ALBANY, NEW YORK

April 26, 1994

4:01 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: Senate will come to order. Ask the members to take their places. If you would all stand and join me in the Pledge of Allegiance.

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

ACTING PRESIDENT KUHL: We're joined by the Reverend Robert Hess from the Delmar Reformed Church in Delmar, New York, to deliver us a prayer.

REVEREND ROBERT HESS: Let us pray.

Almighty God, another session for these elected men and women to make decisions, to take actions. Help them to decide the better thing to do. In difficulty, keep them from discouragement and, in failure, keep them from despair. In joy, help them not to forget to sympathize with others who are sad and, in sorrow, help them to hope for the future as well as to remember the past. In success, keep them from conceit and, when things go well, keep them

from thinking they can do without You. Help them to remember that there is no situation in which You cannot be present and no time in which they do not need Your help. This is our prayer, O God. Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 25th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Sunday, April 24th, was read and approved. On motion, Senate adjourned.

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

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 and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Volker, on page 17, I offer the following amendments to Calendar 640, Senate Print 3825-B, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The bill is amended and will retain its place on the Third Reading Calendar.

Substitutions?

THE SECRETARY: On page 4 of today's calendar, Senator Levy moves to discharge the Committee on Insurance from Assembly Bill Number 825 and substitute it for the identical Calendar Number 663.

Also on page 4, Senator Velella moves to discharge the Committee on Insurance from Assembly Bill Number 9984, and substitute it for the identical Calendar Number 665.

ACTING PRESIDENT KUHL:

Substitutions are ordered.

Senator Present.

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar with the exception of Resolution 3308.

ACTING PRESIDENT KUHL: All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up the non-controversial calendar, please.

ACTING PRESIDENT KUHL: The clerk will read the non-controversial calendar.

THE SECRETARY: On page 6, Calendar Number 265, by Senator Levy, Senate Bill Number 1707-B, an act in relation to requiring the Department of Motor Vehicles to compile information on driving while under the

influence of drugs.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 41, nays one, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 490, by Senator Seward, Senate Bill Number 6570, an act to amend the Judiciary Law, in relation to the offices of county judge and surrogate in Otsego County.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill's passed.

THE SECRETARY: Calendar Number 558, by Senator Hannon, Senate Bill Number 5206-A, an act to amend the Real Property Actions and Proceedings Law.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 604, by Senator Sears, Senate Bill Number 6543-B, an act to amend the General Business Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 44, nays one, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 607, by Senator Levy, Senate Bill Number 71-A.

SENATOR GOLD: Lay aside, please.

SENATOR PRESENT: Lay aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 634, by Senator Present, Senate Bill Number 1591, an act to amend the Penal Law, in relation to lawful possession of weapons by persons 11 years of age.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 40 -

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Ayes 45, nays one, Senator Paterson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 652, by Senator Lack, Senate Bill Number 7579, an act to amend the Penal Law, in relation to harassment in the first and second degree.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 654, by Senator Hannon, Senate Bill Number

270 -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 659, by Senator Seward, Senate Bill -

SENATOR GOLD: Could we please lay that aside for one day?

SENATOR SEWARD: For the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

Senator Present, that completes the non-controversial calendar.

Senator DeFrancisco.

SENATOR DeFRANCISCO: May I be - have unanimous consent to be recorded in the negative on 604, Calendar Number 604.

ACTING PRESIDENT KUHL: Without objection, Senator DeFrancisco will be recorded in the negative on Calendar Number 604.

SENATOR FARLEY: Me too.

ACTING PRESIDENT KUHL: Senator Farley also being recorded in the negative on

Calendar Number 604.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: May the Senate stand at ease for a few moments.

ACTING PRESIDENT KUHL: The Senate will stand at ease for a few moments.

(Whereupon the Senate stood at ease briefly.)

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until tomorrow at 11:00 a.m.

ACTING PRESIDENT KUHL: So moved. The Senate stands adjourned until 11:00 tomorrow.

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