ALBANY, NEW YORK

March 21, 1995

3:03 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 Senators to find their places. Staff find their places.

All rise, and in the gallery, too. Join me in the saying of the Pledge of Allegiance to the Flag.

(Whereupon, the Senate and those present joined in the Pledge of Allegiance to the Flag.)

In the absence of clergy, may we bow our heads in a moment of silence.

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 20. The Senate met pursuant to adjournment. Senator Kuhl in the chair. The Journal of Sunday, March 19, 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 Skelos.

SENATOR SKELOS: Mr. President. At this time, I would like to adopt the Resolution Calendar.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

Chair recognizes Senator Tully.

SENATOR TULLY: Yes, Mr.

President. On behalf of Senator Levy, on page 19, I offer the following amendments to Calendar Number 79, Senate Print Number 384A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bill will retain its place on Third Reading Calendar.

Senator Tully.

SENATOR TULLY: Mr. President. On behalf of Senator Johnson, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate 2488A.

ACTING PRESIDENT KUHL: Said bills will be recommitted.

Senator Skelos.

SENATOR SKELOS: Yes. Mr. President. On behalf of Senator Hannon, would you star bill, Calendar Number 185, Senate Print 3323.

ACTING PRESIDENT KUHL: Sponsor

star will be placed on Calendar Number 185.

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. At this time, can we have a reading of the noncontroversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 103, by Senator Volker, Senate 1186, an act to amend the Education Law, in relation to the practice of optometry.

SENATOR VOLKER: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 143, by Senator Saland, Senate Bill 2119, an act to amend the Social Services Law, in relation to bona fide research projects.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

168, by Senator Kuhl, Senate Bill Number 1716, an act to amend the General Business Law, in relation to automobile auctioneers.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 169, by Senator Maltese, Senate Bill Number 256, an act to amend the Real Property Tax Law, in relation to an optional school tax exemption.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

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 172, by Senator Sears, Senate Bill 1739, an act to amend the Vehicle and Traffic Law, in

relation to eliminating the annual service charge imposed on distinctive license plates.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, that completes the noncontroversial calendar.

SENATOR SKELOS: Please have a reading of the controversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: On page 8, Calendar Number 143, by Senator Saland, Senate Print 2119, an act to amend the Social Services Law, in relation to bona fide research projects.

ACTING PRESIDENT KUHL: Senator

Paterson.

SENATOR PATERSON: Mr. President. Will Senator Saland be willing to lay this aside for the day? Senator Galiber has a question.

ACTING PRESIDENT KUHL: Senator Saland, request has been made to lay the bill aside as a result of a member's -

SENATOR SALAND: Mr. President. Senator Galiber made the same request to me last week, and I will abide by the request again; but if he is unable to ask me the question the next time it's up, I would respectfully request that the Minority Leader pose whatever questions he would like to pose.

I don't mean today. I'm talking about -- I am willing to set it aside for today, but this is the second time I've extended him that courtesy, and I'll be more than happy to answer the question, and if he is not able to propound the question, then I would simply request that the Minority Leader ask on his behalf the next time this bill may be called.

ACTING PRESIDENT KUHL: Senator Paterson, is that acceptable to you?

SENATOR PATERSON: Mr. President. Even though it would be far beyond many mortals to pose a question in place of Senator Galiber, I will comply with what Senator Saland has posed and will try to ask that question if the bill comes up again.

ACTING PRESIDENT KUHL: Bill is laid aside at the request of the sponsor for the day.

THE SECRETARY: Calendar Number 168, by Senator Kuhl, Senate Print 1716, an act to amend the General Business Law, in relation to automobile auctioneers.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT DeFRANCISCO: Senator Kuhl, an explanation, once you get back to your seat.

SENATOR SOLOMON: Mr. President.

ACTING PRESIDENT DeFRANCISCO: Senator Solomon.

SENATOR SOLOMON: I think in lieu

of the explanation because that was asked for on my behalf, if I'm correct, if Senator Kuhl will yield to a question?

ACTING PRESIDENT DeFRANCISCO: Senator Kuhl, will you yield?

SENATOR KUHL: I will be happy to yield to a question from Senator Solomon.

SENATOR SOLOMON: Senator, what I was concerned was when we talk about the items that are being auctioned here we talk about all personal use such as a pickup truck. That comes under this section, under this exception?

SENATOR KUHL: Yes.

SENATOR SOLOMON: Would an automobile come under -

SENATOR KUHL: Yes.

SENATOR SOLOMON: -- that exception also?

SENATOR KUHL: Yes. Do you understand the direction of the bill, Senator Solomon?

SENATOR SOLOMON: I'd like you to get into that, because originally I thought it

was just farm equipment because I recall reading the memorandum, and my questions really deal with items such as automobiles and pickup trucks which, in fact, are not -- automobiles would be a piece of equipment that almost every one of us in this room probably uses, and I don't see that designated as farm equipment.

ACTING PRESIDENT DeFRANCISCO: Last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT DeFRANCISCO: No housekeeping.

SENATOR SKELOS: Does Senator have any housekeeping matters to bring up?

(There was no response.)

If not, Mr. President, I move we adjourn until tomorrow, Wednesday, March 22, 1995, at 11:00 a.m.

ACTING PRESIDENT DeFRANCISCO: Without objection, the Senate stands adjourned.

(Whereupon, at 3:12 p.m., Senate adjourned.)