ALBANY, NEW YORK

March 9, 1994

11:33 a.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 will please find their seats. Please rise for the Pledge of Allegiance to the flag.

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

Today, in the absence of clergy, we'll bow our heads for a moment of silent prayer.

(A moment of silence was observed. )

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, March 8th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. Prayer by the Reverend Peter G. Young of the Blessed Sacrament Church of Bolton Landing. The Journal of Monday, March 7th, 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.

Secretary will read a substitution.

THE SECRETARY: On page 5 of today's calendar, Senator Volker moves to discharge the Committee on Transportation from Assembly Bill Number 61 and substitute it for the identical Calendar Number 321.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: Also on page 5 Senator Farley moves to discharge the Committee on Education from Assembly Bill Number 8056, and substitute it for the identical Calendar Number

326.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: On page 10, Senator Marchi moves to discharge the Committee on Health from Assembly Bill Number 3254-A, and substitute it for the identical Calendar Number 248.

ACTING PRESIDENT FARLEY: Substitution is ordered.

No motions on the floor?

Senator Present.

SENATOR PRESENT: Mr. President, let's take up the non-controversial calendar, please.

ACTING PRESIDENT FARLEY: The non-controversial. The Secretary will read, I believe it's page 7, is it?

THE SECRETARY: On page 7, Calendar Number 13, by Senator Levy.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Laid

aside.

THE SECRETARY: Calendar Number 88, by Senator -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 141.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 168.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay aside.

THE SECRETARY: Calendar Number 242.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 259, by Senator Saland, Senate Bill Number 1552,

an act to amend the Family Court Act and the Criminal Procedure Law.

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 31.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 260, by Senator Farley.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: No, lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Senate Bill Number -- Calendar Number 261, by Senator Daly, Senate Bill Number 4583-B, an act to amend the Real Property Law.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 263, by Senator Padavan, Senate Bill Number 5080, Family Court Act, in relation to certain records of juvenile delinquents.

SENATOR GOLD: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

THE SECRETARY: Calendar Number 265, by Senator Levy, Senate Bill Number 1707, an act in relation to requiring the Department of Motor Vehicles to compile information on driving while under the influence of drugs.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside. 1707, Calendar 265.

THE SECRETARY: Calendar Number 279, by Senator Wright, Senate Bill Number 5944,

an act to amend the Real Property Tax Law, in relation to subjecting lands within the Tug Hill region to taxation.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 280, by Senator Marino.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 281, by Senator Larkin, Senate Bill Number 6691, establish a public library district in the town of Esopus, Ulster County.

SENATOR PRESENT: Lay aside.

ACTING PRESIDENT FARLEY: Did somebody say lay aside?

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number

287, by Senator Stafford, Senate Bill Number 4853, Environmental Conservation Law.

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 31.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 292, by Senator Volker, Senate Bill Number 181-A, an act to amend the Penal Law, in relation to aggravated assault upon a federal law enforcement officer.

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 33.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah, could you just recognize Senator Leichter?

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Thank you, Mr. President. If I may have unanimous consent to be recorded in the negative on Calendar Number 287, please.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR LEICHTER: Thank you.

THE SECRETARY: Calendar Number 293, by Senator Levy, Senate Bill Number 18 -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 295, by Senator Tully, Senate Bill Number 776, an act to amend the Penal Law, in relation to the calculation of terms of imprisonment.

SENATOR GOLD: Yeah. Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 303, by Senator Lack, Senate Bill Number 6694, an act to amend the Penal Law, in relation to conditional sentencing.

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 34.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

308, by Senator Saland, Senate Bill Number 766-B, Executive Law and the Education Law.

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 34.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 309, by Senator LaValle, Senate Bill Number 6681, amends Chapter 31 of the Laws of 1985, amending the Education Law.

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 34.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President, I don't think there will be a second time through.

Mr. President, I'd like to announce there will be an immediate conference of the Majority in Room 332. If there's no housekeeping or other business -

ACTING PRESIDENT FARLEY: Are there any motions on the floor?

SENATOR GOLD: No.

ACTING PRESIDENT FARLEY: We have one housekeeping.

SENATOR GOLD: Hold it.

ACTING PRESIDENT FARLEY: What have we have got?

THE SECRETARY: Senator Padavan, could we see you for a second?

ACTING PRESIDENT FARLEY: Senator

Padavan.

SENATOR PADAVAN: Mr. President, Calendar Number 263, that bill was laid aside yesterday for amendments which I believe are at the desk.

ACTING PRESIDENT FARLEY: They are here.

SENATOR PADAVAN: Move that these amendments be accepted and the bill retain its place.

ACTING PRESIDENT FARLEY: Without objection, the amendments will be received and the bill will retain its place on the Third Reading Calendar.

SENATOR PADAVAN: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until Monday, March 14th at 3:00 p.m.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until Monday at 3:00

p.m., intervening days will be legislative days. There's an immediate conference of the Majority in Room 332.

(Whereupon at 11:43 a.m., the Senate adjourned.)