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ALBANY, NEW YORK

March 21, 1995

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

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

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

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

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

15 Reading of the Journal.

16 THE SECRETARY: In Senate,  
17 Monday, March 20. The Senate met pursuant to  
18 adjournment. Senator Kuhl in the chair. The  
19 Journal of Sunday, March 19, was read and  
20 approved. On motion, Senate adjourned.

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

1 Presentation of petitions.  
2 Messages from the Assembly.  
3 Messages from the Governor.  
4 Reports of standing committees.  
5 Reports of select committees.  
6 Communications and reports from  
7 state officers.  
8 Motions and resolutions.  
9 Senator Skelos.  
10 SENATOR SKELOS: Mr. President.  
11 At this time, I would like to adopt the  
12 Resolution Calendar.  
13 ACTING PRESIDENT KUHL: The  
14 motion is to adopt the Resolution Calendar.  
15 All those in favor, signify by  
16 saying aye.  
17 (Response of "Aye.")  
18 Opposed, nay.  
19 (There was no response.)  
20 The Resolution Calendar is  
21 adopted.  
22 Chair recognizes Senator Tully.  
23 SENATOR TULLY: Yes, Mr.

1 President. On behalf of Senator Levy, on page  
2 19, I offer the following amendments to Calendar  
3 Number 79, Senate Print Number 384A, and ask  
4 that said bill retain its place on the Third  
5 Reading Calendar.

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

9 Senator Tully.

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

16 ACTING PRESIDENT KUHL: Said  
17 bills will be recommitted.

18 Senator Skelos.

19 SENATOR SKELOS: Yes. Mr.  
20 President. On behalf of Senator Hannon, would  
21 you star bill, Calendar Number 185, Senate Print  
22 3323.

23 ACTING PRESIDENT KUHL: Sponsor

1 star will be placed on Calendar Number 185.

2 Senator Skelos.

3 SENATOR SKELOS: Yes, Mr.

4 President. At this time, can we have a reading  
5 of the noncontroversial calendar.

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

8 THE SECRETARY: Calendar Number  
9 103, by Senator Volker, Senate 1186, an act to  
10 amend the Education Law, in relation to the  
11 practice of optometry.

12 SENATOR VOLKER: Lay it aside for  
13 the day.

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

16 THE SECRETARY: Calendar Number  
17 143, by Senator Saland, Senate Bill 2119, an act  
18 to amend the Social Services Law, in relation to  
19 bona fide research projects.

20 SENATOR PATERSON: Lay it aside.

21 ACTING PRESIDENT KUHL: Lay the  
22 bill aside.

23 THE SECRETARY: Calendar Number

1 168, by Senator Kuhl, Senate Bill Number 1716,  
2 an act to amend the General Business Law, in  
3 relation to automobile auctioneers.

4 SENATOR PATERSON: Lay it aside.

5 ACTING PRESIDENT KUHL: Lay the  
6 bill aside.

7 THE SECRETARY: Calendar Number  
8 169, by Senator Maltese, Senate Bill Number 256,  
9 an act to amend the Real Property Tax Law, in  
10 relation to an optional school tax exemption.

11 ACTING PRESIDENT KUHL: Secretary  
12 will read the last section.

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

15 ACTING PRESIDENT KUHL: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 38.

19 ACTING PRESIDENT KUHL: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 172, by Senator Sears, Senate Bill 1739, an act  
23 to amend the Vehicle and Traffic Law, in

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

3 ACTING PRESIDENT KUHL: Read the  
4 last section.

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

7 ACTING PRESIDENT KUHL: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 39.

11 ACTING PRESIDENT KUHL: The bill  
12 is passed.

13 Senator Skelos, that completes  
14 the noncontroversial calendar.

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

17 ACTING PRESIDENT KUHL: Secretary  
18 will read the controversial calendar.

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

23 ACTING PRESIDENT KUHL: Senator

1 Paterson.

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

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

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

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

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

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

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

12                  THE SECRETARY:  Calendar Number  
13          168, by Senator Kuhl, Senate Print 1716, an act  
14          to amend the General Business Law, in relation  
15          to automobile auctioneers.

16                  SENATOR PATERSON:  Explanation.

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

20                  SENATOR SOLOMON:  Mr. President.

21                  ACTING PRESIDENT DeFRANCISCO:  
22          Senator Solomon.

23                  SENATOR SOLOMON:  I think in lieu

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

4 ACTING PRESIDENT DeFRANCISCO:  
5 Senator Kuhl, will you yield?

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

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

13 SENATOR KUHL: Yes.

14 SENATOR SOLOMON: Would an  
15 automobile come under -

16 SENATOR KUHL: Yes.

17 SENATOR SOLOMON: -- that  
18 exception also?

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

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

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

8 ACTING PRESIDENT DeFRANCISCO:  
9 Last section.

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

12 ACTING PRESIDENT DeFRANCISCO:  
13 Call the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 42.

16 ACTING PRESIDENT DeFRANCISCO:  
17 The bill is passed.

18 SENATOR SKELOS: Is there any  
19 housekeeping at the desk?

20 ACTING PRESIDENT DeFRANCISCO: No  
21 housekeeping.

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

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(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.)