ALBANY, NEW YORK

January 11, 1994

3:32 p.m.

REGULAR SESSION

SENATOR NICHOLAS A. SPANO, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT SPANO: The Senate will come to order. All please rise for the Pledge of Allegiance to the Flag.

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

In the absence of clergy, we will please bow our heads for a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 10th, the Senate met pursuant to adjournment, Senator Spano in the chair upon designation of the Temporary President. The Journal of Friday, January 7th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT SPANO: Hearing no objection, the Journal stands approved as read.

Presentations of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Motions, resolutions.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On behalf of Senator Volker, on page number 4, I offer the following amendments to Calendar Number 12, Senate Print 1137, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SPANO: So ordered.

SENATOR KUHL: Also on behalf of Senator Volker, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Print 1072A.

ACTING PRESIDENT SPANO: Without objection.

Senator Kuhl.

SENATOR KUHL: Also, Mr. President, on behalf of Senator Velella, I move that the following bill be discharged from its respective committee and be recommitted with

instructions to strike the enacting clause. That's Senate Print 4048.

ACTING PRESIDENT SPANO: Without objection.

SENATOR KUHL: Thank you.

ACTING PRESIDENT SPANO: Any other motions, resolutions?

Senator Present.

SENATOR PRESENT: Mr. President, I move we adopt the Resolution Calendar with the exception of Resolution 2299.

ACTING PRESIDENT SPANO: On the Resolution Calendar with the one exception. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Resolution Calendar is adopted.

Senator Present.

SENATOR PRESENT: Call up Resolution 2299, please.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: Legislative Resolution 2299, by Senator DeFrancisco, honoring Stewart F. Hancock, Jr., upon the occasion of his retirement as an associate judge with the New York State Court of Appeals.

WHEREAS Stewart F. Hancock, Jr., associate judge of the New York State Court of Appeals, has dedicated his life to the pursuit of justice for the good of the people of our state;

RESOLVED that we take this opportunity to applaud Judge Hancock and to thank him for his lifetime of unequaled commitment to the people of Syracuse, Onondaga County and all New York State, and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to Judge Stewart F. Hancock, Jr.

ACTING PRESIDENT SPANO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I would just like to first open it up to everyone for co-sponsorship and mention that Larraine

Hoffmann -- Senator Hoffmann -- brought this up in the district, and I think she was intending to also do a resolution, and I would open it up for everyone in the chamber for co-sponsorship and take this opportunity merely to state that Stewart Hancock was one of the finest jurists that this state has ever seen. Very proud that he's from Onondaga County and has served well in many capacities in Onondaga County, and I would hope it won't be very long before we have another Court of Appeals judge, no matter what his race or ethnic background, or what her ethnic race or background may be, representing the area from east of Utica. Thank you.

ACTING PRESIDENT SPANO: Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

THE SECRETARY: Opposed, nay.

(There was no response.)

Resolution is adopted.

THE SECRETARY: Reports of standing committees.

ACTING PRESIDENT SPANO: Return to reports of standing committees. Secretary will read.

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

Senate Bill Number 4739, by Senator Cook, an act to amend the Education Law, in relation to participation of Boards of Cooperative Educational Services.

4787, by Senator Cook, Education Law, in relation to procedures for the submission of propositions in school district meetings.

4795, by Senator Daly, an act to amend the Education Law, in relation to the required observance of Conservation Day.

5640, by Senator Cook, an act to amend the Education Law, in relation to providing shared legal services for Boards of Cooperative Educational Services.

Senator Goodman, from the Committee on Investigations, Taxation and

Government Operations, reports the following bills directly for third reading.

Senate Bill Number 1050, by Senator LaValle, an act to amend the Tax Law, in relation to providing an exemption from the payment of motor fuel tax.

Senate Bill 6351, 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.

Senate Bill Number 441B, by Senator Stafford, an act to amend the Tax Law, in relation to exempting volunteer fire departments and companies and ambulance companies from payment of the motor fuel tax.

All bills reported directly for third reading.

ACTING PRESIDENT SPANO: Without objection, third reading. Senator Present.

SENATOR PRESENT: Mr. President, can we take up the non-controversial calendar?

ACTING PRESIDENT SPANO: Secretary will read the non-controversial calendar.

THE SECRETARY: On page 4, Calendar Number 1, by Senator Volker, Senate Bill Number 64, an act to amend the Criminal Procedure Law, in relation to permitting police officers to give certain testimony.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 2, by Senator Tully, Senate Bill Number 1... Senate Bill Number 173, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays 2; Senators DeFrancisco and Kuhl recorded in the negative.

ACTING PRESIDENT SPANO: The bill

is passed.

THE SECRETARY: Calendar Number 4, by Senator Holland, Senate Bill Number 211, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 6, by Senator Volker, Senate Bill Number 246A, an act to amend the Penal Law, in relation to the crime of false impersonation.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 7, by Senator Volker, Senate Bill Number 247, Criminal Procedure Law, in relation to waiver of

immunity.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 8, by Senator Volker, Senate Bill Number 364, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 9, by Senator Volker, Senate Bill Number 406.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside for the day.

THE SECRETARY: Calendar Number 10, by Senator Padavan, Senate bill Number 546, Criminal Procedure Law, in relation to permitting the people to appeal an unduly lenient sentence.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar number 13, by Senator Levy, Senate Bill Number 1313, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 15, by Senator Daly, Senate Bill Number 624, an act to amend the Public Authorities Law.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 16, by Senator Kuhl, Senate Bill Number 1846, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 17, by Senator Daly, Senate Bill Number 6222A, an act to amend the Business Corporation Law.

ACTING PRESIDEND SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT SPANO: The bill is passed.

ACTING PRESIDENT SPANO: Senator Stafford, that completes the non-controversial calendar. Senator Present, sorry.

SENATOR PRESENT: I forgive you,

Mr. President.

On behalf of Senator Levy, I would like to announce an immediate conference of the Majority in Room 332, and I would like the Senate to stand at ease.

ACTING PRESIDENT SPANO: Senate will stand at ease. Majority conference in room 332.

(Whereupon, at 3:39 p.m., the Senate stood at ease until 5:15 p.m.)

ACTING PRESIDENT SPANO: Senate will come to order. Senator Present.

SENATOR PRESENT: Mr. President. On behalf of Senator Volker, on page 4, I offer the following amendments to Calendar Number 9, Print 406, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT SPANO: Without objection.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we adjourn until Tuesday, January 18th at 3:00

p.m., intervening days to be legislative days.

ACTING PRESIDENT SPANO: Senate will stand adjourned.

(Whereupon, at 5:18 p.m., Senate adjourned.)