THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 22, 2001

3:13 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: With us today to give the invocation is the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing.

REVEREND YOUNG: Let us pray.

Dear God, as we experience the winter weather, we gather to assist the elderly and needy who are attempting to stay comfortably warm and flu-free. As Californians suffer without sufficient power, we thank You, O God, for Your great gifts of hydroenergy resources here in New York State.

With that gratitude and attitude of gratitude, we thank You for allowing us to live in this great Empire State that enjoys such creative beauty and richness that You now have shared with all of Your New York State

citizens.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Saturday, January 20, the Senate met pursuant to adjournment. The Journal of Friday, January 19, 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 Volker, from the Committee on Codes, reports the following bills:

Senate Print 403, by Senator Skelos, an act to amend the Penal Law;

430, by Senator DeFrancisco, an act to amend the Criminal Procedure Law;

435, by Senator DeFrancisco, an act

to amend the Criminal Procedure Law;

437, by Senator DeFrancisco, an act to amend the Penal Law;

490, by Senator Marcellino, an act to amend the Penal Law;

542, by Senator Padavan, an act to amend the Penal Law;

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

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

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

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

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

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

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

853, by Senator Balboni, an act to amend the Civil Rights Law;

And 861, by Senator Balboni, an act to amend the Penal Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privileged resolution at the desk by Senator Connor. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Connor, Legislative Resolution commemorating the Asian American community's celebration of the Lunar New Year, 4699, the Year of the Snake, on January 24, 2001.

ACTING PRESIDENT MEIER: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Connor's bill, which involves Chinese New Year's, he's agreed to open that up for sponsorship. So if anybody would like to be on that resolution, they should notify the desk.

ACTING PRESIDENT MEIER: Anyone desiring to cosponsor the resolution, please notify the desk.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: If we could take up the noncontroversial calendar, please.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 4, by Senator Skelos, Senate Print 77, an act

to amend the Civil Practice Law and Rules, in relation to commencement of special proceedings.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 7, by Senator Marcellino, Senate Print 103, an act to amend the Criminal Procedure Law, in relation to anonymous juries.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 8, by Senator Skelos, Senate Print 126, an act to amend the Civil Practice Law and Rules, in relation to the time to take an appeal.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46. Nays, 1. Senator Paterson recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 11, by Senator Volker, Senate Print 137, an act to amend the Penal Law and the Criminal Procedure Law, in relation to the offenses of bail jumping.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 16. This

act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 13, by Senator Volker, Senate Print 205, an act to amend the Criminal Procedure Law, in relation to appeals from certain orders of suppression.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 18, by Senator Volker, Senate Print 216, an

act to amend the Criminal Procedure Law, in relation to sealing and other dispositions of records.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Velella, that concludes the calendar.

SENATOR VELELLA: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not, Senator. Nothing.

I'm sorry, Senator Dollinger is asking -

SENATOR DOLLINGER: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 8.

Thank you.

ACTING PRESIDENT MEIER: Without objection, Senator Dollinger will be recorded in the negative on Calendar 8.

Senator Duane.

SENATOR DUANE: Thank you. Mr. President, with unanimous consent, could I be recorded in the negative on Calendar Numbers 8 and 18.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative on Calendars 8 and 18.

Senator Velella.

SENATOR VELELLA: Mr. President, Senator Bruno, in consultation with the Minority Leader, hands up the following committee changes for filing.

ACTING PRESIDENT MEIER: Those will be received at the desk and filed.

Senator Velella.

SENATOR VELELLA: Mr. President, may we please return to the order of motions and resolutions.

ACTING PRESIDENT MEIER: Motions and resolutions.

SENATOR VELELLA: Mr. President.

ACTING PRESIDENT MEIER: Senator Velella.

SENATOR VELELLA: On behalf of Senator Bruno, I offer up the following notice of intention to alter the Senate rules and ask that it be filed in the Journal.

ACTING PRESIDENT MEIER: The notice will be received and filed in the Journal.

SENATOR VELELLA: Mr. President, there being no further business, I move we adjourn -- I'm sorry.

ACTING PRESIDENT MEIER: I'm sorry. Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Numbers 11 and 18.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendars 11 and 18.

Senator Velella.

SENATOR VELELLA: Now, Mr. President, there being no further business, I

move we adjourn until Tuesday, January 23rd, at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, January 23rd, at 11:00 a.m.

(Whereupon, at 3:21 p.m., the Senate adjourned.)