ALBANY, NEW YORK

March 16, 1994

11:40 a.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: The Senate will come to order, without the gavel. All please rise for the Pledge of Allegiance to the Flag.

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

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

(A moment of silence was observed.)

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

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

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

Messages from the Assembly.

Governor.

Reports of standing committees.

Motions and resolutions.

Senator DiCarlo.

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

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

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

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

the identical Calendar Number 372.

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

ACTING PRESIDENT SPANO: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Stachowski, please.

ACTING PRESIDENT SPANO: Senator Stachowski.

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

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

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

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

(Response of "Aye".)

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Present.

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

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

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

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

THE SECRETARY: Calendar Number 337, by Senator Larkin -

SENATOR GOLD: Lay it aside,

please.

ACTING PRESIDENT SPANO: Lay it aside.

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

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 32.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 342, by Senator Kuhl -

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT SPANO: Lay it aside.

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

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 33.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present, that completes the non-controversial calendar.

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

ACTING PRESIDENT SPANO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease.)

Senator Present.

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

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

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

ACTING PRESIDENT SPANO: Read the last section.

SENATOR GOLD: Explanation, please.

ACTING PRESIDENT SPANO: Senator Kuhl.

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

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Yeah, Mr.

President, would the sponsor yield to a question?

SENATOR KUHL: Yes.

ACTING PRESIDENT SPANO: Would the sponsor yield?

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

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

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

SENATOR KUHL: Sure.

SENATOR GOLD: Putting it over a day?

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

SENATOR GOLD: Thank you, Senator.

ACTING PRESIDENT SPANO: Lay the bill aside.

Senator Present.

SENATOR PRESENT: Is there any housekeeping to be done?

ACTING PRESIDENT SPANO: Any motions, resolutions, housekeeping?

SENATOR GOLD: Hold on one second.

ACTING PRESIDENT SPANO: Senator Present.

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

ACTING PRESIDENT SPANO: The

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

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