ALBANY, NEW YORK

January 24, 1994

3:14 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: Senate will come to order.

All please rise to the Pledge of Allegiance to the Flag.

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

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

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Friday, January 21. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. The Journal of Thursday, January 20, was read and approved. On motion, Senate adjourned.

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

Presentation petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Velella from the Committee on Insurance reports the following bills directly for third reading:

Senate Bill Number 2232B, by Senator Velella, an act to amend the Insurance Law.

Senate Bill Number 2599A, by Senator Velella, an act to amend the Insurance Law.

Senate Bill Number 3583A, by Senator Velella and others, an act to amend the Insurance Law.

3717A, by Senator Velella, an act to amend the Insurance Law.

And Senate Bill Number 6398, by Senator Velella, an act to amend the Insurance Law, in relation to dental risk management programs.

All bills reported directly for third reading.

ACTING PRESIDENT SPANO: Without objection, third reading.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: On behalf of Senator Solomon, and at the request of his colleague from Brooklyn, Senator DiCarlo, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: 2685.

ACTING PRESIDENT SPANO: Senator Wright.

SENATOR WRIGHT: Mr. President. On behalf of Senator Bruno, I'd like to offer the following amendments to the calendar. I have several of them.

On page number 5, Calendar 40, Senate 6300.

Page 4, Calendar Number 25, Senate Print 1744A.

On page 4, Calendar 29, Senate

Print 4615A.

On page 4, Calendar 30, Senate Print 4616A.

And, on page 4, Calendar 3 - excuse me -- Calendar 31, Senate Print 4617A.

And I ask that the bills retain their place on Third Reading Calendar.

Also, Mr. President, on behalf of Senator Nozzolio, I would request, on page 5, the following amendments to Calendar 36, Senate Print Number 2507, and ask that the bill retain its place on Third Reading Calendar.

ACTING PRESIDENT SPANO: Without objection.

Any other motions, resolutions?

Substitutions?

Secretary will read.

THE SECRETARY: I don't have any.

ACTING PRESIDENT SPANO: Senator Present, we're ready to begin the calendar.

SENATOR PRESENT: Mr. President. Can we take up the noncontroversial calendar, please.

ACTING PRESIDENT SPANO: Secretary will read noncontroversial calendar.

THE SECRETARY: On page 4 of today's calendar, Calendar Number 13, by Senator Levy.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

SENATOR GOLD: Lay it aside for the week.

THE SECRETARY: Calendar Number 32, by Senator Levy.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

SENATOR GOLD: Actually, forget about it. Last section.

ACTING PRESIDENT SPANO: Senator Gold removes his objection to Calendar 32.

THE SECRETARY: Calendar Number 32, by Senator Levy, Senate Bill Number 67, an act in relation to requiring the Department of Motor Vehicles to inform the public of problems.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31. Nays 4. Senators Holland, Present, Rath and Wright recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 33, by Senator Levy, Senate Bill Number 68, an act to amend the Vehicle and Traffic 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 32. Nays 4. Senators Holland, Present, Rath and Wright recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT SPANO: Senator Libous.

SENATOR LIBOUS: Could I have unanimous consent to be recorded in the negative on Calendar Number 32?

ACTING PRESIDENT SPANO: Without objection.

SENATOR COOK: Mr. President.

ACTING PRESIDENT SPANO: Senator Cook.

SENATOR COOK: Same request on Number 32, please.

ACTING PRESIDENT SPANO: Without objection.

Senator Kuhl.

SENATOR KUHL: Same request.

SENATOR FARLEY: (Indicating "Nay.")

ACTING PRESIDENT SPANO: Senator Farley same request.

SENATOR LARKIN: (Indicating "Nay.")

ACTING PRESIDENT SPANO: Senator Larkin in the negative.

THE SECRETARY: Calendar Number 34, by Senator Levy, Senate Bill Number 70, an act to amend the Vehicle and Traffic 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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 35, by Senator LaValle, Senate Bill Number 610, Vehicle and Traffic Law, in relation to traffic control signal indicators.

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. Nays 1. Senator Leichter recorded in the negative.

THE SECRETARY: Calendar Number 38, by Senator Skelos, Senate Bill Number 4434, an act to amend the Vehicle and Traffic 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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 39, by Senator Libous, Senate Bill Number 4489, Vehicle and Traffic Law, in relation to increasing the amount of the fine imposed for illegally parking.

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 43. Nays 2. Senators DiCarlo and Kuhl recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 42, by Senator Tully, Senate Bill Number 234, 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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 43, by Senator Saland, Senate Bill Number 888, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 44, by Senator Tully, Senate Bill Number 1243A, 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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 45, by Senator Saland, Senate Bill Number 1554, an act to amend the Criminal Procedure 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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 46, by Senator Lack, Senate Bill Number 2123, 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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 48, by Senator Johnson, Senate Bill Number -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number

49, by Senator Marino -

SENATOR STACHOWSKI: Lay it aside.

THE SECRETARY: -- Senate Bill Number 3237A.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 50, by Senator Volker, Senate Bill Number 3866, Criminal Procedure Law, in relation to the definition of child witness.

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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 51, by Senator Volker, Senate Bill Number 4091,

an act to amend the Penal Law, in relation to assault in the second degree.

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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 52, by Senator Libous, Senate Bill Number 4891, an act to amend the Penal Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay Senator Libous bill aside for the day.

THE SECRETARY: Calendar Number

53, by Senator DiCarlo, Senate Bill Number 6380, act to amend the Criminal Procedure Law and the Penal Law, in relation to felony sex offenses.

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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 56, by Senator Maltese, Senate Bill Number 3799, an act to amend the Executive 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 45.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 57, by Senator Skelos.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

Senator Present, that completes the noncontroversial calendar.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Yes, just before we do that, I think I was the only one that had any objection to Calendar 52. I have no problem with that bill if you want to call it back up. That's Senator Libous' bill.

ACTING PRESIDENT SPANO: Senator Libous, you indicated you wanted the bill laid aside for the day.

SENATOR LIBOUS: If he doesn't

have any trouble with it, that's fine.

ACTING PRESIDENT SPANO: Secretary will read Calendar 52.

THE SECRETARY: Calendar 52, by Senator Libous, Senate Bill Number 4891, 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 45.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present, that concludes the noncontroversial calendar.

SENATOR PRESENT: Mr. President. Let's take up the controversial calendar, please.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: On page 6, Calendar Number 48, by Senator Johnson, Senate Bill Number 3059, an act to amend the Penal Law, in relation to chemical agents and chemical agent weapons.

SENATOR JOHNSON: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside at the request of the sponsor.

THE SECRETARY: Calendar Number 49, by Senator Marino, Senate Bill Number 3237A, an act to amend the Criminal Procedure Law.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 57, by Senator Skelos, Senate Bill Number 5321, an act to amend the Correction Law and the County Law.

SENATOR STACHOWSKI: Explanation.

SENATOR ONORATO: Explanation.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay

Calendar 57 aside.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President. I ask unanimous consent to be recorded in the negative on Calendar Number 33.

THE SECRETARY: Calendar Number 33, Senator Nozzolio will be recorded in the negative, without objection.

SENATOR NOZZOLIO: Yes, thank you, Mr. President.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT SPANO: Senator Seward.

SENATOR SEWARD: I ask unanimous consent to be recorded in the negative on Calendar Number 32 and 33.

ACTING PRESIDENT SPANO: Without objection.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I would request the same unanimous consent to be recorded in the negative on Calendar 32 and 33.

ACTING PRESIDENT SPANO: Without

objection.

Senator Maltese.

SENATOR MALTESE: Mr. President. I ask unanimous consent to be recorded in the negative on Calendar Number 32.

ACTING PRESIDENT SPANO: Without objection.

SENATOR DALY: Mr. President.

ACTING PRESIDENT SPANO: Senator Daly.

SENATOR DALY: May I have unanimous consent to be voted in the negative on Calendar Number 32, Print Number 67.

ACTING PRESIDENT SPANO: Without objection.

SENATOR DALY: And also on Calendar Number 33, Print 68.

ACTING PRESIDENT SPANO: Without objection.

Senator Sears.

SENATOR SEARS: Mr. President. Would you record me in the negative on Calendar Number 33, please.

ACTING PRESIDENT SPANO: Without objection.

Senator Saland.

SENATOR SALAND: Mr. President. I, too, would like unanimous consent to be recorded in the negative on Calendar Number 32.

ACTING PRESIDENT SPANO: 32, without objection.

SENATOR SALAND: Thank you.

ACTING PRESIDENT SPANO: Senator Present, with the exception of Calendar 57, that completes the controversial calendar.

Senator Hoffmann.

SENATOR HOFFMANN: Mr. President. I request unanimous consent to be recorded in the negative on Calendar 32, 33 and 40.

ACTING PRESIDENT SPANO: Without objection.

SENATOR HOFFMANN: Thank you.

ACTING PRESIDENT SPANO: Senator Present.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Can we have some order in the chamber, please?

Excuse me, Senator Hoffmann. Senator Hoffmann, Calendar Number 40 was not passed.

SENATOR HOFFMANN: I was in error on my request Calendar 40.

ACTING PRESIDENT SPANO: That bill was amended previously.

SENATOR HOFFMANN: Thank you for being so alert.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Yes, I'm sorry I was distracted. On Calendar Number 53, can we have a party vote? In the affirmative.

(Laughter.)

Never mind.

ACTING PRESIDENT SPANO: I think you're violating Rule 3, Senator Gold.

Senator Present.

SENATOR PRESENT: Mr. President. There being no further business, I move that we

adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT SPANO: Senate will stand adjourned until tomorrow at 3:00 p.m.

(Whereupon, at 4:05 p.m., Senate adjourned.)