ALBANY, NEW YORK

January 22, 1997

3:00 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Would everyone please rise and join with me in the Pledge of Allegiance.

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

May we bow our heads in a moment of silence.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Tuesday, January 21st. The Senate met pursuant to adjournment. The Journal of Sunday, January 19th was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, offers up the following bills:

Senate Print 311, by Senator Skelos, an act to amend the General Oblications Law, in relation to exoneration of certain crime victims;

351, by Senator Kuhl, an act to amend the General Obligations Law, in relation to the liability for negligence;

382, by Senator Stafford, an act to amend the Real Property Law, in relation to authorizing an administrator;

762, by the Committee on Rules, concurrent resolution of the Senate and Assem bly, proposing an amendment to Section 9 of Article I of the Constitution.

Senator Padavan, from the Committee on Cities, offers up the following bills:

Senate Print 355, by Senator Velella, an act to amend the General City Law and the Penal Law;

570, by Senator Goodman, an act to amend the Administrative Code of the city of

New York, in relation to the treatment of thrift reserves.

Senator LaValle, from the Committee on Higher Education, offers up the following bills:

Senate Print 13, by Senator LaValle, an act to amend the Education Law, the State Finance Law, and the Public Authorities Law;

Senate Print 35, by Senator LaValle, an act to amend the Education Law and the Public Officers Law;

Senate Print 205, by Senator Holland, an act to authorize the Salvation Army Eastern Division School for Officers training;

243, by Senator Johnson, an act to amend the Education Law, in relation to requiring that the State University graduation ceremonies include the Pledge of Allegiance;

Senate Bill 24, by Senator LaValle, an act to amend the Education Law, in relation to enacting the Higher Education Community Service Act;

303, by Senator LaValle, an act to amend the Education Law, in relation to the

Board of Regents of the University of the State of New York.

Senator Volker, from the Committee on Codes, offers up the following bills:

Senate Print Number 70, by Senator Levy, an act to amend the Penal Law, in relation to the offense of assault;

386, by Senator Volker, an act to amend the Civil Rights Law, in relation to access to personnel files;

397, by Senator Volker, an act to amend the Penal Law, in relation to issuance of licenses to have and carry pistols;

407, by Senator Maziarz, an act to amend the Criminal Procedure Law and the Penal Law, in relation to felony sex offenses;

414, by Senator Goodman, an act to amend the Penal Law, in relation to computer networks;

424, by Senator Goodman, an act to amend the Penal Law, in relation to consecutive terms of imprisonment;

454, by Senator Holland, an act to amend the Penal Law, in relation to license

to carry or possess a pistol within the state;

484, by Senator DeFrancisco, an act to amend the Civil Practice Law and Rules, in relation to certain privileged information;

Senate Print 485, by Senator DeFrancisco, an act to amend the Penal Law, in relation to the payment of restitution in certain instances;

Senate Print 487, by Senator DeFrancisco, an act to amend the Criminal Procedure Law, in relation to access to sealed records;

502, by Senator Johnson, an act to amend the Penal Law, in relation to administrative provisions relating to the issuance of firearm licenses;

521, by Senator Volker, an act to amend the Civil Practice Law and Rules and the Public Authorities Law, in relation to personal service upon public authorities;

Senate Print 522, by Senator Volker, an act to amend the Penal Law, in relation to consecutive terms of imprisonment.

Senator Levy, from the Committee on Transportation, offers up the following

bills:

Senate Print 126, by Senator Stafford, an act to amend the Highway Law, in relation to prohibiting abandonment of Crane Pond Road;

419, by Senator Goodman, an act to amend the Vehicle and Traffic Law, in relation to mandatory suspensions;

599, by Senator Levy, an act to amend the Railroad Law, in relation to requiring trains operating in the state;

602, by Senator Levy, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties;

628, by Senator Goodman, an act to amend the Vehicle and Traffic Law, in relation to allowing parking violation bureaus to increase the fine.

All bills are directly for third reading.

THE PRESIDENT: All bills direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR BRUNO: Madam President, may I ask for an immediate meeting of the Rules Committee in Room 332.

THE PRESIDENT: There is an immediate meeting of the Rules Committee in Room 332.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time adopt the Resolution Calendar.

THE PRESIDENT: All those in favor of adopting the Resolution Calendar, please signify by saying Aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

SENATOR BRUNO: Madam President, can we at this time take up the non-controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 14

by Senator Volker, Senate Print 26, an act to amend the Vehicle and Traffic Law, in relation to suspensions for failure to answer.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar number 15, by Senator Stafford, Senate Print 119, an act to amend the Vehicle and Traffic Law, in relation to the operation of school buses.

THE PRESIDENT: Read the last section, please.

SENATOR DOLLINGER: Lay it aside.

THE PRESIDENT: Oh, lay it aside.

THE SECRETARY: Calendar Number 17, by Senator Tully, Senate Print Number 188, an act to amend the Vehicle and Traffic Law, in relation to authorizing towns and villages to establish a prepaid residential parking permit

system.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 18, by Senator Levy, Senate Print Number 203, an act to amend the Highway Law.

SENATOR BRUNO: Lay it aside, please.

THE PRESIDENT: Lay it aside, please.

Senator Bruno, that completes the non-controversial reading of the calendar.

SENATOR BRUNO: Madam President, can we at this time take up the controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number

15, by Senator Stafford, Senate Print Number 119, an act to amend the Vehicle and Traffic Law, in relation to the operation of school buses.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Senator Stafford available for a question? I just have one.

SENATOR BRUNO: Lay it aside for the day, Madam President. Thank you.

SENATOR DOLLINGER: Madam President, I'll get the question in writing to Senator Stafford before the next session we do the bill.

SENATOR BRUNO: Thank you very much.

THE PRESIDENT: Thank you. Lay it aside, please.

Senator Bruno, that completes the controversial calendar.

SENATOR BRUNO: Madam President, if we can stand at ease for a few moments. We're waiting for the report from the Rules Committee, and we expect that momentarily and we have one

bill that we expect on that agenda that we'll be dealing with this afternoon.

THE PRESIDENT: Thank you.

SENATOR BRUNO: Thank you, Madam President.

(The Senate stood at ease from 3:10 until 3:16 p.m.)

THE PRESIDENT: The Senate will come to order.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to reports of standing committees and I believe there is a report at the desk from the Rules Committee. Maybe we can have that read.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. The Secretary will read the report of the Rules Committee.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bill directly for third reading:

Senate Print Number 106, by Senator Volker, an act to amend the Tax Law, in

relation to the imposition of sales taxes and use taxes by the County of Erie.

ACTING PRESIDENT KUHL: Without objection, the bill is reported directly to third reading.

Senator Bruno.

SENATOR BRUNO: I move we accept the report, Mr. President.

ACTING PRESIDENT KUHL: On the motion to accept the report of the Rules Committee, all those in favor of accepting the report signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report is accepted. The bill is reported directly to third reading.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 125?

THE SECRETARY: Senator Volker moves to discharge from the Committee on Investigations, Taxation and Government Operations, Assembly Bill Number 341 and substitute it for the identical Senate Bill Number 106.

Calendar Number 25, by the Assembly Committee on Rules, Assembly Print Number 341, an act to amend the Tax Law, in relation to the imposition of sales taxes and use taxes by the County of Erie.

ACTING PRESIDENT KUHL: Any Senator wishing to comment on the bill? Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 56, nays one, Senator Dollinger recorded in the negative.

ACTING RESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, we are at this time handing up, after serious deliberation with our esteemed Minority Leader, Senator Marty Connor, a substitution list for committee assignments that will supersede all

others that have been in place in the Senate previous to this very moment.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Order the substitution be filed in the Journal.

Senator Bruno.

SENATOR BRUNO: Mr. President, I I hesitate to ask, but is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: Nothing at the desk, Senator Bruno.

SENATOR BRUNO: There is none. There being no further business to come before the Senate, I would move that we stand adjourned until Monday at 3:00 p.m., intervening days to be legislative days.

Thank you.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, January 27th, at 3:00 p.m., all intervening days to be legislative days.

(Whereupon, at 3:20 p.m., the Senate adjourned.)