ALBANY, NEW YORK

May 24, 1994

4:15 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: The Senate will come to order. Members take their seats. Ask the gallery to rise and join me in saying the Pledge of Allegiance.

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

In the absence of clergy, I would ask that we bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Sunday, Monday May 23rd. The Senate met pursuant to adjournment, Senator Nozzolio in the Chair upon designation of the Temporary President. Prayer by the Reverend Joseph Catanise of the Holy Trinity Church of Webster, New York. The Journal of Sunday, May 22nd, 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 resolutions. Senator Tully.

SENATOR TULLY: Yes, Mr. President. On behalf of Senator Goodman, on page 37, I offer the following amendments to Calendar Number 1003, Senate Print Number 2645, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: So ordered.

SENATOR TULLY: Mr. President, on behalf of Senator Seward, on page 28, I offer the following amendments to Calendar Number 889, Senate Print Number 7508-A, and ask that said bill retain its place on the Third Reading

Calendar.

ACTING PRESIDENT KUHL: So ordered.

SENATOR TULLY: Mr. President, on behalf of Senator Lack, on page 7, I offer the following amendments to Calendar Number 346, Senate Print Number 6680-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: So ordered.

SENATOR TULLY: Mr. President, on behalf of Senator Cook, on page 21, I offer the following amendments to Calendar Number 787, Senate Print Number 7697, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: So ordered.

Senator Present.

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar, copies of which are on our desks.

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: Mr. President, let's take up the non-controversial calendar.

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

SENATOR PRESENT: Mr. President, we'll stand at ease for a few moments.

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

(The Senate stood at ease from 4:18 to 4:25 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. The clerk will read the non-controversial calendar.

THE SECRETARY: On page 4, Calendar Number 63, by Senator Kuhl, Senate Bill Number 537-A, an act to amend the Agriculture and Markets Law.

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 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 485, by Senator Levy.

SENATOR PRESENT: Lay it aside for amendment, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR PRESENT: For the day.

ACTING PRESIDENT KUHL: For the day.

THE SECRETARY: Calendar Number 809, by member of the Assembly Dugan, Assembly Bill Number 10718, an act to amend the Labor Law, in relation to limiting the liability of

employers for unemployment insurance benefits.

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 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 810, by member of the Assembly Nolan, Assembly Bill Number 10720, an act to amend the Labor Law, in relation to limiting the liability of certain employers for unemployment insurance coverage.

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 36.

ACTING PRESIDENT KUHL: The bill's passed.

THE SECRETARY: Calendar Number 818, by Senator Skelos, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 9026-B and substitute it for the identical Third Reading 818.

ACTING PRESIDENT KUHL: Substi tution is ordered. 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 35, nays one, Senator Tully recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 825, by Senator Volker, Senate Bill Number 7518-A, an act to amend the Town Law and the

General Municipal Law.

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 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 894, by Senator Rath, Senate Bill Number 7054-A, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT KUHL: Read the last section.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR TULLY: Mr. President.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: What happened to Calendar 889?

ACTING PRESIDENT KUHL: That was amended earlier today, Senator Tully.

SENATOR RATH: Lay the bill aside for the day.

ACTING PRESIDENT KUHL: And lay Calendar Number 825 aside for the day.

THE SECRETARY: 894.

ACTING PRESIDENT KUHL: 894, excuse me, Calendar Number 894 is laid aside for the day, by the sponsor.

THE SECRETARY: Calendar Number 914, by Senator Levy, Senate Bill Number 7931, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR GOLD: For the year.

THE SECRETARY: Calendar Number 935, by member of the Assembly DiNapoli, Assembly Bill Number 9380-A, authorizing the solicitation of design proposals for uniform signs.

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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 947, by member of the Assembly Colman, Assembly Bill Number 562-A, Energy Law, in relation to energy-efficient appliances.

SENATOR SEWARD: Mr. President, could we lay that bill aside for the day, please.

ACTING PRESIDENT KUHL: Lay the bill aside for the day at the request of the sponsor.

THE SECRETARY: Calendar Number 953, by the Committee on Rules, Assembly Bill Number 11426, Public Service Law, in relation to

certain technical corrections.

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 38.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 959, by Senator Lack, Senate Bill Number 7206, proposing amendment to the Constitution.

ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

THE SECRETARY: Calendar Number 970, by Senator Goodman, Senate Bill Number

8083-A, an act to amend the Tax Law, in relation to charitable contributions.

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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1004, by Senator Maltese, Senate Bill Number 3302-A, an act to amend the Vehicle and Traffic Law.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1009, by Senator DeFrancisco, Senate Bill Number 5535-A, an act to amend the Vehicle and Traffic

Law.

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 38, nays one, Senator Johnson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1023, by Senator Levy, Senate Bill Number 7991-A, an act to amend the Vehicle and Traffic Law, in relation to leaving the scene of an injury.

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 38, nays one, Senator Cook recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1024, by Senator Levy, Senate Bill Number 8028-A, requiring the Department of Motor Vehicles to include certain information.

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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1043, by Senator Kuhl, Senate Bill Number 4513-B, an act to amend the Agriculture and Markets Law.

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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1045, by Senator Kuhl, Senate Bill Number 8311, an act to amend the Agriculture and Markets Law.

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 39.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1046, by Senator Kuhl, Senate Bill Number 8312, an act to amend the Agriculture and Markets Law.

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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1050, by Senator Johnson.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Present, that completes the non-controversial calendar. What's your pleasure?

SENATOR PRESENT: Mr. President, let's take up the controversial calendar.

ACTING PRESIDENT KUHL: Clerk will read the controversial calendar.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President, before we do this, I regret to inform you that I need to ask unanimous consent to be recorded in the negative on your bill 1045.

ACTING PRESIDENT KUHL: Without objection, Senator Leichter will be recorded in the negative on Calendar Number 1045.

Clerk will read the controversial calendar.

THE SECRETARY: On page 30, Calendar Number 914, by Senator Levy, Senate Bill Number 7931, an act to amend the Vehicle and Traffic Law, in relation to the suspension and restoration of a driver's license.

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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1004, by Senator Maltese, Senate Bill Number 3302-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Senator Maltese? An explanation has been asked for, Senator Present.

SENATOR PRESENT: Lay it aside for the day.

SENATOR GOLD: Yeah.

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

THE SECRETARY: Calendar Number 1050, by Senator Johnson, Senate Bill Number 1704, an act to amend the Education Law, in

relation to requiring that the State University graduation ceremonies include the Pledge of Allegiance.

SENATOR GOLD: Senator yield to a question?

ACTING PRESIDENT KUHL: Senator Johnson, will you yield for a question from Senator Gold? Yes, the Senator does.

SENATOR GOLD: Senator, since last year when Senator Connor and myself and Senator Galiber and Leichter, Montgomery, Ohrenstein, Santiago, Smith and Waldon voted in the negative, has there been any change to this bill?

SENATOR JOHNSON: No.

SENATOR GOLD: Thank you.

ACTING PRESIDENT KUHL: Clerk will 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.)

ACTING PRESIDENT KUHL: Senator Montgomery to explain your vote?

SENATOR MONTGOMERY: Mr. President, just to explain my vote briefly.

I am certainly not opposed to singing the National Anthem at any graduation. It's just that I am not -- I have never been to a graduation where the National Anthem is not sung and, in fact, there are basically two or three national anthems that are sung at graduations, always the National Anthem of our United States and sometimes the negro national anthem, sometimes the national anthem of Puerto Rico, sometimes other national anthems depending on who the majority of the people are in the audience and who are there participating and in whose honor the event is being held and who are graduating.

So Senator, I must -- I must clarify my vote. It is not because I am against the singing of this song that celebrates all of our -- our collective American experience, but it is because I'm opposed to using it as a test

of any one of our -- our commitment to the ideals of this United States. We all are, and I think that this is totally unnecessary, but I do support in no uncertain terms the singing of the National Anthem as we do at each one of our sessions here and as I've heard at every single graduation that I've been to in my life.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator, how do you vote?

SENATOR MONTGOMERY: I'm voting no.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1050 are Senators Connor, Espada, Galiber, Gold, Leichter, Montgomery, Ohrenstein, Smith and Waldon. Ayes 34, nays 9.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present, that completes the controversial calendar. What's your

pleasure?

SENATOR PRESENT: Mr. President, I'd ask the Senate stand at ease.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(The Senate stood at ease from 4:39 to 4:55 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. The Chair recognizes Senator Stafford.

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

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Senate Committee on Finance in Room 332. Senate stands at ease.

SENATOR PRESENT: Awaiting a report of the Finance Committee.

ACTING PRESIDENT KUHL: Awaiting a report of the Finance Committee.

(The Senate stood at ease from 4:56 to 5:35 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order.

Chair recognizes Senator Stafford for an announcement.

SENATOR STAFFORD: Mr. President, may I again announce an immediate meeting of the Committee on Finance in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Senate Committee on Finance. This is a second meeting, in Room 332. The Senate will stand at ease.

(The Senate stood at ease from 5:37 to 6:05 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order. Members will please take their seats.

Senator Present.

SENATOR PRESENT: Mr. President, can we return to reports of standing committees.

ACTING PRESIDENT KUHL: Clerk will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following bills directly for third reading:

Senate Bill Number 8506, by the Committee on Rules, to provide payments to municipalities;

8507, by the Committee on Rules, an act to provide for payments to vendors under the Woman, Infants and Children's program;

8508, by the Committee on Rules, an act making appropriations to support the operating expenses of the New York City Transit Authority;

8509, by the Committee on Rules, an act making an appropriation for the payment of debt service obligations of the Local Government Assistance Corporation;

8510, by the Committee on Rules, an act to provide for payments to licensed day care centers and family day care homes; and

8512, by the Senate Committee on Rules, an act to amend a chapter of the laws of 1994 as proposed in legislative Bill Numbers S. 8508, Assembly 11721.

ACTING PRESIDENT KUHL: All bills ordered directly to third reading.

Senator Present.

SENATOR PRESENT: Mr. President, can we have third reading of these bills now starting with Calendar Number 1082.

THE SECRETARY: Calendar Number 1082, by the Senate Committee on Rules, Senate Bill Number 8506, Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 11719 and substitute it for the identical Senate Bill Number 8506.

ACTING PRESIDENT KUHL: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity, a message of appropriation at the desk?

ACTING PRESIDENT KUHL: Senator Present, there is.

SENATOR PRESENT: I move that we accept the message.

ACTING PRESIDENT KUHL: All those

in favor of accepting the messages, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The messages are accepted.

Clerk will 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.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 51, nays two, Senators Holland and Maltese recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1083, by the Senate Committee on Rules, Senate Bill Number 8507, Senator Stafford moves to

discharge the Committee on Finance from Assembly Bill Number 11720 and substitute it for the identical Senate Bill Number 8507.

ACTING PRESIDENT KUHL: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity and a message of appropriation at the desk for this bill?

ACTING PRESIDENT KUHL: There is.

SENATOR PRESENT: Mr. President, I move we accept the messages.

ACTING PRESIDENT KUHL: All those in favor of accepting the messages, signify by saying aye.

(Response of "Aye.)

Opposed nay.

(There was no response.)

The messages are accepted. Clerk will 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1084, by the Senate Committee on Rules, Senate Bill Number 8508, an act making appropriations to support the operations of the New York City Transit Authority.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity, a message of appropriation at the desk?

ACTING PRESIDENT KUHL: There is, Senator Present.

SENATOR PRESENT: Mr. President, I move we accept the messages.

ACTING PRESIDENT KUHL: All those in favor of accepting the messages, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The messages are accepted.

Clerk will read the last section.

SENATOR JONES: Point of information: Do we have a message of necessity for 8512?

ACTING PRESIDENT KUHL: I'm informed by the clerk that we do not have a message on 8512 yet.

SENATOR JONES: Thank you.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR STACHOWSKI: Explain my vote.

ACTING PRESIDENT KUHL: Senator Stachowski to explain his vote.

SENATOR STACHOWSKI: Since we

don't have a message on 8512 yet and not knowing if we're going to get one, unfortunately I'm going to have to vote no on this bill under the premise that that message may not come.

SENATOR LEVY: Yes, Mr. President, to explain my vote.

ACTING PRESIDENT KUHL: Senator Levy to explain his vote.

SENATOR LEVY: Mr. President, last night we discussed this issue and the CHPS issue and Senator Jones rightfully asked, is there a message on 8512? We don't have an answer on that, but we've got to do this bill as it relates to the Transit Authority; but I have to say that I am very upset and concerned, and I think every member of this chamber should be because the MTA and the second floor represented not only to us but to the Assembly that this bill had to be done before midnight last night or the Transit Authority would not be able to meet its payroll, and here we are at 6:15 on the next day notwithstanding -- notwithstanding the representations were made -- that were made that

a payroll couldn't be met in the amount of this bill, and here is this bill today to fulfill the purpose, the "drop dead" date that we had last night, and certainly there had to be a mis representation not only to leadership but to members. Otherwise we would not have been doing that bill last night, and I want to serve notice that I am going -- I, on behalf of every member of this chamber, am going to find out who made the representations that came from the MTA and who made the representations that came from the second floor, particularly as it relates to the Transit Authority and the MTA, and Senator Galiber and I talked about it last night.

This is just a consistent pattern that comes from that Authority, and that consistent pattern is that we have ongoing false misrepresentations as it relates to financial needs. They don't play by the same rules and regulations and laws that everybody else plays by. They make representations to us and change the facts to bend the conclusion that they seek and I think that collectively we've got a

responsibility to find out how did we get these representations last night that they were going to have $4 million plus in costs if we didn't pass a bill to permit them rightfully to meet their payroll, but wrongfully on the representations that are made, and you can be assured of that, of the fact that on all of our behalf, I am going to seek that answer from Stangl and from Kiepper as well as from the second floor.

I vote aye.

ACTING PRESIDENT KUHL: Senator Levy in the affirmative. Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1084 are Senators Cook -

ACTING PRESIDENT KUHL: Senator Galiber to explain his vote.

SENATOR GALIBER: I briefly have an opportunity to explain my yes vote.

Senator Levy, I'd like to join with you in seeking out that information because I, too, think it's a disgrace that they

misrepresented certain more factors, and it's a pattern that they've been guilty of doing that over a number of years. So we'd like to join you in getting that information.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1084 are Senators Cook, DeFrancisco, Dollinger, Jones, Larkin, LaValle, Paterson, Stachowski, Senator Wright, also Senator Saland. Ayes 43, nays 10.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1085, Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 11722 and substitute it for the identical Senate Bill 8509.

ACTING PRESIDENT KUHL: Substitution is ordered. Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity and a message of appropriation at the desk for 1085?

ACTING PRESIDENT KUHL: There are, sir.

SENATOR PRESENT: Mr. President, I move we accept the messages.

ACTING PRESIDENT KUHL: All those in favor of accepting the messages, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The messages are accepted.

Clerk will 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1086, by the Senate Committee on Rules, Senate

Bill Number 8510, an act to provide for payments to licensed day care centers and family day care homes.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity, a message of appropriation at the desk for 1086?

ACTING PRESIDENT KUHL: There are, sir.

SENATOR PRESENT: Mr. President, I move we accept the messages.

ACTING PRESIDENT KUHL: All those in favor of accepting the messages, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The messages are accepted.

The clerk will 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1087, by the Senate Committee on Rules, Senate Bill Number 8512, an act to amend a chapter of the laws of 1994 as proposed in legislative bill numbers S. 8508, Assembly 11721.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity or appropriation -- and appropriation at the desk for this bill?

ACTING PRESIDENT KUHL: Senator Present, I'm uniformed by the Journal Clerk that there are no messages at the desk on this bill.

SENATOR PRESENT: Mr. President, can we lay this bill aside and we stand at ease for a few moments.

ACTING PRESIDENT KUHL: The bill

will be laid aside and the Senate will stand at ease temporarily.

SENATOR LEVY: Mr. President.

ACTING PRESIDENT KUHL: The Chair will recognize Senator Levy.

SENATOR LEVY: Yes, Mr. President. I'd like to place a sponsor's star on Calendar Number 432, Senate Print Number 79-B.

ACTING PRESIDENT KUHL: Sponsor's star will be placed on Calendar Number 432. The Senate will stand at ease temporarily.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: There will be an immediate conference of the Majority in Room 332 and we'll stand at ease awaiting the message.

ACTING PRESIDENT KUHL: The Senate will stand at ease but there's an immediate conference of the Majority in Room 332.

(The Senate stood at ease from 6:19 to 7:13 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President, can we call up Calendar 1087.

ACTING PRESIDENT KUHL: Clerk will read.

THE SECRETARY: Calendar Number 1087, by the Senate Committee on Rules, Senate Bill Number 8512, an act to amend a chapter of the laws of 1994 as proposed in legislative bill number S. 8508.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity, a message of appropriation at the desk for this bill?

ACTING PRESIDENT KUHL: Senator Present, the clerk says that there is.

SENATOR PRESENT: Mr. President, I move that we accept the messages.

ACTING PRESIDENT KUHL: All those in favor of accepting the messages of necessity and appropriation, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The messages are accepted.

Clerk will 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Sears.

SENATOR SEARS: Yes. Mr. President, I'd like unanimous consent to be recorded in the negative on Senate Bill 8506.

ACTING PRESIDENT KUHL: Without objection, so ordered.

Senator Present.

SENATOR PRESENT: Any housekeeping, Mr. Cornell?

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

ACTING PRESIDENT KUHL: The Senate stands adjourned until tomorrow, Wednesday, at 11:00 a.m.

(Whereupon at 7:15 p.m., the Senate adjourned.)