all who work here and endow these people with all of the gifts of the Spirit and abide by them today and ever more. Amen.

ACTING PRESIDENT FARLEY: Thank you.

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Friday, March 4th. The Senate met pursuant to adjournment, Senator Farley in the chair upon designation of the Temporary President. The Journal of Thursday, March 3rd, was read and

approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as read.

The order of business:

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.

We have a motion. Senator Holland.

SENATOR HOLLAND: Yes, Mr. President. For Senator Skelos, on page 16, I offer the follow amendments to Calendar Number 116, Senate Print Number 6523, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments are received. The bill will retain

its place.

SENATOR HOLLAND: For Senator Nozzolio, on page 13, I offer the following amendments to Calendar Number 147, Senate Print Number 6527-A, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the bill will retain its place.

Senator Cook.

SENATOR COOK: Mr. President, I move the following bills be discharged from their respective committees and recommitted with instructions to strike the enacting clause: 3025, 3032, 3134-A, 5170, 5352.

ACTING PRESIDENT FARLEY: Without objection, the bills are recommitted.

Senator Trunzo.

SENATOR TRUNZO: Mr. President, on behalf of Senator Johnson, would you please remove the star on Calendar Number 48.

ACTING PRESIDENT FARLEY: Star is removed at the request of the sponsor.

We have a substitution. The

Secretary will read it.

THE SECRETARY: On page 5 of today's calendar, Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 9565 and substitute it for the identical Calendar Number Second Report 254.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Are there any other motions on the floor?

Senator Present.

SENATOR PRESENT: Mr. President, I believe that there's a resolution at the desk by the Committee on Rules. May we have it read?

ACTING PRESIDENT FARLEY: The Secretary will read the resolution.

THE SECRETARY: By the Senate Committee on Rules: Concurrent resolution of the Senate and Assembly providing that the Senate and Assembly meet in joint session in the chambers of the Assembly on Tuesday, March 8th, at 12:00 noon, for the purpose of electing

Regents of the University of the State of New York.

The Assembly sent for concurrence the following resolution: Assembly Resolution 1960, identical with the Senate Resolution 2808.

ACTING PRESIDENT FARLEY: Substitution is ordered.

On the adoption of the resolution, all in favor say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is adopted. We'll meet tomorrow in the Assembly chamber at noon.

SENATOR PRESENT: Mr. President, I would like to announce, at 3:00 o'clock, our usual time, there will be our regular session in this house of the Senate; 12:00 o'clock at the Assembly followed by 3:00 o'clock by our regular session of the Senate.

ACTING PRESIDENT FARLEY: The Senate will meet at 3:00 o'clock, regular hour, 12:00 o'clock in the Assembly, electing a

Regent.

Senator Present.

SENATOR PRESENT: Mr. President, I think Senator Seward has a privileged resolution. May it be read?

ACTING PRESIDENT FARLEY: The Secretary will read the title of Senator Seward's privileged resolution.

THE SECRETARY: Legislative Resolution, by Senator Seward, paying tribute to the education, research, leadership and service provided by the New York State College of Veterinary Medicine at Cornell University and commemorating its centennial on March 21st, 1994.

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

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President,

can we take up the non-controversial calendar, please?

ACTING PRESIDENT FARLEY: Non-controversial, page 12. The Secretary will read.

THE SECRETARY: On page 12, Calendar Number 13, by Senator Levy, Senate -

SENATOR SMITH: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

SENATOR GOLD: Who laid it aside?

ACTING PRESIDENT FARLEY: Senator Smith laid it aside, as I recall.

THE SECRETARY: Calendar Number 82, by Senator Kuhl, Senate Bill Number 6215-C, an act to amend the Education Law, in relation to school building aid for refunding bond issues.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number

88, by Senator Levy -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 141, by Senator Stafford -

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 157, by Senator Padavan, Senate Bill Number 3248, Education Law, in relation to a maintenance -

SENATOR SMITH: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 168, by Sen...

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number

195, by Senator Johnson, Senate Bill Number 3367-A, Environmental Conservation Law, in relation to clarification of provisions concerning posting of lands.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: You can call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: That bill has passed.

THE SECRETARY: Calendar Number 230, by Senator Skelos, Senate Bill Number 565, Social Services Law, in relation to access to certain conviction records.

SENATOR SMITH: Lay that aside, please.

ACTING PRESIDENT FARLEY: Lay that aside.

THE SECRETARY: Calendar Number

242, by Senator Larkin -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 243, by Senator Trunzo, Senate Bill Number 582, Civil Service Law, in relation to the state Civil Service Commission prescribing rules on leaves of absence.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 244, by Senator Trunzo, Senate Bill Number 3518-A, Education Law, in relation to World War II military service credit.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 245, by Senator Trunzo, Senate Bill Number 3520-A, Education Law, in relation to orders made in matrimonial and support actions.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 246, by Senator Trunzo, Senate Bill Number 6324, Civil Service Law, in relation to age requirements as a date of appointment for provisional or permanent appointment.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President, let's go through it the second time, controversial.

ACTING PRESIDENT FARLEY: Controversial calendar, page 12.

Senator Velella, do you happen to have a motion there?

SENATOR VELELLA: Yes, my bill on page 16 of the starred calendar, Calendar 59, Senate Bill 2599, would you remove the star, please?

ACTING PRESIDENT FARLEY: Star is removed.

THE SECRETARY: On page 12, Calendar Number 13, by Senator Levy, Senate Bill Number 1313, an act to amend the Penal Law.

SENATOR GOLD: Explanation.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 82, by Senator Kuhl, Senate Bill Number 6215-C, Education Law, in relation -

ACTING PRESIDENT FARLEY: Senator Kuhl, can we have one day on that?

SENATOR KUHL: Tomorrow's calendar, please.

ACTING PRESIDENT FARLEY: Lay it

aside for today.

THE SECRETARY: Calendar Number 88, by Senator Levy -

SENATOR GOLD: Explanation.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside tem...

THE SECRETARY: Calendar Number 141, by Senator Stafford, Senate Bill Number 6318 -

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

THE SECRETARY: Calendar Number 157, by Senator Padavan, Senate Bill Number 3248, Education Law, in relation to a maintenance of effort requirement for fiscally dependent large city school districts.

SENATOR STACHOWSKI: Can we have one day on that, please?

SENATOR PADAVAN: One day?

SENATOR STACHOWSKI: One day.

SENATOR PADAVAN: All right. One day.

ACTING PRESIDENT FARLEY: Lay the bill aside for today.

THE SECRETARY: Calendar Number 168, by Senator Levy, Senate Bill Number 5435-B, an act to direct the New York State Thruway Authority to do a study.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside temporarily, I guess.

THE SECRETARY: Calendar Number 230, by Senator Skelos, Senate Bill Number 565, Social Services Law -

ACTING PRESIDENT FARLEY: Read the last section. Read the last section.

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

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: I believe the bill is laid aside for Senator Montgomery.

Last section.

ACTING PRESIDENT FARLEY: Read the last section of 230.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 242, by Senator Larkin -

SENATOR GOLD: Lay it aside for today.

THE SECRETARY: -- Senate Bill Number 6390, an act to amend the Public Officers Law and the Village Law.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Senator Larkin, what's your pleasure?

SENATOR LARKIN: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

Senator Present, that's the sec... the first time around, I guess.

SENATOR PRESENT: Second.

ACTING PRESIDENT FARLEY: Second?

SENATOR PRESENT: Any housekeeping to be taking place here?

ACTING PRESIDENT FARLEY: I'm sorry.

SENATOR PRESENT: House is clean. We don't -

ACTING PRESIDENT FARLEY: Is there any housecleaning or housekeeping?

Seeing none, Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Levy, I would like to announce an immediate conference of the Majority in Room 332.

ACTING PRESIDENT FARLEY: There

will be an immediate conference of the Majority in Room 332.

Senator Sears, did you -- okay.

SENATOR GOLD: You're adjourning?

ACTING PRESIDENT FARLEY: Any other motions or anything?

The Senate -

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until tomorrow at 3:00 p.m. There is a 12:00 o'clock joint session with the Assembly.

(Whereupon, at 3:48 p.m., the Senate adjourned.)