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ALBANY, NEW YORK

March 8, 1995

11:00 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT KUHL: Senate
3 will come to order. Ask the members to take
4 their places. Ask the visitors in the gallery
5 to rise and join with us as we all recite the
6 Pledge of Allegiance.

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

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

12 (Whereupon, there was a moment of
13 silence.)

14 Reading of the Journal.

15 THE SECRETARY: In Senate,
16 Tuesday, March 7. The Senate met pursuant to
17 adjournment. Senator Kuhl in the chair. Prayer
18 by the Reverend Peter G. Young, Blessed
19 Sacrament Church, Bolton Landing. The Journal
20 of Monday, March 6, was read and approved. On
21 motion, Senate adjourned.

22 ACTING PRESIDENT KUHL: Hearing
23 no objection, the Journal stands approved as

1 read.

2 Presentation of petitions.

3 Messages from the Assembly.

4 Messages from the Governor.

5 Reports of standing committees.

6 Reports of select committees.

7 Communications and reports from
8 state officers.

9 Motions and resolutions.

10 Senator Bruno, the desk informs
11 me that there is a substitution at the desk if
12 you would like to take that up at this time.

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

15 ACTING PRESIDENT KUHL: Secretary
16 will read.

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

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

1 Chair recognizes Senator Bruno.

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

5 ACTING PRESIDENT KUHL: Secretary
6 will read the noncontroversial calendar.

7 THE SECRETARY: Calendar Number
8 77, by Senator Levy, Senate Print 328A, an act
9 to amend the Public Authorities Law and the
10 Railroad Law, in relation to operating a
11 self-propelled rail passenger car or locomotive
12 while under the influence of alcohol or drugs.

13 SENATOR PATERSON: Lay it aside.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 THE SECRETARY: Calendar Number
17 115, by Senator Lack, Senate Print 985, an act
18 to amend the Penal Law, in relation to
19 possession and sale of fireworks and to repeal
20 Section 270.00 of such law relating thereto.

21 SENATOR PATERSON: Lay it aside.

22 ACTING PRESIDENT KUHL: Lay the
23 bill aside.

1 THE SECRETARY: Calendar Number
2 117, by Senator Volker, Senate Print 1113, an
3 act to amend the Penal Law, in relation to the
4 crime of false personation.

5 SENATOR BRUNO: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 118, by Senator Saland, Senate Print 1417, an
10 act to amend the Criminal Procedure Law and the
11 Family Court Act, in relation to access to
12 records.

13 SENATOR BRUNO: Lay it aside.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 THE SECRETARY: Calendar Number
17 121, by Senator Levy, Senate Print 372, an act
18 to amend the Vehicle and Traffic Law, in
19 relation to increasing the penalties for
20 aggravated unlicensed operation of a motor
21 vehicle.

22 SENATOR PATERSON: Lay it aside.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

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

7 SENATOR BRUNO: Lay it aside.

8 ACTING PRESIDENT KUHL: Lay the
9 bill aside.

10 THE SECRETARY: Calendar Number
11 123, by Senator Stafford, Senate Print 610, an
12 act to amend the Vehicle and Traffic Law, in
13 relation to the operation of school buses with
14 headlights and tail lights illuminated.

15 SENATOR BRUNO: Lay it aside.

16 ACTING PRESIDENT KUHL: Lay the
17 bill aside.

18 THE SECRETARY: Calendar Number
19 125, by Senator Goodman, Senate Print 1409, an
20 act to amend the Vehicle and Traffic Law, in
21 relation to increasing penalties for subsequent
22 violations.

23 SENATOR PATERSON: Lay it aside.

1 SENATOR BRUNO: Lay it aside.

2 ACTING PRESIDENT KUHL: Lay the
3 bill aside.

4 THE SECRETARY: Calendar Number
5 129, by Senator Lack, Senate Print 642, an act
6 to amend the Public Health Law, in relation to
7 penalties which may be assessed by local boards
8 of health.

9 SENATOR BRUNO: Lay it aside.

10 ACTING PRESIDENT KUHL: Lay the
11 bill aside.

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

17 SENATOR BRUNO: Lay it aside.

18 ACTING PRESIDENT KUHL: Lay the
19 bill aside.

20 Senator Bruno.

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

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

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

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

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

23 Chair recognizes Senator

1 Paterson.

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

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

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

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

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

8 ACTING PRESIDENT KUHL: Chair
9 recognizes Senator Bruno.

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

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

19 ACTING PRESIDENT KUHL: Secretary
20 will read the controversial calendar.

21 THE SECRETARY: Calendar Number
22 77, by Senator Levy, Senate 328A, an act to
23 amend the Public Authorities Law and the

1 Railroad Law.

2 SENATOR PATERSON: Explanation.

3 SENATOR BRUNO: Mr. President.

4 Lay it aside at the request of the sponsor.

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

8 THE SECRETARY: Calendar Number
9 115, by Senator Lack, Senate 985, an act to
10 amend the Penal Law, in relation to possession
11 and sale of fireworks.

12 SENATOR PATERSON: Explanation.

13 SENATOR BRUNO: Lay it aside.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 SENATOR BRUNO: Lay it aside for
17 the day.

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

20 THE SECRETARY: Calendar Number
21 117, by Senator Volker, Senate 1113, an act to
22 amend the Penal Law, in relation to the crime of
23 false personation.

1 ACTING PRESIDENT KUHL: Secretary
2 will read the last section.

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 33.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 118, by Senator Saland, Senate 1417, an act to
14 amend the Criminal Procedure Law and the Family
15 Court Act.

16 ACTING PRESIDENT KUHL: Chair
17 recognizes Senator Paterson.

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

1 adjourned.

2 ACTING PRESIDENT KUHL: Senator
3 Bruno.

4 SENATOR BRUNO: Lay it aside for
5 the day.

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

8 THE SECRETARY: Calendar number
9 121, by Senator Levy, Senate 372, an act to
10 amend the Vehicle and Traffic Law, in relation
11 to increasing the penalties for aggravated
12 unlicensed operation.

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

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

17 THE SECRETARY: Calendar Number
18 122, by Senator Levy, Senate 429, an act in
19 relation to authorizing the Commissioner of
20 Transportation and others to develop and
21 implement a uniform statewide system.

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

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

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

7 ACTING PRESIDENT KUHL: Secretary
8 will read the last section.

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

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 34.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 125, by Senator Goodman, Senate 1409, an act to
19 amend the Vehicle and Traffic Law, in relation
20 to increasing penalties.

21 ACTING PRESIDENT KUHL: Secretary
22 will read the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 34.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

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

11 SENATOR DeFRANCISCO: Excuse me.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

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

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

19 Lay the bill -- lay the bill
20 aside.

21 THE SECRETARY: Calendar Number
22 129, by Senator Lack, Senate 642, an act to
23 amend the Public Health Law.

1 ACTING PRESIDENT KUHL: Secretary
2 will read the last section.

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 36.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 132, by Senator Stafford, Senate 620, an act to
13 amend the Environmental Conservation Law, in
14 relation to permitting certain advertising in
15 the Adirondack Park.

16 ACTING PRESIDENT KUHL: Secretary
17 will read the last section.

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 37.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 SENATOR LACK: Mr. President.

4 ACTING PRESIDENT KUHL: Chair
5 recognizes Senator Lack.

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

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

13 SENATOR LACK: Thank you.

14 SENATOR BRUNO: Mr. President, I
15 think at this time we can go back to Calendar
16 125 and take that bill up.

17 ACTING PRESIDENT KUHL: Secretary
18 will read Calendar Number 125.

19 THE SECRETARY: Calendar Number
20 125, by Senator Goodman, Senate 1409, an act to
21 amend the Vehicle and Traffic Law, in relation
22 to increasing penalties.

23 ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT KUHL: Announce
9 the results when tabulated.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 125 are Senators
12 DeFrancisco, Holland, Sears and Wright. Ayes
13 38, nays 4.

14 ACTING PRESIDENT KUHL: Bill is
15 passed.

16 Chair recognizes Senator Bruno.

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

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

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

23 SENATOR SALAND: Housekeeping. I

1 would like to star Calendar 96, please.

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

5 Senator Solomon.

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

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

12 SENATOR SOLOMON: Thank you.

13 ACTING PRESIDENT KUHL: Senator
14 Bruno.

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

23 And there being no further

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

4 Thank you, Mr. President.

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

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

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

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