ALBANY, NEW YORK

February 1, 1993

2:56 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: The Senate will come to order. If you will please join with me with the Pledge of Allegiance to the Flag.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

Today we're pleased to have with us the Rabbi Dr. Samuel I. Cohen, of Lawrence, New York. He's the executive vice-president for the Jewish National Fund for the past 16 years. Rabbi Cohen.

RABBI COHEN: Our Father in heaven above. Hear our voice, Lord, our God. We pray first for peace in the world. We pray for the well-being, fortitude and continuing wisdom of the President of the United States, Bill Clinton, and all of his advisers. We pray for peace in the Holy Land, and the end to the senseless terror of its citizens. It is our fervent hope and prayer that government, armies and people of the state of Israel, and her allies and neighbors be blessed with days and

nights and sabbaths of peace and tranquility.

On the occasion of the 45th anniversary of the establishment of the proud state of Israel, on the occasion of the historic 91st anniversary of the establishment of the Jewish National Fund, the Keren Kayemeth Leisrael, now being celebrated in every Jewish community in the world; and on the occasion of Tu B'Shevat, the 15th day in the Hebrew month of Shevat, Jewish Arbor Day, which will occur this year on Saturday, February 6th, hallowed according to ancient Jewish tradition as the New Year for Trees, I know that everyone here as sembled joins in this prayer of thanksgiving and hope for peace.

People of all religious faiths have reason and cause to honor and celebrate Israel as a fulfillment of Biblical and prophetic assurances. We join in the prayer for peace for Israel and all of mankind. More than 200 million trees have been planted in Israel by the Jewish National Fund, giving life and beauty to the land, benefiting and enriching all of its

Jewish and Christian and Moslem inhabitants - trees of life and hope and sustenance.

We thank you, Lord, for the miracles and for the redemption of our land and our people. O, Lord, unite our hearts to love and revere Thy name. Shine forth in Thy glorious majesty over all the inhabitants of the world and let everyone proclaim "the Lord God of Israel is king and his majesty rules over all and forever." And may we very soon enjoy the results of a true and lasting peace. Shalom. Amen.

ACTING PRESIDENT FARLEY: The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Friday, January 29th. The Senate met pursuant to adjournment, Senator Bruno in the Chair upon designation of the Temporary President. The Journal of Thursday, January 28th, 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 have some.

Senator Halperin, do you have a motion?

SENATOR HALPERIN: Yes. Mr. President, I wish to call up my bill, Print Number 106, which is Calendar Number 12, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read the bill.

THE SECRETARY: By Senator Halperin, Senate Bill Number 106, an act to amend the Penal Law.

SENATOR HALPERIN: Mr. President,

I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: Senator Halperin.

SENATOR HALPERIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its place.

Do we have any other motions on the floor? Seeing none, we have an immediate resolution we'd like to pass if we might, Senator Present.

THE SECRETARY: Legislative Resolution, by Senator Johnson, paying tribute to Charles Gandolfo, immediate past president and Anthony Cosimento, Lodge Number 2612, Order

of Sons of Italy in America, upon the occasion of a testimonial dinner in his honor on February 5th, 1993.

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.

Senator Present, we're ready for the Calendar. What's your pleasure?

SENATOR PRESENT: Mr. President, may we take up the non-controversial bills.

ACTING PRESIDENT FARLEY: Non-controversial, the Secretary will read.

THE SECRETARY: On page 4, Calendar Number 4, by Senator Kuhl, Senate Bill Number 536, an act to -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 25, by Senator Volker, Senate Bill Number 246-A,

an act to amend the Penal Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of January.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 27, by Senator Levy, Senate Bill Number 67, an act in relation to requiring the Department of Motor Vehicles to inform the public of problems.

SENATOR PRESENT: Lay that aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 28, by Senator Levy, Senate Bill Number 70, an

act to amend the Vehicle and Traffic Law, in relation to penalties.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 29, by Senator Levy, Senate Bill Number 192, an act to amend the Highway Law, in relation to making the cost of structural integrity.

ACTING PRESIDENT FARLEY: There is a local fiscal impact note here at the desk. You can read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of September.

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 32, by Senator LaValle, Senate Bill Number 577, an act to amend the Correction Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: That bill is passed.

That's the first time through, Senator Present. Shall we go to controversial?

SENATOR PRESENT: Try it.

ACTING PRESIDENT FARLEY: Secretary will read the controversial.

THE SECRETARY: On page 4, Calendar Number 4, by Senator Kuhl, Senate Bill Number 536, an act to amend the Agriculture and Markets Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Lay that bill aside.

THE SECRETARY: Calendar Number 27, by Senator Levy, Senate Bill Number 67, an act in relation to requiring the Department of Motor Vehicles to inform the public of problems associated with night time driving.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 3. This act -

SENATOR GOLD: Lay that aside for the afternoon, please.

ACTING PRESIDENT FARLEY: Lay it aside.

That concludes the Calendar.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Goodman, I'd like to call an immediate meeting of the Investigations, Taxation and Government Operations Committee in Room 332. We will be in recess awaiting the committee's report. The bill that is to be reported from that committee will be on third reading for tomorrow's calendar.

Following that report of that committee, we will adjourn for the day.

ACTING PRESIDENT FARLEY: All right. There will be an immediate meeting of the Investigations Committee in Room 332. Following that meeting, a bill will be reported directly to third reading and the Senate will adjourn at that time. In the meantime, we're in recess.

(The Senate stood in recess from 3:06 p.m. to 3:20 p.m.)

ACTING PRESIDENT LARKIN: The Senate will be in order.

Senator Present.

SENATOR PRESENT: Mr. President,

is there a report from a standing committee at the desk?

ACTING PRESIDENT LARKIN: Yes, there is.

SENATOR PRESENT: May we have it read, please.

ACTING PRESIDENT LARKIN: The clerk will read.

THE SECRETARY: Senator Goodman, from the Committee on Investigations, Taxation and Government Operation, reports the following bill:

Senate Bill Number 1224, by Senator Cook, an act to amend the Tax Law, in relation to sale and use taxes to be imposed in the county of Greene, reported directly for third reading.

ACTING PRESIDENT LARKIN: Without objection, third reading.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT LARKIN: The Senate is adjourned.

(Whereupon at 3:22 p.m., the Senate adjourned. )