ALBANY, NEW YORK

January 20, 1993

3:10 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Senators will find their places. If you will please join with me in the Pledge of Allegiance to the flag.

(Whereupon the Senate joined in the Pledge of Allegiance to the Flag. )

Today, in the absence of clergy, we will bow our heads for a moment of silent prayer.

(Whereupon there was a moment of silence. )

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, January 19. The Senate met pursuant to adjournment. The Journal of Saturday, January 16, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as read.

The order of business:

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.

We will return to reports of standing committees.

Secretary will read.

THE SECRETARY: Senator Kuhl from the Committee on Agriculture reports the following bills directly for third reading:

Senate Bill Number 534, by Senator Kuhl and others, Agriculture and Markets Law and the Environmental Conservation Law, in relation to the donation of food.

535, by Senator Kuhl, Agriculture and Markets Law, in relation to duties of the Commissioner of Agriculture and Markets.

536, by Senator Kuhl and also Senator Maltese, Agriculture and Markets Law, in

relation to exempting small amount rabbit and bird producers.

537, by Senator Kuhl and others, Agriculture and Markets Law, in relation to exempting working search dogs for licensing fees.

Senator Skelos from the Committee on Aging reports directly for third reading:

Senate Bill Number 177, by Senator Holland, an act to amend the Vehicle and Traffic Law.

Also, Senate Bill Number 187, by Senator Levy, an act to amend the Transportation Law.

And Senate Bill Number 324, by Senators levy and Hannon, authorizing the Department of Transportation to survey areas of the state.

Senator Goodman, from the committee on Investigations, Taxation, and Government Operations, reports the following bills directly for third reading:

Senate Bill Number 65, by Senator

Volker, an act to amend the Tax Law, in relation to the imposition of sales and use taxes by the county of Erie.

572, by Senators Daly and Nozzolio, an act to amend the Tax Law, in relation to the sales and use taxes to be imposed in the county of Monroe.

Senator Volker from the Committee on Codes reports the following bills directly for third reading:

Senate Bill Number 64, by Senator Volker, an act to amend the Criminal Procedure Law.

106, by Senator Halperin and others, an act to amend the Penal Law.

152, by Senator Tully and others, an act to amend the Criminal Procedure Law.

173, by Senator Tully and others, an act to amend the Penal Law.

181, by Senator Volker, an act to amend the Penal Law.

189, by Senator Farley, an act to amend the Civil Rights Law.

205, by Senator Holland and others, an act to amend the Criminal Procedure Law.

207, by Senator Holland and others, an act to amend the Penal Law.

211, by Senator Holland and others, an act to amend the Penal Law.

239, by Senator Bruno and others, an act to amend the Civil Rights Law.

233, by Senator Tully and others, an act to amend the Criminal Procedure Law.

247, by Senator Volker, an act to amend the Criminal Procedure Law.

364, by Senator Volker, an act to amend the Penal Law.

406, by Senator Volker, an act to amend the Criminal Procedure Law.

And Senate Bill Number 246, by Senator Volker, an act to amend the Penal Law.

All bills reported directly for third reading.

ACTING PRESIDENT FARLEY: Without objection, all bills are reported directly for

third reading.

Motions and resolutions. Do we have any?

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: I move we adopt the resolution calendar that's on our desk.

ACTING PRESIDENT FARLEY: Senator Paterson, do you wish to speak to that motion?

SENATOR PATERSON: Mr. President. I would like to lay one resolution aside, Resolution 213, commemorating the birthday of Dr. Martin Luther King. It was introduced by Senator Hoffmann. We would like to wait a week to let Senator Hoffmann speak on it.

ACTING PRESIDENT FARLEY: Without objection, the resolution is laid aside, Senator Hoffmann's Resolution 213.

On the motion to adopt the resolution calendar. All those in favor say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The resolution calendar is adopted.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Thank you. Mr. President, with the consent of the distinguished Deputy Majority Leader who, by the way -- I want to point out we started yesterday about ten minutes late. Today, we started 10 minutes late. And I think it's fabulous that we really are getting this place going, Senator Present.

At any rate, with the consent of the Deputy Majority Leader, I would like to offer the following resolution and move its adoption. This deals with our late colleague and former very distinguished Justice of the Supreme Court, Frank O'Connor. And anyone who wants to co-sponsor it, I'm sure.

ACTING PRESIDENT FARLEY:

Secretary will read the title of the resolution.

Who is the sponsor of this, Senator Gold?

SENATOR GOLD: I am the sponsor.

ACTING PRESIDENT FARLEY: Senator Gold is the sponsor. It is open for co-sponsor ship.

THE SECRETARY: Legislative Resolution, by Senator Gold, expressing sincerest sorrow upon the occasion of the death of Frank D. O'Connor, former justice of the Appellate Division, Second Department.

ACTING PRESIDENT FARLEY: On the resolution. All in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The resolution is adopted.

All members will be sponsors without objection.

The resolution was adopted, without objection.

Senator Present, do you care to

go to the third reading of that bill? What's your pleasure.

SENATOR PRESENT: Let's go to the one bill on the calendar.

ACTING PRESIDENT FARLEY: Secretary will read the title to the bill that's on the calendar today.

THE SECRETARY: Calendar Number 9, Senate Bill 65, by Senator Volker, reported directly for third reading, an act to amend the Tax Law, in relation to the imposition of sales and use taxes by the county of Erie.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The secretary called the roll. )

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, what is your

pleasure?

SENATOR PRESENT: Mr. President. There being no further business, I move that we adjourn until Monday, January 25, at 2:30 p.m., intervening days being legislative days.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until Monday at the regular hour, intervening legislative days.

(Whereupon at 3: 19 p.m., Senate adjourned. )