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ALBANY, NEW YORK

March 16, 1994

11:40 a.m.

REGULAR SESSION

SENATOR NICHOLAS A. SPANO, Acting President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT SPANO: The
3 Senate will come to order, without the gavel.
4 All please rise for the Pledge of Allegiance to
5 the Flag.

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

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

10 (A moment of silence was
11 observed.)

12 Reading of the Journal, while the
13 Sergeant-at-Arms tries to find out who stole the
14 gavel.

15 THE SECRETARY: In Senate,
16 Tuesday, March 15th. The Senate met pursuant to
17 adjournment, Senator Spano in the chair upon
18 designation of the Temporary President. The
19 Journal of Monday, March 14th, was read and
20 approved. On motion, Senate adjourned.

21 ACTING PRESIDENT SPANO: Hearing
22 no objection, the Journal stands approved as
23 read.

1 Messages from the Assembly.
2 Governor.
3 Reports of standing committees.
4 Motions and resolutions.
5 Senator DiCarlo.

6 SENATOR DiCARLO: Mr. President,
7 I move that the following bills be discharged
8 from their respective committees and be
9 recommitted with instructions to strike the
10 enacting clause: Bills 1336, 1690, 4294-A,
11 4338-A, 4339, 4340, 4384-A and 6143, Senator
12 Libous.

13 ACTING PRESIDENT SPANO: So
14 ordered. Any other motions, resolutions,
15 substitutions? The Secretary will read.

16 THE SECRETARY: On page six of
17 today's calendar, Senator Gold moves to
18 discharge the Committee on Finance from Assembly
19 Bill Number 8918, and substitute it for the
20 identical Calendar Number 362.

21 On page 8, Senator Spano moves to
22 discharge the Committee on Judiciary from
23 Assembly Bill Number 9266, and substitute it for

1 the identical Calendar Number 372.

2 On page 9, Senator Maltese moves
3 to discharge the Committee on Crime Victims from
4 Assembly Bill Number 168-A, and substitute it
5 for the identical Calendar Number 383.

6 ACTING PRESIDENT SPANO:
7 Substitution is ordered.

8 Senator Present.

9 SENATOR PRESENT: Would you
10 recognize Senator Stachowski, please.

11 ACTING PRESIDENT SPANO: Senator
12 Stachowski.

13 SENATOR STACHOWSKI: Mr.
14 President, I have a privileged resolution at the
15 desk. Could you please just read the title,
16 waive the reading -

17 ACTING PRESIDENT SPANO: The
18 Secretary -- the Secretary will read the title
19 of the resolution.

20 THE SECRETARY: Legislative
21 Resolution, by Senator Stachowski, expressing
22 sorrow at the passing of Catherine Molloy of
23 Buffalo, New York.

1 ACTING PRESIDENT SPANO: On the
2 resolution, all those in favor, signify by
3 saying aye.

4 (Response of "Aye".)

5 Opposed nay.

6 (There was no response.)

7 The resolution is adopted.

8 Senator Present.

9 SENATOR PRESENT: Let's take up
10 the non-controversial calendar, please.

11 ACTING PRESIDENT SPANO: The
12 Secretary will read the non-controversial
13 calendar.

14 THE SECRETARY: On page 19 of
15 today's calendar, Calendar Number 311, by
16 Senator Johnson -

17 SENATOR PRESENT: Lay it aside
18 for the day.

19 ACTING PRESIDENT SPANO: Lay it
20 aside for the day.

21 THE SECRETARY: Calendar Number
22 337, by Senator Larkin -

23 SENATOR GOLD: Lay it aside,

1 please.

2 ACTING PRESIDENT SPANO: Lay it
3 aside.

4 THE SECRETARY: Calendar Number
5 339, by Senator Nozzolio, Senate Bill Number
6 4005, Election Law, in relation to the term of
7 the chairman of the state Board of Elections.

8 ACTING PRESIDENT SPANO: Read the
9 last section.

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

12 ACTING PRESIDENT SPANO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 32.

16 ACTING PRESIDENT SPANO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 342, by Senator Kuhl -

20 SENATOR GOLD: Lay it aside,
21 please.

22 ACTING PRESIDENT SPANO: Lay it
23 aside.

1 THE SECRETARY: Calendar Number
2 343, by Senator Kuhl, Senate Bill Number 5223,
3 Agriculture and Markets Law, in relation to the
4 producer referendum under the Rogers-Allen Law.

5 ACTING PRESIDENT SPANO: Read the
6 last section.

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

9 ACTING PRESIDENT SPANO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 33.

13 ACTING PRESIDENT SPANO: The bill
14 is passed.

15 Senator Present, that completes
16 the non-controversial calendar.

17 SENATOR PRESENT: Can we stand at
18 ease just for a few moments?

19 ACTING PRESIDENT SPANO: The
20 Senate will stand at ease.

21 (Whereupon, the Senate stood at
22 ease.)

23 Senator Present.

1 SENATOR PRESENT: Mr. President,
2 can we call up Calendar 342, please?

3 ACTING PRESIDENT SPANO: Calendar
4 342. The Secretary will read.

5 THE SECRETARY: Calendar Number
6 342, by Senator Kuhl, Senate Bill Number 3182,
7 an act to amend the Agriculture and Markets Law,
8 in relation to the siting of solid waste
9 management resource recovery facilities.

10 ACTING PRESIDENT SPANO: Read the
11 last section.

12 SENATOR GOLD: Explanation,
13 please.

14 ACTING PRESIDENT SPANO: Senator
15 Kuhl.

16 SENATOR KUHL: Yes, Mr.
17 President. This is a bill that essentially
18 would prohibit the siting of solid waste
19 facilities in districts without the permission
20 of the landowner.

21 ACTING PRESIDENT SPANO: Senator
22 Gold.

23 SENATOR GOLD: Yeah, Mr.

1 President, would the sponsor yield to a
2 question?

3 SENATOR KUHL: Yes.

4 ACTING PRESIDENT SPANO: Would
5 the sponsor yield?

6 SENATOR GOLD: Yes, Senator.
7 There's a two-page memo from the Department of
8 Environmental Conservation. Have you seen the
9 memo yet?

10 SENATOR KUHL: I have not,
11 Senator. The only memo I have is from the Farm
12 Bureau in my file and it's a memorandum in
13 support.

14 SENATOR GOLD: Yeah -- no, I
15 definitely have the memo from the Farm Bureau in
16 support, but there is a memo, and I don't know
17 why these memos don't get around, but I would be
18 grateful, Senator, if you want to take a look at
19 the -- well, our stamp is dated March 8, 1994.
20 I don't know whether it was circulated, but -
21 and I don't know whether it will make much
22 difference to you in the long run, but would you
23 be interested in seeing the memo?

1 SENATOR KUHL: Sure.

2 SENATOR GOLD: Putting it over a
3 day?

4 SENATOR KUHL: Certainly. Why
5 don't we put it over for a day and Senator -

6 SENATOR GOLD: Thank you,
7 Senator.

8 ACTING PRESIDENT SPANO: Lay the
9 bill aside.

10 Senator Present.

11 SENATOR PRESENT: Is there any
12 housekeeping to be done?

13 ACTING PRESIDENT SPANO: Any
14 motions, resolutions, housekeeping?

15 SENATOR GOLD: Hold on one
16 second.

17 ACTING PRESIDENT SPANO: Senator
18 Present.

19 SENATOR PRESENT: Mr. President,
20 there being no further business, I move we
21 adjourn until Monday, March 21st, at 3:00 p.m.,
22 intervening days to be legislative days.

23 ACTING PRESIDENT SPANO: The

1 Senate will stand adjourned until Monday, 3:00
2 p.m.

3 (Whereupon, at 12:00 p.m., the
4 Senate adjourned.)

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