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ALBANY, NEW YORK

April 11, 1994

3:56 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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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.)

The Secretary will begin by
reading the Journal.

THE SECRETARY: In Senate,
Sunday, April 10. The Senate met pursuant to
adjournment. Senator Farley in the chair upon
designation of the Temporary President. The
Journal of Saturday, April 9, was read and
approved. On motion, Senate adjourned.

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

1 The order of business:
2 Presentation of petitions.
3 Messages from the Assembly.
4 Messages from the Governor.
5 Reports of standing committees.
6 Senator Stafford.

7 SENATOR STAFFORD: Thank you, Mr.
8 President. May I please announce an immediate
9 meeting of the Committee on Finance in Room
10 332. Finance, 332.

11 ACTING PRESIDENT FARLEY: The
12 Finance Committee will be meeting immediately in
13 332, the Majority Conference Room.

14 Do we have anything else from a
15 standing committee?

16 (There was no response.)

17 Reports of select committees.
18 Communications and reports from
19 state officers.

20 Motions and resolutions.

21 Senator Pataki.

22 SENATOR PATAKI: Yes, Mr.
23 President. On behalf of Senator Levy, I make

1 the following motion. I move that on page 5,
2 Calendar Number 265 be amended, Senate Bill
3 1707A, and that the bill retain its place on the
4 Third Reading Calendar.

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

8 SENATOR PATAKI: On page number
9 10, on behalf of Senator Daly, Calendar Number
10 474, that Assembly Print 8570A be amended and
11 retain its place on the Third Reading Calendar.

12 ACTING PRESIDENT FARLEY: Without
13 objection, the bill is amended and will retain
14 its place.

15 SENATOR PATAKI: On behalf of
16 Senator Sears, that Senate Print 7300 have its
17 enacting clause stricken and be -- be discharged
18 from committee and have it's enacting clause
19 stricken.

20 ACTING PRESIDENT FARLEY: Without
21 objection.

22 SENATOR PATAKI: And also I would
23 like to request that Calendar Number 537, Senate

1 Bill 7430, be starred and Calendar Number 538,
2 Senate Bill 7431, be starred.

3 ACTING PRESIDENT FARLEY: The
4 bills are starred at the request of the sponsor.

5 Any other motions on the floor?

6 Seeing none, Senator Present,
7 what is your pleasure?

8 SENATOR PRESENT: Mr. President.
9 Let's take up the noncontroversial calendar.

10 ACTING PRESIDENT FARLEY:
11 Secretary will read the noncontroversial
12 calendar.

13 THE SECRETARY: On page 8,
14 Calendar Number 354, by Senator Cook.

15 SENATOR GOLD: Lay it aside.

16 ACTING PRESIDENT FARLEY: Lay it
17 aside.

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

20 ACTING PRESIDENT FARLEY: Lay it
21 aside for the day.

22 THE SECRETARY: Calendar Number
23 396, by Senator Cook.

1 SENATOR GOLD: Lay it aside.

2 ACTING PRESIDENT FARLEY: Lay it
3 aside.

4 THE SECRETARY: Calendar Number
5 432, by Senator Levy.

6 SENATOR PRESENT: Lay it aside,
7 please.

8 ACTING PRESIDENT FARLEY: Lay it
9 aside.

10 For the day? No, just lay it
11 aside.

12 THE SECRETARY: Calendar Number
13 468, by Senator Farley, Senate Bill Number
14 1593A, an act to amend the Banking Law, in
15 relation to licensing of money transmitters.

16 SENATOR GOLD: Lay it aside.

17 ACTING PRESIDENT FARLEY: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 505, by Senator Volker, Senate Bill Number 4336,
21 an act to amend the Criminal Procedure Law and
22 the Penal law.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 35.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 509, by Senator Volker, Senate Bill Number
12 6803A, an act to amend the Penal Law.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 SENATOR GOLD: Wait one second.

20 ACTING PRESIDENT FARLEY: Hold it
21 up. 509, Senator.

22 SENATOR GOLD: Lay it aside.

23 ACTING PRESIDENT FARLEY: Lay it

1 aside. Withdraw the roll call.

2 THE SECRETARY: Calendar Number
3 512, by Senator Volker, Senate Bill Number 7062,
4 an act to amend the Civil Practice Law and
5 Rules.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 35.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 527, by Senator Larkin, Senate Bill Number 7318,
18 an act to amend the Real Property Tax Law.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 35.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 533, by Senator Tully, Senate Bill Number 232A,
8 an act to amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 35.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 534, by Senator Farley, Senate Bill Number 6391,
21 an act to amend the Public Authorities Law.

22 ACTING PRESIDENT FARLEY: Read
23 the last section.

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

3 ACTING PRESIDENT FARLEY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 36.

7 ACTING PRESIDENT FARLEY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 535, by Senator Kuhl, Senate Bill Number 6700,
11 an act to amend the Canal Law.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 37.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 536, by Senator Levy, Senate Bill Number 7147,

1 an act to amend the Railroad Law.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 38.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 544, by Senator Nozzolio, Senate Bill Number
14 6329, an act to amend the Election Law.

15 ACTING PRESIDENT FARLEY: Senator
16 Gold, what's your -- that bill was starred, I
17 think.

18 SENATOR PRESENT: 537 was
19 starred.

20 ACTING PRESIDENT FARLEY: 537 was
21 starred, Senator. We're on 544.

22 SENATOR GOLD: Lay it aside.

23 ACTING PRESIDENT FARLEY: Lay it

1 aside.

2 THE SECRETARY: Calendar Number
3 546, by Senator Nozzolio, Senate Bill Number
4 6365, an act to amend the Election Law, in
5 relation to campaign financial disclosure
6 statements.

7 SENATOR GOLD: Lay it aside.

8 ACTING PRESIDENT FARLEY: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 547, by Senator Nozzolio, Senate Bill Number
12 6639.

13 SENATOR GOLD: Lay it aside.

14 ACTING PRESIDENT FARLEY: Lay it
15 aside.

16 Senator Present, that's the first
17 time through.

18 Senator Waldon.

19 SENATOR WALDON: Thank you very
20 much, Mr. President. I would like the record to
21 show that on Thursday of last week had I been in
22 the chamber, I would have voted no on Calendar
23 513. And, on Friday, had I not been out on

1 other business with the Legislature, I would
2 have voted no on Calendar 515 and 516.

3 ACTING PRESIDENT FARLEY: The
4 record will show that.

5 SENATOR WALDON: Thank you, Mr.
6 President.

7 ACTING PRESIDENT FARLEY: Any
8 other motions on the floor?

9 Senator Present, that is the
10 first time through.

11 SENATOR PRESENT: Mr. President.
12 Can we stand at ease for a few moments.

13 ACTING PRESIDENT FARLEY: The
14 Senate will stand at ease.

15 (Whereupon, the Senate was at
16 ease.)

17 ACTING PRESIDENT FARLEY: Senator
18 Present.

19 SENATOR PRESENT: Mr. President.
20 Can we return to reports of standing
21 committees?

22 ACTING PRESIDENT FARLEY: We
23 certainly can. There is a report of the

1 Standing Committee on Finance.

2 Secretary will read it.

3 THE SECRETARY: Senator Stafford
4 from the Committee on Finance reports the
5 following bill directly for third reading:

6 Senate Bill Number 7585, by the
7 Senate Committee on Rules, an act to provide for
8 payments to municipalities and to providers of
9 medical services under the Medical Assistance
10 Program.

11 ACTING PRESIDENT FARLEY: Senator
12 Present.

13 SENATOR PRESENT: Mr. President.
14 I would like to have the third reading of this
15 bill at this time.

16 Are there two messages combined
17 in one at the desk?

18 ACTING PRESIDENT FARLEY: Yes,
19 there is.

20 SENATOR PRESENT: I move that we
21 accept the messages.

22 ACTING PRESIDENT FARLEY: All in
23 favor of accepting the messages, say aye.

1 (Response of "Aye.")
2 Those opposed, nay.
3 (There was no response.)
4 The messages are accepted.
5 SENATOR PRESENT: Last section.
6 ACTING PRESIDENT FARLEY: Without
7 objection, the bill has been reported to third
8 reading. And you would like to have it read at
9 this time?
10 SENATOR PRESENT: Right.
11 ACTING PRESIDENT FARLEY: Read
12 the last section.
13 THE SECRETARY: Section 3. This
14 act shall take effect immediately.
15 ACTING PRESIDENT FARLEY: Call
16 the roll.
17 (The Secretary called the roll.)
18 THE SECRETARY: Ayes 45.
19 ACTING PRESIDENT FARLEY: The
20 bill is passed.
21 Senator Holland.
22 THE SECRETARY: Senator Holland
23 down. Senator Maltese down.

1 ACTING PRESIDENT FARLEY: Senator
2 Kuhl.

3 SENATOR KUHL: Yes. Mr.
4 President. May I have unanimous consent to be
5 recorded in the negative on Calendar Number 533,
6 Senate Print 232A.

7 ACTING PRESIDENT FARLEY: 533,
8 Senator Kuhl is in the negative.

9 SENATOR KUHL: Thank you.

10 ACTING PRESIDENT FARLEY: Senator
11 Present.

12 SENATOR PRESENT: Mr. President.
13 Let's take up the controversial calendar.

14 ACTING PRESIDENT FARLEY:
15 Controversial. The Secretary will read.

16 THE SECRETARY: On page 9,
17 Calendar Number 396, by Senator Cook, Senate
18 Bill Number 2287, an act to amend the
19 Environmental Conservation Law.

20 SENATOR GOLD: Can we get a day
21 on that?

22 SENATOR PRESENT: Lay it aside
23 temporarily.

1 ACTING PRESIDENT FARLEY: Senator
2 Cook, could he have a day on that bill?

3 SENATOR COOK: Yes.

4 ACTING PRESIDENT FARLEY: Lay it
5 aside for the day, Senator Present?

6 SENATOR PRESENT: Yes.

7 ACTING PRESIDENT FARLEY: Okay.

8 THE SECRETARY: On page 10,
9 Calendar Number 432, by Senator Levy, Senate
10 Bill Number 79A, an act to amend the Vehicle and
11 Traffic Law and the Education Law.

12 ACTING PRESIDENT FARLEY: There
13 is a local fiscal impact note here at the desk.
14 You can read the last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect immediately.

17 SENATOR PRESENT: Lay it aside.

18 SENATOR GOLD: Lay it aside.

19 ACTING PRESIDENT FARLEY: Lay it
20 aside.

21 THE SECRETARY: Calendar number
22 468, by Senator Farley, Senate Bill Number
23 1593A, an act to amend the Banking Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 SENATOR LEICHTER: Mr.
9 President.

10 ACTING PRESIDENT FARLEY: Senator
11 Leichter.

12 SENATOR LEICHTER: Yes. I ask
13 unanimous consent to be excused from voting on
14 this bill.

15 ACTING PRESIDENT FARLEY: Senator
16 Leichter, without objection, will be excused
17 from voting.

18 Read the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 44.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 509, by Senator Volker, Senate Bill Number
6 6803A, an act to amend the Penal Law.

7 ACTING PRESIDENT FARLEY: Read
8 the last section.

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 45.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 544, by Senator Nozzolio, Senate Bill Number
19 6329, an act to amend the Election Law.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 45. Nays
5 1. Senator Kuhl recorded in the negative.

6 ACTING PRESIDENT FARLEY: That
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 546, by Senator Nozzolio, Senate Bill Number
10 6365, an act to amend the Election Law.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 46.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 547, by Senator Nozzolio, Senate Bill Number
23 6639, an act to amend the Election Law, in

1 relation to nominations for public office.

2 ACTING PRESIDENT FARLEY:

3 Explanation. Senator Nozzolio.

4 SENATOR NOZZOLIO: This bill
5 allows a candidate who is nominated by one party
6 to decline such nomination if that candidate is
7 hereinafter nominated by that party for another
8 office. This happened just this last year with
9 the eminent Senator to my right, Senator Rath as
10 an example, who was running for re-election as a
11 county legislator, was nominated by both the
12 Republican and Conservative parties. Upon her
13 nomination during the special election period to
14 both parties, that there was a problem in terms
15 of declination. This bill would allow that
16 problem to be eliminated by allowing the
17 candidate to decline the first nominations even
18 though it may be nominated by only one of those
19 two parties.

20 ACTING PRESIDENT FARLEY: Senator
21 Dollinger.

22 SENATOR DOLLINGER: Will the
23 sponsor yield to a question just so I make sure

1 I understand this?

2 ACTING PRESIDENT FARLEY: Senator
3 Nozzolio, will you yield to a question?

4 SENATOR NOZZOLIO: Yes.

5 SENATOR DOLLINGER: Senator, can
6 you just explain to me the circumstances under
7 which that works? You are nominated for a
8 position by a party, and then there is
9 subsequently a second nomination at a later time
10 that requires to you decline, and you are
11 outside the declination period; is that correct?

12 SENATOR NOZZOLIO: That's
13 correct, Senator.

14 SENATOR DOLLINGER: So, just so I
15 understand how it works in the electoral
16 calendar. The period, as I recall, in '92 which
17 is the one I'm most familiar with, there was a
18 period between the 28th of July and the 3rd of
19 August, a four- or five-day period in which,
20 after you were nominated, you could decline the
21 nomination and take a nomination from another
22 party.

23 SENATOR NOZZOLIO: Correct,

1 Senator. That's the normal declination period
2 traditionally designed so that when some
3 petitions are filed, then a party has the
4 opportunity to either accept or decline the
5 nomination on their behalf. But when there is
6 another election taking place, a special
7 election, where that candidate may be nominated
8 for a higher office or another office -
9 obviously the declination period has expired -
10 because of the changed circumstances, this
11 would, in effect, inure to the candidate who was
12 running for another office during the period
13 after the declination period has been
14 terminated, is overwith.

15 SENATOR DOLLINGER: Okay. Thank
16 you, Mr. President.

17 ACTING PRESIDENT FARLEY: Read
18 the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 46.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President.

6 I offer the following amendments on Calendar
7 Number 175, Senate Print Number 471, on behalf
8 Senator Levy.

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

12 Senator Present.

13 SENATOR PRESENT: Any more
14 housekeeping.

15 ACTING PRESIDENT FARLEY: Just a
16 minute. There might be some more.

17 SENATOR PRESENT: Might be?

18 SENATOR LIBOUS: Mr. President.

19 Would you also remove the star from that,
20 please.

21 ACTING PRESIDENT FARLEY: The
22 star is removed at the request of the sponsor.

23 Any other motions on the floor?

1 Seeing none, Senator Present.

2 SENATOR PRESENT: Mr. President.

3 There being no further business, I move that we
4 adjourn until tomorrow at 3:00 p.m.

5 ACTING PRESIDENT FARLEY: The
6 Senate will stand adjourned until tomorrow at
7 3:00 p.m.

8 (Whereupon, at 4:25 p.m., Senate
9 adjourned.)

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