ALBANY, NEW YORK

April 17, 1996

11:00 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Will everyone please rise and join me in the Pledge of Allegiance.

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

May we bow our heads in a moment of silence.

(Whereupon, there was a moment of silence.)

The reading of Journal, please.

THE SECRETARY: In Senate, Tuesday, April 16. The Senate met pursuant to adjournment. Senator Kuhl in the chair upon designation of the Temporary President. The Journal of Monday, April 15, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without 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 Marcellino.

SENATOR MARCELLINO: Madam President. On page number 36, I offer the following amendments to Calendar Number 628, Senate Print Number 6460, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Amendments received.

SENATOR MARCELLINO: Thank you.

THE PRESIDENT: Senator Bruno, are you ready for the calendar?

SENATOR BRUNO: Madam President. I believe that there is a privileged resolution at the front desk by Senator DeFrancisco. I would ask that the title be read and that we move its adoption.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution, honoring the student members of Corcoran Mediation Team of Corcoran High School for its first place finish in the High School Division of the 49th Senate District's "Good News! Good Kids!" Student Recognition Program.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Madam President.

I rise to congratulate the students from Corcoran High School in the 49th Senate District, my Senate district, for finishing first place in our program that we have for "Good News! Good Kids!" in that district.

The Corcoran school students who participated are here with us. They won the High School Division.

And, basically, the program is where we honor people who are in school that are

doing good things for the community because sometimes all we hear is negative things in the media and other sources.

This group was among a group of 3,000 students who participated, but the high school of Corcoran Mediation Team actually won first prize in the High School Division. Their program is a mediation program, whereby 41 certified mediators that are high school students participate in helping individuals resolve conflicts, and it has many benefits.

First of all, it helps the individuals to learn skills to resolve conflicts in the future. It also assists those people having conflicts in resolving them in a very, very constructive manner. In fact, I'm told that the program is so successful -- that the program is so successful that other school districts have asked this team to go down to their districts to explain it and to try to implement it in other areas.

So this success is a very noteworthy one, and I'm very pleased to honor

the Corcoran School Mediation Team for their fine work and their first place finish.

THE PRESIDENT: Thank you. We're all pleased to welcome them.

Senator Marchi.

SENATOR MARCHI: Madam President. You may be aware of the fact that this is my 40th year in the Senate, and I have been here earlier as counsel, and I have seen many initiatives and events take place, but I can't really say that going back over all those years -- back in 1953, when even your parents weren't born maybe, but I can't think of a more exciting, more energizing initiative than this particular one.

Senator DeFrancisco is certainly to be commended for going to strength. We're too prone to criticize and to point accusing fingers at people and very reticent about doing something that is challenging and good, good for your own communities, for yourselves personally, for the state and for our nation.

This is an exciting example that

I believe communities around the country from the Atlantic to the Pacific can observe with profit to themselves and the communities that they come from, and all who have competed whether they are here as exemplars and having made it or everyone that was in the program certainly benefited enormously from what is being done.

So remember this. You may come back here as members some day. It's not a question of what your politics are. You are good Americans, and this is what you are exemplifying by your presence here today, and your presence here also tells us that you were involved in your community. You're doing something positive.

It is something we can learn, and it helps us. It gives us encouragement to do more. It's a great day, Madam President, I think, that we can all rejoice in.

And I must confess, Senator DeFrancisco, anything I say here would be an understatement when describing something of this

nature. I have not seen the likes of it in all the years that I have been here. This is a noble, noble venture, and I do hope it grows and prospers and other people take as an example in generating that kind of feeling in their own communities.

THE PRESIDENT: Thank you, Senator Marchi, for those wonderful words.

The question is on the resolution.

All those in favor, signify by saying aye.

(Response of "Aye.")

Those opposed, saying nay.

(There was no response.)

The resolution is passed.

Senator Bruno, we have some substitutions here.

SENATOR BRUNO: May we make the substitutions.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 5,

Senator Lack moves to discharge from the Committee on Judiciary Assembly Bill Number 8292 and substitute it for the identical first report Calendar 662.

On page 5, Senator Lack moves to discharge from the Committee on Judiciary Assembly Bill Number 6647A and substitute it for the identical First Report Calendar 663.

On page 6, Senator DiCarlo moves to discharge from the Committee on Judiciary Assembly Bill Number 8641 and substitute it for the identical First Report Calendar 664.

And, on page 9, Senator Maltese moves to discharge from the Committee on Codes Assembly Bill Number 1655A and substitute it for the identical First Report Calendar 694.

THE PRESIDENT: Substitutions ordered.

Senator Bruno, are you now ready for the Calendar?

SENATOR BRUNO: Madam President. Can we at this time take up the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 23, Calendar 487, by Senator Cook, Senate Print 3139, an act to amend the Facilities Development Corporation Act, in relation to definitional provisions.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 494, by Senator Kuhl, Senate Print 6182, an act to amend the Agriculture and Markets Law, in relation to voluntary inspection services and commercial feed and food processing licenses.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 495, by Member of the Assembly Luster, Assembly Print 9430, an act to amend the Agriculture and Markets Law, in relation to animal diseases affecting humans.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 512, by Member of the Assembly Luster, Assembly

Print 9041, an act to amend the Education Law, in relation to terms of office of members of the Rural Education Advisory Committee.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 516, by Senator Saland, Senate Print 3474, an act to amend the Social Services Law and the Domestic Relations Law, in relation to venue in termination.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 522, by Senator Padavan, Senate Print 668, an act to amend the General Municipal Law, in relation to reporting information to the United States Immigration and Naturalization Service.

SENATOR PATERSON: Lay it aside.

SENATOR PADAVAN: Madam President. Would you lay that bill aside for the day, please.

THE PRESIDENT: Yes.

SENATOR PADAVAN: Thank you.

THE SECRETARY: Calendar Number 551, by Senator Kuhl, Senate Print 5308, an act to amend Public Health Law, in relation to continuing the Agricultural Health and Safety Advisory Board.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 556, by Senator LaValle, Senate Print 5052, an act to amend the Public Officers Law, in relation to including City University Community College.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 558, by Senator Holland, Senate Print 32A, an act to amend the Highway Law, in relation to increasing bond indebtedness in the Town of

Ramapo, Rockland County.

THE PRESIDENT: There is a home rule message at the desk.

Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 610, by Senator Holland, Senate Print 474.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: Lay it aside, please.

SENATOR MALTESE: Madam President. Would you lay that aside for the day, please.

THE PRESIDENT: Yes.

Senator Bruno, that completes the reading of the noncontroversial calendar.

SENATOR BRUNO: Are there any

things at the desk that presently need attention from the very distinguished members in the chamber?

THE PRESIDENT: We have one motion, Senator.

SENATOR BRUNO: Yes.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President. On behalf of Senator Libous, on page number 20, I offer the following amendments to Calendar Number 417, Senate Print Number 4457, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Amendments received.

SENATOR MARCELLINO: Thank you.

THE PRESIDENT: Senator Saland.

SENATOR SALAND: Thank you, Madam President. Would you please recall Senate 3502 from the Assembly restored to the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR SALAND: Thank you.

SENATOR BRUNO: Madam President. We're awaiting the arrival of an amendment to Senator Lack's legislation that he has at the desk. So if we can review whatever it is that is appropriate that is before you or if anyone else here has any announcements or anything of interest -

I think Senator Paterson has something that all of us may want to hear, Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President. I'm sure you and all the members in the chamber will join with me in wishing one of our colleagues a happy birthday that's coming up: Senator Smith, also Senator Kuhl and Senator Libous, and all of the birthdays being intervening.

I would just like to point out that the reason I raise this issue was not just about the birthdays. It was that I wanted to keep my consecutive day talking streak alive.

So thank you.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Madam President. On page 35, I offer the following amendments to Calendar Number 624, Senate Print Number 6656, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Amendments received.

THE PRESIDENT: Senator Bruno, that completes the housekeeping.

SENATOR BRUNO: Madam President.

Madam President, this week we have moved very efficiently through the legislative process; and, consequently, we have only been in session a short time today, but our work for today is completed so that we look forward to next week, where we will work very diligently Monday, Tuesday, Wednesday, and we will take up the people's business.

In the meantime, there being no further business to come before the Senate, I move that we stand adjourned until Monday at

3:00 p.m., intervening days being legislative days.

THE PRESIDENT: Without objection, the Senate stands adjourned until Monday, April 22, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 11:20 a.m., Senate adjourned.)