ALBANY, NEW YORK

March 8, 1995

11:00 a.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. Ask the visitors in the gallery to rise and join with us as we all recite the Pledge of Allegiance.

(Those present joined in the Pledge of Allegiance to the Flag.)

In the absence of clergy, I would ask that we all bow our heads for a moment of prayer.

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 7. The Senate met pursuant to adjournment. Senator Kuhl in the chair. Prayer by the Reverend Peter G. Young, Blessed Sacrament Church, Bolton Landing. The Journal of Monday, March 6, 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 Bruno, the desk informs me that there is a substitution at the desk if you would like to take that up at this time.

SENATOR BRUNO: Let's do that at this time, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: On page 13, Senator Sears moves to discharge from the Committee on Consumer Protection, Assembly Bill Number 2488 and substitute it for the identical bill, Calendar Number 167.

ACTING PRESIDENT KUHL: Without objection, the substitution is ordered.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we now take up the noncontroversial calendar?

ACTING PRESIDENT KUHL: Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 77, by Senator Levy, Senate Print 328A, an act to amend the Public Authorities Law and the Railroad Law, in relation to operating a self-propelled rail passenger car or locomotive while under the influence of alcohol or drugs.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 115, by Senator Lack, Senate Print 985, an act to amend the Penal Law, in relation to possession and sale of fireworks and to repeal Section 270.00 of such law relating thereto.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 117, by Senator Volker, Senate Print 1113, an act to amend the Penal Law, in relation to the crime of false personation.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 118, by Senator Saland, Senate Print 1417, an act to amend the Criminal Procedure Law and the Family Court Act, in relation to access to records.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 121, by Senator Levy, Senate Print 372, an act to amend the Vehicle and Traffic Law, in relation to increasing the penalties for aggravated unlicensed operation of a motor vehicle.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Senate Print 122, by Senator Levy, an act in relation to authorizing the Commissioner of Transportation and others to develop and implement a uniform statewide system.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 123, by Senator Stafford, Senate Print 610, an act to amend the Vehicle and Traffic Law, in relation to the operation of school buses with headlights and tail lights illuminated.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 125, by Senator Goodman, Senate Print 1409, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties for subsequent violations.

SENATOR PATERSON: Lay it aside.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 129, by Senator Lack, Senate Print 642, an act to amend the Public Health Law, in relation to penalties which may be assessed by local boards of health.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Senate Print 132, by Senator Stafford, an act to amend the Environmental Conservation Law, in relation to permitting certain advertising in the Adirondack Park.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Bruno.

SENATOR BRUNO: Mr. President. We have laid all the bills aside in this chamber because we do not have a majority in this house,

and I think that's pretty sad testimony to what goes on in the lives of elected representatives who have an obligation to be in this chamber to represent their constituency, and I'm asking the leadership on this side and the leadership on that side to address ourselves to resolving this problem because it is totally unfair to the members that are here and you, Mr. President, presiding over an almost empty chamber.

I would like to say that we have the quality represented here in this chamber; and I look around and I see that that is a fact, people who are diligent, ready to do the people's work, earning their pay and being responsive to their constituency. It is very disturbing that we can not pass a bill in this house eight minutes after the appointed hour.

We will stand in recess or at ease until we can pass a bill in this house.

ACTING PRESIDENT KUHL: Senator Bruno, before we stand at ease, could we recognize Senator Paterson?

Chair recognizes Senator

Paterson.

SENATOR PATERSON: Thank you, Mr. President. And to the Majority Leader through you, Mr. President, we see that Senator Gold is here, Senator Connor; but we really can not discharge the business of this house unless we have full cooperation.

In the past, there were often problems about what time the session was going to start. The Majority Leader in consultation with this Conference has suggested that we be here on time. That way schedules can be made with some effectiveness. This is a better system. It is a better way for business to operate. It's a better way for the Legislature to operate, and the Majority Leader has extended us his cooperation by being here, and the Minority Leader, as well.

So I would ask the members from this Conference, wherever you are, I'm sure you can hear me, to please come here and not let the elevators intervene. Use the stairs, it's good exercise, and come to this chamber immediately.

We have all this room down the right field line here. I can't get over there and cover the balls hit on that side. We need members in this chamber.

It's actually in the end not very funny, and we would like to have full cooperation.

ACTING PRESIDENT KUHL: Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President. Thank you, Senator Paterson, for those very appropriate words; and I get up and say what I feel and not too much happens, but Senator Paterson gets up and says what he feels, and we now have a majority in this house.

So thank you, Senator, for your help. I think we can proceed with the noncontroversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 77, by Senator Levy, Senate 328A, an act to amend the Public Authorities Law and the

Railroad Law.

SENATOR PATERSON: Explanation.

SENATOR BRUNO: Mr. President. Lay it aside at the request of the sponsor.

ACTING PRESIDENT KUHL: The bill will be laid aside for the day at the request of the sponsor.

THE SECRETARY: Calendar Number 115, by Senator Lack, Senate 985, an act to amend the Penal Law, in relation to possession and sale of fireworks.

SENATOR PATERSON: Explanation.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR BRUNO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 117, by Senator Volker, Senate 1113, an act to amend the Penal Law, in relation to the crime of false personation.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of January.

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 118, by Senator Saland, Senate 1417, an act to amend the Criminal Procedure Law and the Family Court Act.

ACTING PRESIDENT KUHL: Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President. With the permission of the Majority Leader, may we lay this bill aside for the day. Senator Galiber would like to debate this bill and will not be here until 2:00 o'clock which, hopefully, will be long after this session has

adjourned.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Lay it aside for the day.

ACTING PRESIDENT KUHL: The bill is laid aside for the day.

THE SECRETARY: Calendar number 121, by Senator Levy, Senate 372, an act to amend the Vehicle and Traffic Law, in relation to increasing the penalties for aggravated unlicensed operation.

SENATOR BRUNO: Lay it aside for the day, Mr. President.

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

THE SECRETARY: Calendar Number 122, by Senator Levy, Senate 429, an act in relation to authorizing the Commissioner of Transportation and others to develop and implement a uniform statewide system.

SENATOR BRUNO: Lay it aside for the day, Mr. President.

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

THE SECRETARY: Calendar 123, by Senator Stafford, Senate 610, an act to amend the Vehicle and Traffic Law, in relation to the operation of school buses.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of July.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 125, by Senator Goodman, Senate 1409, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties.

ACTING PRESIDENT KUHL: Secretary 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 34.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 125, Senator Holland recorded in the negative. Ayes 33, nays 1.

SENATOR DeFRANCISCO: Excuse me.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR DeFRANCISCO: May I also be recorded in the negative?

ACTING PRESIDENT KUHL: Without objection, Senator DeFrancisco in the negative. Senator Sears in the negative.

Lay the bill -- lay the bill aside.

THE SECRETARY: Calendar Number 129, by Senator Lack, Senate 642, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

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 132, by Senator Stafford, Senate 620, an act to amend the Environmental Conservation Law, in relation to permitting certain advertising in the Adirondack Park.

ACTING PRESIDENT KUHL: Secretary 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 37.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR LACK: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President. Calendar Number 115, bill number S.985, which was laid aside for the day, would you please star that at my request.

ACTING PRESIDENT KUHL: Calendar Number 115 is starred at the request of the sponsor.

SENATOR LACK: Thank you.

SENATOR BRUNO: Mr. President, I think at this time we can go back to Calendar 125 and take that bill up.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 125.

THE SECRETARY: Calendar Number 125, by Senator Goodman, Senate 1409, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties.

ACTING PRESIDENT KUHL: Secretary

will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 125 are Senators DeFrancisco, Holland, Sears and Wright. Ayes 38, nays 4.

ACTING PRESIDENT KUHL: Bill is passed.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President. Any housekeeping to be done at the desk?

ACTING PRESIDENT KUHL: Senator Bruno, there is no housekeeping at the desk.

SENATOR BRUNO: Will you recognize Senator Saland, Mr. President.

SENATOR SALAND: Housekeeping. I

would like to star Calendar 96, please.

ACTING PRESIDENT KUHL: Calendar Number 96 will be starred at the request of the sponsor.

Senator Solomon.

SENATOR SOLOMON: Mr. President. I would like unanimous consent to be recorded in the negative on Calendar Number 125.

ACTING PRESIDENT KUHL: Without objection, Senator Solomon will be recorded in the negative on Calendar Number 125.

SENATOR SOLOMON: Thank you.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President. At this time, I would like to remind the Repub licans that we have a conference immediately following the session. It is now 11:15. That means we will bang the gavel at 11:20; and, Senator DiCarlo, you know what that means? So if anyone is listening to me, they have four minutes to be in our conference.

And there being no further

business to come before the Senate, I move we stand adjourned until tomorrow at 10:00 a.m. sharp.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Immediate conference of the Republican Majority in the Conference Room, Room 332.

Without objection, the Senate stands adjourned until tomorrow at 10:00 a.m.

(Whereupon, at 11:17 a.m., Senate adjourned.)