NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 9, 2002

12:10 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 please 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: May we each bow our heads, please, in a moment of silence.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 7, 2002, the Senate met pursuant to adjournment. The Journal of Friday, January 4, was read and approved. On motion, Senate adjourned.

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

Senator Bruno.

SENATOR BRUNO: Madam President, are there any motions at the desk at this

time?

THE PRESIDENT: Yes, there are, Senator.

SENATOR BRUNO: Can we have them read at this time.

THE PRESIDENT: The Secretary will read.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

I wish to call up Bill Number 368, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 20, by Senator Volker, Senate Print 368, an act to amend the Civil Practice Law and Rules.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Madam President, I now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: The Secretary will now call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Madam President, I now move to recommit the bill to the Committee on Codes.

THE PRESIDENT: So ordered, Senator.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR FUSCHILLO: I ask that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause:

Senate Print Number 4978, Senator Johnson; 5113, Senator Johnson;

3371, Senator Marchi;

1443, Senator Meier;

351, Senator Morahan; 498, Senator Morahan; 1239, Senator Morahan; 2175, Senator Morahan; 3147, Senator Morahan; 3774, Senator Morahan; 4678, Senator Morahan; 4734, Senator Morahan; 5145, Senator Morahan;

587, Senator Saland; 588,

Senator Saland; 1339, Senator Saland; 4905, Senator Saland;

2091, Senator Seward; 2552, Senator Seward; 3168, Senator Seward; 3394, Senator Seward; 3395, Senator Seward; 3876, Senator Seward;

3481, Senator Stafford; 4839, Senator Stafford; 5561, Senator Stafford;

414, Senator Volker; 1092, Senator Volker; 1164, Senator Volker; 2301, Senator Volker; and 5380A, Senator Volker.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Would you like me to repeat that?

(Laughter.)

THE PRESIDENT: That will not be necessary, Senator.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I'd like to move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause:

Senate Print Number 2740, from

Senator Santiago;

Senate Print Number 2423, from Senator Schneiderman;

And Senate Print Number 32, from Senator Malcolm Smith.

THE PRESIDENT: So ordered, Senator.

SENATOR DOLLINGER: Thank you.

THE PRESIDENT: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and/or resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there are six privileged resolutions at the desk. I would ask that the titles be read and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator

Seward, Legislative Resolution Number 3482, congratulating the Marathon Central Girls' Field Hockey Team upon the occasion of capturing the 2001 New York State Public High School Athletic Association Class D Championship.

By Senator Marcellino, Legislative Resolution Number 3488, honoring the members of the East Norwich Fire Company for their heroic actions in the wake of the terrorist attacks on the World Trade Center on September 11, 2001, and in the ongoing recovery effort.

By Senator Marcellino, Legislative Resolution Number 3491, honoring the members of the Bayville Fire Company for their heroic actions in the wake of the terrorist attacks on the World Trade Center on September 11, 2001, and in the ongoing recovery effort.

By Senator Marcellino, Legislative Resolution Number 3502, honoring the members of the Glen Cove Fire Department for their heroic actions in the wake of the terrorist attacks on the World Trade Center on September 11, 2001, and in the ongoing

recovery effort.

By Senator Goodman, Legislative Resolution Number 3569, paying tribute to the life and accomplishments of H. Peter Kriendler.

And by Senator Goodman, Legislative Resolution Number 3693, paying tribute to the life and accomplishments of Margaret Loeb Kempner.

THE PRESIDENT: On the resolutions, all in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, I have a concurrent resolution at the desk. I would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: The Assembly

sends for concurrence the following Assembly concurrent resolution.

Senator Bruno moves to substitute Senate Concurrent Resolution Number 3570 for Assembly Concurrent Resolution Number 1575.

THE PRESIDENT: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Assembly Concurrent Resolution Number 1575, of the Senate and Assembly, relative to the adjournment sine die of the 2001 session of the Legislature.

SENATOR CONNOR: Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: It's better than when they used to say "sinay die," but it's sine die. The Latin.

Thank you.

THE PRESIDENT: The record will so reflect, Senator Connor. And I believe does so reflect.

On the concurrent resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

The 224th Legislative Session is now adjourned.

(Whereupon, at 12:19 p.m., the Senate adjourned.)