NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 1, 1999

3:10 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

THE PRESIDENT: In the absence of clergy, may we all bow our heads in a moment of silence, please?

(Whereupon, the assemblage respected a moment of silence.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Friday, January 29th, the Senate met pursuant to adjournment. The Journal of Thursday, January 28, was read and approved. On motion, the 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 Marcellino, from the Committee on Environmental Conservation, reports:

Senate Print 169, by Senator Larkin, an act to amend the Navigation Law;

773, by Senator Stafford, an act to amend the Environmental Conversation Law;

775, by Senator Stafford, an act to amend the Environmental Conservation Law;

1128, by Senator Marcellino, an act to amend the Environmental Conservation Law;

1129, by Senator Marcellino, an act to amend the Environmental Conservation Law; and

1130, by Senator Marcellino, an act to amend the Environmental Conservation Law.

Senator Volker, from the Committee on Codes, reports:

Senate Print 120, by Senator Rath, an act to amend the Criminal Procedure Law;

137, by Senator Nozzolio, an act to amend the Penal Law;

725, by Senator Volker, an act to amend the Penal Law;

813, by Senator Hannon, an act to amend the Criminal Procedure Law;

859, by Senator Balboni, an act to amend the Penal Law;

973, by Senator Skelos, an act to amend the Penal Law;

1016, by Senator Skelos, an act to amend the Penal Law;

1017, by Senator Skelos, an act to amend the Criminal Procedure Law;

1122, by Senator Goodman, an act to amend the Penal Law;

1241, by Senator Balboni, an act to amend the Criminal Procedure Law;

1589, by Senator Johnson, an act to amend the Penal Law; and

1592, by Senator Volker, an act to amend the Penal Law and others.

Senator Rath, from the Committee on Local Government, reports:

Senate Print 758, by Senator Johnson, an act to amend the Real Property Tax Law;

817, by Senator Hannon, an act to amend the Real Property Tax Law;

924, by Senator Meier, an act to amend the Real Property Tax Law; and

1072, by Senator Rath, an act to amend the Real Property Tax Law.

All bills ordered direct for third reading.

THE PRESIDENT: Without objection, all bills reported direct to third reading.

Reports of select committees.

Communications and reports from State officers.

Motions and resolutions.

Senator Skelos.

Senator Farley, first.

SENATOR SKELOS: Madam President -

THE PRESIDENT: Excuse me.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Trunzo, on page 7, I offer the following amendments to Calendar 47:

Senate Print 1076, and I ask that this bill retain it's place in the Third Reading Calendar.

THE PRESIDENT: The amendment's received and the bill will retain it's place on the Third Reading Calendar.

SENATOR FARLEY: On behalf of Senator Lack, Madam President, I move that the following bills be discharged from their respective committees an be recommitted with instructions to strike the enacting clause:

Senate Print 1443 and Senate Print 1449.

THE PRESIDENT: So ordered.

Senator Skelos.

SENATOR SKELOS: Yes, Madam President, if there are no other motions, could we please have the non-controversial reading of the calendar?

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 4, by Senator Skelos, Senate Print 12A, an act to amend the Penal Law in relation to failure to report a sexual assault of a child.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 10, by Senator Volker, Senate Print 145, an act to amend the Criminal Procedure Law in relation to preclusion of evidence.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 12, by Senator Volker, Senate Print 393, an

act to amend the Penal Law in relation to consecutive terms of imprisonment.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51. Nays 1.

Senator Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 31, by Senator Marcellino, Senate Print 824, an act to amend the Penal Law in relation to criminally negligent homicide.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 32, by Senator Balboni, Senate Print 857.

SENATOR BALBONI: Set the bill aside.

THE PRESIDENT: The bill is laid aside.

SENATOR BALBONI: For the day.

THE PRESIDENT: For the day. Thank you.

THE SECRETARY: Calendar Number 53, by Senator Balboni, Senate Print 858, an act to amend the Insurance Law in relation to eliminating the examination fee for consultant licenses.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 55, by Senator Farley, Senate Print 1164, an act to amend the Banking Law and others in relation to including the Uniform Transfer to Minors Act.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 9, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar number 56, by Senator Farley, Senate Print 1165, an act to amend the Banking Law and the Criminal Procedure Law in relation to the regulation of licensed transmitters of money.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 62, by Senator Meier, Senate Print 1028, an act to amend the Education Law in relation to compensation paid to the commissioners of the Hamilton College Sewer District.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2, this act shall take effect immediately.

THE PRESIDENT: All the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: Madam President, is there any housekeeping at the desk?

THE PRESIDENT: No, there is not, Senator.

SENATOR SKELOS: There being no

further business, I move we adjourn until Tuesday, February 2nd, at 11 a.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Tuesday, February 2nd, at 11 a.m.

SENATOR SKELOS: Madam President, I believe Senator Paterson wants to make a quick announcement.

THE PRESIDENT: We are not adjourned yet.

Senator Paterson, you have an announcement that you'd like to make?

SENATOR PATERSON: Thank you, Madam President.

There will be an immediate meeting of the Minority in the Minority Conference Room, Room 314.

Repeating, there will be an immediate meeting of the Minority in Conference Room 315 -- 314.

Thank you.

THE PRESIDENT: Senator Paterson has just announced there will be an immediate meeting of the Minority in Room -

314, Senator?

SENATOR PATERSON: 314, yes.

THE PRESIDENT: -- 314.

All right. Adjourned until Tuesday, February 2nd, 11 a.m.

(Whereupon, at 3:17 p.m., the Senate adjourned.)