ALBANY, NEW YORK

February 2, 1993

3:16 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. Senators will find their seats. If you will please rise with me for the Pledge of Allegiance to the Flag.

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

Today in the absence of clergy, we'll bow our heads for a moment of silence.

(A moment of silence was observed. )

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Monday, February 1st. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. Prayer by Rabbi Dr. Samuel I. Cohen, Executive Vice-president of the Jewish National Fund, of Lawrence, New York. The Journal of Friday, January 29th 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.

We have a report of a standing committee. The Secretary will read.

THE SECRETARY: Senator Mega, from the Committee on Judiciary, reports the following bills directly for third reading:

Senate Bill Number 240, by Senator Bruno, an act to amend the General Obligations Law;

Senate Bill Number 442, by Senator Stafford and others, Real Property Law;

Senate Bill Number 573, by Senators Cook and DeFrancisco, an act to amend the Lien Law.

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

Senate Bill Number 463, by Senator Holland, amends Chapter 779 of the Laws of 1986;

Senate Bill Number 631, by Senator Skelos and others, an act to amend the Executive Law;

Senate Bill Number 718, by Senator Farley, authorize state aid to the town of Hadley.

Also Senator Levy reports the following bills from the Committee on Transportation directly for third reading:

Senate Bill Number 73, by Senator Levy, Vehicle and Traffic Law, right-of-way in crosswalks;

Senate Bill Number 74, by Senator Levy, an act to amend the Highway Law and the Executive Law;

Senate Bill Number 78, by Senator Levy, an act to amend the General Business Law;

Senate Bill Number 435, by Senator Stafford, an act to amend the Highway Law;

Senate Bill Number 610, by Senators LaValle and Cook, an act to amend the Vehicle and Traffic Law; and

Senate Bill Number 678, by Senator Saland, an act to amend the Highway Law, arterial highway in the city of Beacon.

All bills reported directly for third reading.

ACTING PRESIDENT FARLEY: All bills are reported directly to third reading without objection.

SENATOR TULLY: Mr. President.

ACTING PRESIDENT FARLEY: Hold on just a second, Senator Tully. What's -- go ahead, Mr. Secretary.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the State Commission on Correction, Thomas Joseph Goldrick of Blauvelt.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Yeah, I'd like

to say a few words about my good friend, Tom Goldrick. We've done a little bit of research also, and I'd like to tell you about that.

Tom has been a friend for many, many years, but at 18 he joined the United States Army and joined the 85th Infantry Combat Division, part of the Fifth Army, and stayed 18 months as a foot soldier in Italy. He was awarded a Purple Heart. When he came back, he was assigned as an M.P. on Governor's Island and this laid the groundwork for his future assignments.

He was assigned to the 44th Precinct in the Bronx after graduating from the Police Academy. Tom became community relations officer, because -- and I can attest to this - of his natural ability to help and communicate with others. He started summer vacation programs with community kids whose parents couldn't afford to send their children to camp. This helped nearly 600 kids get placed in camps all over the Northeast.

In connection with his youth

work, Tom established citizens councils that worked to promote activities for kids in the 44th Precinct.

In 1959, Tom and his wife Mary moved to Rockland County. Mary -- where Mary became a school teacher and, in fact, taught many of my children in school. Tom himself returned to school in 1959, via a New York Police Department program, and worked hard for seven years to receive his degree from John Jay College.

After 20 years of service with the New York P.D., Tom decided to pursue other pursuits and became a teacher. He also returned to school to earn his Master's degree in criminal justice and, after that, became chairman of the criminal justice program at the Rockland Community College, and I took a couple of courses under his direction.

After years of teaching and still being interested in law enforcement, Tom decided to run for sheriff of Rockland County. He was elected right away, and he has been an excellent

sheriff, an interested sheriff, for ten years in Rockland County, until he recently retired.

Tom, I believe from personally knowing him for many years, is a very competent, capable, personable father, policeman, he's an excellent singer, and that's the way he got elected all the time in Rockland County. He went around to all the dinners singing. Isn't that true, Tom?

It is really my pleasure to endorse a good friend, Tom Goldrick, for this position.

ACTING PRESIDENT FARLEY: On the nomination, all in favor say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response. )

The nominee is confirmed.

Tom Goldrick is with us in the chamber and, on behalf of the Senate, let me congratulate you and wish you well. That's quite an endorsement that Senator Holland gave you. Best wishes.

(Applause)

Senator Present.

SENATOR PRESENT: Mr. President, I move we adopt the Resolution Calendar.

ACTING PRESIDENT FARLEY: Secretary will read the numbers of the Resolution Calendar. The whole Resolution Calendar, all in favor of adopting the Resolution Calendar say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response. )

The Resolution Calendar is adopted.

SENATOR GOLD: Oh, Mr. President.

ACTING PRESIDENT FARLEY: Wait a second. Senator Tully.

SENATOR GOLD: Yeah.

SENATOR TULLY: On the Resolution Calendar.

SENATOR GOLD: Yeah, I rise to say yes. After Senator Tully, though, could you please call Senator Jones.

ACTING PRESIDENT FARLEY: I certainly shall.

SENATOR TULLY: Mr. President, may I have Resolution 319 read, please.

ACTING PRESIDENT FARLEY: The Secretary will read Resolution Number 319.

THE SECRETARY: Legislative Resolution commemorating Hope Day in New York State on Friday, February 12th, 1993.

SENATOR TULLY: Mr. President, this resolution acknowledges the efforts of the New York Chiropractic Council in sponsoring the second annual Hope Day helping other people eat.

In 1992, Hope Day raised 50,000 pounds of food for hungry men, women and children throughout New York. This food was donated by chiropractic patients who received their examinations from over 60 Hope Day doctors of chiropractic, in exchange for their contributions of non-perishable food.

I hope you'll all join me in wishing the Chiropractic Council the best of

health, an even more successful year, and at this time, Mr. President, I would like to offer this resolution up to anyone who would like to join me in sponsoring it.

Thank you.

ACTING PRESIDENT FARLEY: If you would please let the desk know if you'd like to be a sponsor of the chiropractic resolution.

The resolution has already been adopted.

Senator Jones.

SENATOR JONES: I -- yes. I would like to open up Resolution 320 for anyone who would like to sponsor it, and we are holding an event in my home town to honor Jack Perry for his years of service in the 54th Senate District, and to my town of Irondequoit, and I don't have to tell any of you about Jack because I'm sure he spent more time here with all of you than he did with us.

But I would just say from where I come from, Jack was one person at home who always put what he believed in ahead of his

party. He was his own person, and he always supported an issue regardless of who proposed it. Education always found a friend in Jack and he went from being an educator himself as you well know, to fighting for the rights of children through legislation.

Jack is one who spoke, as you well know, to reform time and again in spite of his agenda seeming to fall on deaf ears. No one ever came to Jack's office and got an insincere platitude. You might have walked away not liking his answer, but if he committed to help you, you knew the job would be done.

As I do say so often in Rochester, it took two of us to replace Jack Perry, and I, frankly, am pleased to be one of them.

ACTING PRESIDENT FARLEY: On the resolution on Senator Jack Perry, anybody that wishes to be on it, please notify the desk right now.

We have a substitution. Secretary will read a substitution.

THE SECRETARY: On page 4 -- on page 4 of today's calendar, Senator Cook moves to discharge the Committee on Investigations, Taxation and Government Operations from Assembly Bill Number 2253 and substitute it for the identical Calendar Number Third Reading 33.

ACTING PRESIDENT FARLEY: Without objection, substitution ordered.

Senator Present, do you have some things to hand up?

Senator Present, do you wish to go to non-controversial?

SENATOR PRESENT: Non-controversial, please.

ACTING PRESIDENT FARLEY: Secretary will read non-controversial.

THE SECRETARY: On page 4, Calendar Number 4, by Senator Kuhl.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

SENATOR KUHL: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Kuhl.

SENATOR KUHL: Would you put a sponsor's star on that bill, please?

ACTING PRESIDENT FARLEY: Calendar Number 4 is starred at the request of the sponsor.

THE SECRETARY: Calendar Number 17, by Senator Holland, Senate Bill Number 205 A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: That 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 associated with nighttime driving.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Those recorded in the negative on Calendar Number 27 are Senators DeFrancisco, Farley, Hoffmann, Holland and Present; also Senator Cook and Senator Maltese, also Senator Larkin, also Senator Libous.

ACTING PRESIDENT FARLEY: Results. The bill is passed.

THE SECRETARY: Calendar Number 33, substituted earlier today, by member of the Assembly Faso, Assembly Bill Number 2253, an act to amend the Tax Law, in relation to sales and use taxes to be imposed in the county of Greene.

ACTING PRESIDENT FARLEY: Is there a home rule on this? 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 50, nays one, Senator Libous recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Marino, I'll offer up the Majority Leadership joint commission, special and select committee, subcommittee and task force assignments, and ask that it be filed in the Journal.

ACTING PRESIDENT FARLEY: Submission will be filed appropriately.

Senator Stafford?

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until Monday, February 8th, 2:30 p.m., intervening days be legislative days.

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

(Whereupon at 3:32 p.m., the Senate adjourned. )