ALBANY, NEW YORK

March 21, 1994

3:41 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: Senate will come to order.

Please rise for the Pledge of Allegiance to the Flag.

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

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

(Whereupon, there was a moment of silence.)

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Sunday, March 20. The Senate met pursuant to adjournment. Senator Bruno in the chair upon designation of the Temporary President. The Journal of Saturday, March 19th, 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.

Senator Holland.

SENATOR HOLLAND: Mr. President. I wish to call up my bill, Print Number 1775A, recalled -- which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Holland's bill.

THE SECRETARY: By Senator Holland, Senate Bill Number 1775A, an act to amend the Social Services Law.

SENATOR HOLLAND: Mr. President. I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR HOLLAND: Mr. President. I now offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its place.

SENATOR HOLLAND: For Senator Cook, Mr. President, on page 19, I offer the following amendments to Calendar Number 353, Senate Print Number 6776, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its place.

Senator Maltese.

SENATOR MALTESE: Mr. President. On page number 18, I offer the following amendments to Calendar Number 345, Senate Print

Number 4917, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Johnson.

SENATOR JOHNSON: Mr. President. On page 17, please star Calendar Number 311, Print Number 3934.

ACTING PRESIDENT FARLEY: The bill is starred at the request of the sponsor.

Senator Cook.

SENATOR COOK: Mr. President. There will be an immediate meeting of the Education Committee in the Majority Conference Room.

ACTING PRESIDENT FARLEY: There will be an immediate meeting of the Education Committee in the Majority Conference Room, 332.

Any other motions on the floor?

(There was no response.)

Seeing none, Senator Present.

SENATOR PRESENT: Take up the noncontroversial calendar, please.

ACTING PRESIDENT FARLEY: Secretary read the noncontroversial calendar, page 13.

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

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for today.

THE SECRETARY: Calendar Number 62, by Senator Velella.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 88, by Senator Levy.

SENATOR PRESENT: Lay Calendar 88 aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 258, by Senator Volker, Senate Bill Number

1142A, an act to amend the Real Property Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR GOLD: For the year.

THE SECRETARY: Calendar Number 265, by Senator Levy.

SENATOR PRESENT: Lay it aside for the day please.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 270, by Senator Levy, Senate Bill Number 75, an act to amend the Railroad Law.

SENATOR GOLD: Please lay that aside.

ACTING PRESIDENT FARLEY: Lay that aside.

THE SECRETARY: Calendar Number 275, by Member of the Assembly Pheffer, Assembly Bill Number 1020A, an act to amend 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 46. Nays 1. Senator Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 293, by Senator Levy.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 336, by Senator Farley, Senate Bill Number 1617A, an act to amend the Election Law and the State Finance Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside for Senator Leichter.

THE SECRETARY: Calendar Number 337, by Senator Larkin, Senate Bill Number 2233A.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 342, by Senator Kuhl.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 347, by Senator Trunzo, Senate Bill Number 6710, Civil Service 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 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 351, by Senator Velella, Senate Bill Number 6648, an act to amend the Insurance 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 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President. Let's take it a second time through on the controversial calendar.

ACTING PRESIDENT FARLEY:

Controversial, second time through. On page 13, I believe, or is there anything left there?

We're on 14 now.

THE SECRETARY: On page 14, Calendar Number 258, by Senator Volker, Senate Bill Number 1142A, an act to amend the Real Property Law, in relation to disclosure obligations of real estate brokers and agents.

ACTING PRESIDENT FARLEY: Read the last section.

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

SENATOR GOLD: Will Senator yield to a question?

ACTING PRESIDENT FARLEY: Would you yield to Senator Gold's question, Senator Volker?

SENATOR VOLKER: Absolutely.

SENATOR GOLD: Senator, I notice that there was a veto of a similar bill last year. Is this the same bill that got vetoed?

SENATOR VOLKER: It is. There

has been an amendment to this bill, clarification of the bill. But in all honesty, it is basically the same bill. We are trying to -- we think think that the -- there was some confusion when the bill was vetoed, and we hope to see if we can make the Governor understand the error of his ways.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Will Senator yield on one more question?

ACTING PRESIDENT FARLEY: I'm sure he will.

Senator Volker?

SENATOR GOLD: Are you kidding me? Last section.

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 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 270, by Senator Levy, Senate Bill Number 75, an act to amend the Railroad Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Temporarily.

THE SECRETARY: Calendar Number 336, by Senator Farley, Senate Bill Number 1617A, an act to amend the Election Law and the State Finance Law.

SENATOR GOLD: Senator Leichter would like an explanation.

SENATOR LEICHTER: No objection.

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 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 337, by Senator Larkin, Senate Bill Number 2233A, an act to amend the Election Law.

ACTING PRESIDENT FARLEY: Explanation. Senator Larkin.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: I would like to just point out to the sponsor and the Majority Leader that Senator Connor would very much like to make some points on this bill; however, under a schedule not negotiated with us and sort of forced upon us, if we want to do cable shows as our other members do, our times seem to be slotted during sessions and Senator Connor will

not be finished with his cable show for another 35, 40 minutes. So I would really not like to have to stall this in any way, but I would urge that if we are still in session we could handle it then; otherwise, I would like it held or laid aside for Senator Connor.

SENATOR LARKIN: Is he doing a show tomorrow?

SENATOR GOLD: I don't think he is doing a show tomorrow. It's a Democrat and we don't get two days, Senator.

SENATOR LARKIN: Manny, I know how that was. I served 12 years in the Assembly.

SENATOR PRESENT: Lay the bill aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number 342, by Senator Kuhl, Senate Bill Number 3182, an act to amend the Agriculture and Markets Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY:

Explanation. Senator Kuhl.

SENATOR KUHL: Tomorrow's calendar, please.

ACTING PRESIDENT FARLEY: Lay it aside.

We have a motion on the floor. Senator Spano.

SENATOR SPANO: Thank you, Mr. President. On your behalf, will you please place a sponsor star on Senate Bill 342, Calendar 127.

ACTING PRESIDENT FARLEY: Thank you. Without objection.

Any other motions on the floor?

(There was no response.)

Seeing none, Senator Present.

SENATOR PRESENT: Mr. President. Can we stand at ease to await the report from the Education Committee. And if Joe has something there -

ACTING PRESIDENT FARLEY: We have some housekeeping.

We have a report right here from

the Education Committee. Would you like that read?

SENATOR PRESENT: Yes, please.

ACTING PRESIDENT FARLEY: Secretary will read the report of the Education Committee.

THE SECRETARY: Senator Cook from the Committee on Education reports the following bill directly for third reading:

Senate Bill Number 7131, by Senator LaValle, an act to amend the Education Law, in relation to the membership of the Board of Cooperative Educational Services in certain instances.

ACTING PRESIDENT FARLEY: Without objection, all bills are reported to third reading.

Looks like it, Senator Present.

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

ACTING PRESIDENT FARLEY: Senate

will stand adjourned until tomorrow at the regular hour.

(Whereupon, at 3:55 p.m. Senate adjourned.)