ALBANY, NEW YORK

June 14, 1993

3:15 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

...At 2:38 p.m...

SENATOR PRESENT: I'd like to announce there'll be an immediate meeting of the Rules Committee in Room 332.

...At 3:15 p.m...

ACTING PRESIDENT FARLEY: The Senate will come to order. Senators will please find their seats. Please rise for the Pledge of Allegiance to the Flag.

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

Today in the absence of clergy, we'll bow our heads in a moment of silent prayer.

(A moment of silence was observed.)

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Sunday, June 13th. The Senate met pursuant to adjournment, Senator Bruno in the Chair upon designation of the Temporary President. The

Journal of Saturday, June 12th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand as read.

Order of business: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees. We have a report, Senator Present. May we read it. Secretary will read a report of a standing committee.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bills directly for third reading:

Senate Bill Number 5890, by Senator Cook, authorizing the village of Monticello to issue serial bonds;

281, by Senator Hannon, authorizing the county of Nassau to accept an application for real property tax exemption;

1264, by Senator Jones, directing the Comptroller of the state to grant a hearing

to Edward Palmer;

1392, by Senator -- Senators Daly and others, an act to amend the Insurance Law, in relation to multiple employer welfare arrangements;

1598, by Senator Seward and others, Real Property Tax Law;

1725-A, by Senator Sheffer and others, Environmental Conservation Law;

1744, by Senator Bruno, Executive Law;

1846, by Senator Kuhl, New York State Urban Development Corporation Act;

1933, by Senator Skelos and others, an act to amend the Public Health Law;

2048, by Senator Skelos, an act to amend the Education Law, in relation to shared personnel;

2275, by Senator Cook, Real Property Tax Law;

2495-A, by Senator Seward, authorize the town of Lansing, Tompkins County, to use certain lands;

3066, by Senator Levy, authorize the city of New York to reconvey its interest in certain real property;

3103-A, by Senator Padavan, Alcoholic Beverage Control Law;

3172, by Senators Hannon and others, an act to amend the Tax Law;

3185, by Senator Spano, Retirement and Social Security Law;

32 -- 3276, by Senator Spano, Retirement and Social Security Law;

3528-B, by Senator Farley, New York State Printing and Public Documents Law;

3755, by Senator LaValle, Education Law;

3827, by Senator Marino, General Municipal Law;

3931, by Senator Holland, Public Authorities Law;

4016, by Senator DeFrancisco, Town Law and the Public Officers Law;

4040-A, by Senator Skelos, town of Hempstead to lease certain park lands;

4182, by Senator Skelos, Retirement and Social Security Law;

4455-A, by Senator Cook, General City Law;

4471, by Senator Lack, Agriculture and Markets Law;

4604, by Senator Hannon, New York City Civil Court Act;

4629-A, by Senator Volker, provide service credit New York State local employees retirement system;

4727, by Senator Larkin, transfer of certain service credits;

4853, by Senator Stafford, Environmental Conservation Law;

4901, by Senator Levy, Criminal Procedure Law;

4907-A, by Senator Hannon, Public Officers Law;

4988, by Senator Velella, an act to amend the Insurance Law;

5093, by Senator Saland, Environmental Conservation Law;

5134, by Senator Libous, authorize the county legislature of the county of Tioga to dissolve solid waste district;

5200, by Senator Daly, Environmental Conservation Law;

5310, by Senators Cook and others, Education Law;

5446, by Senator Padavan, Penal Law, and the Administrative Code of the city of New York;

5735, by Senator Volker, General Municipal Law;

5767, by Senator Seward, existence of the village of Groton Industrial Development Agency;

5771, by Senator Sheffer, Vehicle and Traffic Law;

5786, by Senator Levy, amends Chapter 380 of the Laws of 1992, amending the General Municipal Law;

5801, by Senator Babbush, authorize the city of New York to dispose of certain public lands;

5802, by Senator Gonzalez, authorize the city of New York to reconvey its interest in certain real property;

5804, by Senator Skelos, Executive Law;

5792, by Senator Marino, an act to amend the Village Law;

5868, by Senator Marino and others, an act to amend the Executive Law; and

5869, by Senator Marino and others, an act to amend the Tax Law.

All bills reported directly for third reading.

ACTING PRESIDENT FARLEY: All bills reported directly to third reading.

Continuing on with the order of business: Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Seward, I guess. I think I saw him first.

SENATOR SEWARD: Thank you, Mr. President.

I'd like to place a sponsor's star on Calendar Number 446.

ACTING PRESIDENT FARLEY: Bill is starred at the request of the sponsor.

SENATOR SEWARD: Thank you.

ACTING PRESIDENT FARLEY: Senator Mega.

SENATOR MEGA: Mr. President. I'd like to offer a series of amendments on the following bills:

On page 8, Calendar 338, Assembly Print 3316-B, behalf of Senator Sears; on behalf of Senator Sears, on page 29, Calendar Print Number 1051, Senate Print 5754; on behalf of Senator Velella, page 34, Calendar 620, Assembly -- Senate Print Number 2562; I withdraw that last one temporarily, Mr. President. On page 18, Calendar Number 760, Print Number 4712, Senator Levy; Senator Kuhl, page 27, Calendar Number 1016, Senate Print 2454; on behalf of Senator Libous, on page 38, Calendar Number

8994, Senate Print Number 3927-A, and ask that said bills retain their place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: All of those bills are amended. The bills will retain their places on the Third Reading Calendar.

Senator Mega.

SENATOR MEGA: On behalf of Senator Velella, on page 34, I offer the following amendments -- withdraw that. I ask that the star be removed on the following bill: On page 34, Calendar Number 620, on behalf of Senator Velella.

ACTING PRESIDENT FARLEY: Star is removed at the request of the sponsor.

SENATOR MEGA: On that bill on behalf of Senator Velella, Calendar 620, Print Number 2562, I ask that said bill retain its place on Third Reading Calendar and the bill be amended.

ACTING PRESIDENT FARLEY: Amendments will be received.

Senator Saland.

SENATOR MEGA: I'm not finished, Mr. President.

ACTING PRESIDENT FARLEY: He's not finished. Senator Mega.

SENATOR MEGA: Behalf of Senator Wright, I wish to call up his bill Senate 3806-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Wright's bill.

THE SECRETARY: By Senator Wright, Senate Bill Number 3806-A, an act to amend the State Administrative Procedure Act.

SENATOR MEGA: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is before the house, Senator Mega.

SENATOR MEGA: On behalf of Senator Spano, Mr. President, I move the following bill be discharged from its respective committee: 3512.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Without objection -- without objection, on the prior bill, the bill is amended and will retain its place.

SENATOR MEGA: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Saland.

SENATOR SALAND: Mr. President, on page 27, I offer the following amendments to Calendar Number 1012, Senate Print 686, and ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

Senator Holland.

SENATOR HOLLAND: Right. Mr. President, on behalf of Senator Levy, would you

please remove the star on Calendars S. 186 and S. 763.

ACTING PRESIDENT FARLEY: Star is removed.

SENATOR HOLLAND: On behalf of Senator Velella, would you please star Senate 2842, Calendar 259.

ACTING PRESIDENT FARLEY: The bill is starred.

SENATOR HOLLAND: And on behalf of Senator Holland, would you star Calendar 377, Senate 2817.

ACTING PRESIDENT FARLEY: Bill is starred at the request of the sponsor.

Senator Holland. Senator Maltese.

SENATOR MALTESE: Mr. President, on page number 7, I offer the following amendments to Calendar Number 311, Senate Print Number 1053, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Marino, I move to recommit Senate Print 513, Calendar 533 on the order of third reading to the Committee on Local Government with instructions to said committee to strike the enacting clause.

ACTING PRESIDENT FARLEY: Without objection, it is done.

Are there any other motions on the floor?

Senator Present.

SENATOR PRESENT: Mr. President, will you recognize Senator DeFrancisco, please.

ACTING PRESIDENT FARLEY: Senator DeFrancisco.

SENATOR DeFRANCISCO: I have a privileged resolution at the desk and request it be read.

ACTING PRESIDENT FARLEY: Title or the whole thing? The Secretary will read the entire resolution, Senator DeFrancisco.

THE SECRETARY: Legislative

Resolution, by Senator DeFrancisco and others, celebrating June 14, 1993 upon the occasion of the observance of Flag Day in the state of New York.

WHEREAS, it is the sense of this legislative body that the flag of the United States is more than an arbitrary designation, more than a parenthetic symbol; it is the living embodiment of those sacred ideals and principles upon which this beloved nation was first founded, for which countless thousands have given their lives in the cause of America's freedom;

More than an appendage of circumstance, the flag of the United States serves and has served since its very introduction as the exhilarative expression of a united people, as a consciously designed pattern of hope and declaration, whose rationale is anchored in the sacred and ineffable desire for peace and freedom;

This legislative body is proud to celebrate Flag Day, June 14, 1993 in the state

of New York;

Flag Day is a unique event in the national calendar in that it does not honor an individual or a battle or any one event; it honors an idea, an idea symbolized by stars and stripes and the principles upon which and for which the American nation was founded;

On June 14, 1777, in order to establish an official flag for the new nation, the Continental Congress passed the first Flag Act. The stripes remind Americans of the 13 original colonies that gained them liberty; the stars represent the states that are bound together;

New York State, as an original state, is represented twice in the flag in the field of stars and the ranks of stripes. It was in New York that the flag first flew in battle during the American Revolution;

On June 14, 1892, Francis Bellamy, a native New Yorker who was born in Mount Morris and raised in Rome, New York, wrote the Pledge of Allegiance; in 1942, it was

officially adopted by Congress and included in the Flag Code;

So long as the love of liberty continues to burn in the hearts of mankind, the American flag will stand as a symbol of man's best hope.

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to celebrate June 14, 1993 upon the occasion of the observance of Flag Day in the state of New York; and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to Thomas Burton, President, New York State Veterans Council of Legislative Representatives.

ACTING PRESIDENT FARLEY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. As chairman of the Veterans Committee of this body, I'm proud that there are so many co-sponsors of this bill, and I just think that it's important to recognize that, despite the fact that we're

all here representing our own constituents and constituencies and that we maybe have different ethnic and religious backgrounds, that we should be remembering what the flag stands for and that is that all of us are united for one common burden of proof. Sometimes we get too carried away in our parochial viewpoints, and I think it's important to recognize this day in this body at this time.

Thank you.

ACTING PRESIDENT FARLEY: On the resolution, all in favor say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

ACTING PRESIDENT FARLEY: If you wish -- is the resolution open, I presume, Senator DeFrancisco?

SENATOR DeFRANCISCO: Yes, it was circulated. Whoever has not gone on is certainly welcome to do so.

ACTING PRESIDENT FARLEY: Almost everybody is on it, I'm told.

The resolution is adopted.

Are there any other motions on the floor?

Senator Present.

SENATOR PRESENT: Mr. President, may we take up the non-controversial calendar, please.

ACTING PRESIDENT FARLEY: Non-controversial, the Secretary will read.

THE SECRETARY: On page 4, Calendar Number 82, by Senator Halperin, Senate Bill Number 32-B, an act to amend the Executive Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 180, by Senator Spano, Senate Bill Number 1987-A, an act to amend the Civil Service Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 229, by member of the Assembly D'Andrea, Assembly Bill Number 4063-A, authorize the Fort Ann Central School District to finance the accumulated deficit.

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 244, by Senator Trunzo, Senate Bill Number 2964-A, Retirement and Social Security Law and the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 300, by Senator Pataki, Senate Bill Number 1982,

Real Property Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 420, by Senator Trunzo, Senate Bill Number 3526, Retirement and Social Security Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 494, by Senator Libous, Senate Bill Number 3517-C, an act to amend the Insurance Law, in relation to prohibiting discrimination.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 504, Assembly Print Number 1696, an act to amend the Judiciary Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 562, by Senator Present, Senate Bill Number 2956-A, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 567, by Senator Seward, Senate Bill Number 4021-A, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 663, by Senator Stavisky, Senate Bill Number 426, an act to amend the Penal Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 685, by Senator Lack, Senate Bill Number 4044,

an act to amend the Public Authorities Law.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 712, by Senator Velella, Senate Bill Number 2589-A, Insurance Law, in relation to annuity contracts.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 735, by Senator Sears, Senate Bill Number 4546, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT FARLEY: You can

read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 770, by Senator Lack, Senate -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 840, by Senator Sears.

VOICE: Lay aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 877, by the Assembly Committee on Rules, Assembly Bill Number 7602-B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51, nays 1, Senator Libous recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 941, by Senator Volker, Senate Bill Number 3950-C, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 983, by Senator Volker, Senate Bill Number 1072-A, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 993, by Senator Seward, Senate Bill Number 3921-B, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1005, by Senator Lack, Senate Bill Number 5545 A, an act to amend the Public Health Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1007, by Senator DeFrancisco, Senate Bill Number 5758, amends Chapter 741 of the Laws of 1981.

ACTING PRESIDENT FARLEY: You can read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1013, by Senator Holland, Senate Bill Number 736.

SENATOR HOLLAND: Lay aside for today.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 1014, by Senator Pataki, Senate Bill Number 2080, Real Property Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1015, by Senator Tully, Senate Bill Number 2428, an act to amend the General Municipal Law.

ACTING PRESIDENT FARLEY: Senator Tully has a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 1034, by Senator LaValle, Senate Bill Number 4902-A.

SENATOR PRESENT: Lay aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1040, by Senator Saland, Senate Bill Number 5374, General City Law, excluding the city of Beacon from provisions concerning plumbing.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1041, by Senator Volker, Senate Bill Number 5394, authorizing the village of Hamburg to discontinue the use and sell certain park lands.

ACTING PRESIDENT FARLEY: Senator Volker has a home rule message here at the

desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1044, by Senator Wright, Senate Bill Number 5472, State Administrative Procedure Act.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1047, by Senator Larkin, Senate Bill Number 5546-A, authorizing the village of Walden to lease certain park lands.

ACTING PRESIDENT FARLEY: Senator Larkin has a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 1049, by Senator Larkin, Senate Bill Number 5745, authorize the payment of transportation aid to the village of Joel Union Free School District.

ACTING PRESIDENT FARLEY: Senator Larkin has a local fiscal impact note here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 1050, by Senator Spano, Senate Bill Number -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1052, by Senator Cook, Senate Bill Number 5757-B, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1053, by Senator Nozzolio, Senate Bill Number 5759, amends Chapter 530 of the Laws of 1988.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1056, by Senator Present, Senate Bill Number 5785, an act to amend the General Municipal Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1057, by Senator Libous, Senate Bill Number 5791, Uniform Justice Court Act.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

Senator Present, that's the first go through. We have one that went direct to third.

THE SECRETARY: Calendar Number 1059, reported directly for third reading earlier today, by Senator Cook, Senate Bill Number 5890, relation to authorizing the village of Monticello to issue serial bonds.

SENATOR COOK: Lay it aside for the day, please.

ACTING PRESIDENT FARLEY: Lay it aside for today.

Senator Present, that's the first time through.

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

ACTING PRESIDENT FARLEY:

Controversial. Secretary will read it.

THE SECRETARY: On page 14, Calendar Number 685, by Senator Lack, Senate Bill Number 4044, an act to amend the Public Authorities Law.

SENATOR LACK: Mr. President, has my time arrived?

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Lack.

SENATOR LACK: Mr. President, last year, we passed Senate 7506-A, which was also passed by the Assembly and was sent to the Governor but, of course, now under a recent Court of Appeals decision, the Governor who then asked for us to take it back, we can't do that any more, but we took it back last year.

The bill is very simple. It basically said, as an amendment to the Railroad Law, that when railroad police were discharged and there was an arbitration hearing and they were restored to duty. Under the vagrant - vagaries of current New York law, of all things

the Superintendent of Police of the New York State Police can overrule unilaterally and arbitrarily the decision of the arbitration panel and refuse to reinstate the railroad police officer who has one an arbitration proceeding and has been ordered to be reinstated.

The bill is not signed and, in effect, the Superintendent of State Police still controls the police forces, as it were, of the Long Island Rail Road and Metro-North.

Taking a little different approach this year, member of the Assembly Seminerio and myself, and we have S. 4044, which would authorize the Metropolitan Transportation Authority to maintain totally separate commuter railroad police departments for each commuter railroad under its jurisdiction. We're trying to reach the same end point of the means in the bill we passed last year and which the Governor asked that we withdraw, and we did. That is to remove the control of the Superintendent of the New York State Police from that of the commuter

railroads and, when the bill says establish a separate police force for each railroad, as those of us from Long Island and Westchester will tell you, of course, there are separate police forces already for each railroad. This would just give those two railroads and its police independent control over what happens and arbitration decisions for those railroads without the interference of the Superintendent of the New York State Police.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: First of all, I should thank Senator Lack for laying the bill aside as many times as he has. I do appreciate it. Senator, I have a question for you.

SENATOR LACK: Sure.

SENATOR GOLD: The nuts and bolts of this bill, as I get it, is that the role of the State Police with regard to this operation would be out the window and this will now all be strictly within the MTA; is that correct?

SENATOR LACK: Yes, sir.

SENATOR GOLD: All right. If you will yield to another question, Senator.

Senator, if the MTA itself does not want this, if the MTA feels that it can best serve the public by having some involvement by the Superintendent of State Police in this situation, where the expertise that is developed by the Superintendent in all of the work that his office does with police can help the MTA in developing and dealing with their police department, why do we want to override the MTA in that design?

SENATOR LACK: Well, Mr. President, the reason for that, Senator Gold, is simple. The only real way in which the Superintendent of the New York State Police still impacts upon, for the most part -- I'll be charitable -- these autonomous police departments that exist within the MTA is to, in effect, be able to overrule a hearing of an arbitration panel and, of course, these arbitration panels have been set up through

collective bargaining and they exist and now, nominally in New York State law, the Superintendent of the New York State Police can, regardless of the fact that these arbitration panels have been honestly established through the collective bargaining process, overrule that process and unilaterally the Superintendent, by himself or herself, can set aside a decision reached by arbitration.

That's why I think it's wrong, and that's why I think this slenderest of umbilical cords that still exists in the Superintendent of State Police should be cut away and, Senator Gold, if I for a moment thought that there was really supervisory control by the Superintendent of State Police over these police departments which, on a day by day basis the Superintendent was making a managerial decision or administrative decisions actually running these departments, I would agree with you and I wouldn't have submitted this bill.

As a practical matter, the way

this stands now is that the administration of the MTA gets two bites at the apple. It can oppose, in an arbitration proceeding, the reinstatement of an officer and if the MTA loses in that arbitration proceeding, it can take another bite of the apple, which the police officer who wins cannot, and go to the Superintendent of State Police and say, Mr. Superintendent, we have -- the administration of the MTA, even though we've lost the arbitration, still don't think you should allow for the reappointment of this officer, and have the officer's reappointment blocked.

SENATOR GOLD: Will the Senator yield to another question?

SENATOR LACK: Surely, Senator.

ACTING PRESIDENT FARLEY: Senator Lack.

SENATOR GOLD: On page 2, Senator, there is language which talks about lieutenants, and where is that other - lieutenants, sergeants, it does not mention capacities. Is there a reason for that? Would

this bill stop the MTA from having the rank of captain which I understand is a -- an important rank to them in terms of the structure?

SENATOR LACK: Quite frankly, Senator, I don't know. It -- it does speak of lieutenants, sergeants and police officers and a detective squad and chiefs and deputy chiefs. Why the absence of the rank of captain, I don't know, but I will tell you this, that the Police Benevolent Association, the Long Island Rail Road Police, which comprises all of these officers, has issued a memorandum strongly in support of the bill.

So I take it, it's in keeping within the administrative structure that the railroad has been living under -- well, Long Island Rail Road probably has been living under all these years.

SENATOR GOLD: Mr. President, if the Senator will yield to one more question.

SENATOR LACK: Sure.

SENATOR GOLD: Senator, I understand that the police do support it and you

understand we have a draft memo from the MTA which indicates some opposition, although I did not get a final memo, but one of the arguments that they raise is whether or not, you know what -- not whether or not, but what happens to captains in this situation.

Apparently they do have captains and what I'm concerned about -- and this is why I'm asking you, if we pass the legislation, are they now no longer authorized to have the captains? How are they handled? It creates that kind of an anomaly.

SENATOR LACK: It just says the authority to detail persons in the rank of lieutenant or railroad police to serve in higher ranks, Senator, without stating what those ranks are. This -- this bill would merely state that there has to be X ranks, lieutenants, sergeants and officers. It leaves up to the Authority, quite frankly, which would be the MTA, the ability to detail officers above the rank of lieutenant to higher ranks.

I would agree with you that's

normally another police officer, the function of captain or higher, or higher than captain in most of the large municipal police departments I know about, where the civil service rank is in effect, and at captain and if you want to be an inspector or deputy inspector, something like that, that would be done by the appointing authority.

This appears to leave that to the Authority above the ranks of lieutenant.

ACTING PRESIDENT FARLEY: You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 770, by Senator Lack, Senate Bill Number 1639, an act to amend the Workers' Compensation Law.

SENATOR GOLD: Yeah, if you would wait one second? I'm waitin' for Senator Stachowski.

SENATOR LACK: He's on his way in.

SENATOR GOLD: Thank you.

ACTING PRESIDENT FARLEY: Senator Present, do you want to stand easy for a moment?

SENATOR GOLD: We're ready to go.

ACTING PRESIDENT FARLEY: Senator Lack for an explanation.

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

We are in the process of making some major changes in Workers' Compensation, and while this bill is at best a technical change and not a major change, the one thing that it will do is require that certain assessments that are imposed upon Workers' Comp. insurers and self-insured employers that are now rolled into the overall bill premium, as it were, that's

paid by most of the employers in this state would be separately set forth on the bill and show on the invoice from an insurer to an employer and show as part of that cost, the cost of the -- the administrative cost of running the Workers' Comp. Board and some of the specialized funds that are involved with the Comp. Board which, in and by themselves, are not rated; that is, that the premiums for those do not vary from one employer to another employer and, as a result, employers who are rated will not suffer a penalty because parts of their rating includes these assessments, and these assessments outside of the rating that the employer receives will be separately set forth.

Since that will also require an adjustment in the funds to be received as parts of the Workers' Compensation premium base to keep this revenue neutral, as it were, there is an imposed premium tax, it's a technical matter which is included which will keep a neutral revenue base until December 31st, 1996 at which time it expires.

SENATOR STACHOWSKI: That it?

SENATOR LACK: Yes, sir.

SENATOR STACHOWSKI: O.K. I have some questions.

SENATOR LACK: Of course.

SENATOR STACHOWSKI: Of course. First, Jim, or Senator, would you yield for those questions, and Mr. President?

ACTING PRESIDENT FARLEY: Senator Lack, will you yield -

SENATOR LACK: Sure.

ACTING PRESIDENT FARLEY: -- to questions from Senator Stachowski?

SENATOR STACHOWSKI: In determining the assessment rates, can you tell us how the difference -- how it would be for self-insured groups and self-insurers with deductibles versus insurers?

SENATOR LACK: The chair determines the assessment rates.

SENATOR STACHOWSKI: Who? Pardon me?

SENATOR LACK: The chair of the

Workers' Comp. Board would determine all assessment rates under this bill.

SENATOR STACHOWSKI: Do we -- do we have an idea that they are able to do this? I mean as opposed to now the insurance people handle this?

SENATOR LACK: That's not correct, Senator. Excuse me, Mr. President.

SENATOR STACHOWSKI: The Workers' Comp. people will be able to handle this?

SENATOR LACK: Mr. President, Senator Stachowski, that's done now by the Workers' Compensation Board itself. It's not reflected separately in the bill that an employer receives, but it is certainly reflected in the aggregate that the employer receives and from the employer's standpoint the difference is that those assessments are going to be reflected on a separate line in the same way that we had occasionally established, let's say, an income tax surcharge on a telephone bill and the telephone company very nicely includes William Stachowski, your telephone bill, New York State

Legislature imposed one-quarter percent and on that they all know who to call.

ACTING PRESIDENT FARLEY: Senator Stachowski.

SENATOR STACHOWSKI: The -- the tax on the insurers, will there be some sort of assessment on all four groups, or is that -- the premium tax is only on private insurers?

SENATOR LACK: On everybody.

SENATOR STACHOWSKI: The premium tax will exclude now the agent's commissions?

SENATOR LACK: The what?

SENATOR STACHOWSKI: Agent's commissions on the insurers.

SENATOR LACK: That's correct.

SENATOR STACHOWSKI: The agent's commissions will now be excluded from the premium tax?

SENATOR LACK: They will now be excluded from the rating portion and from the premium tax, but they're still going to be there.

SENATOR STACHOWSKI: I understand

they'll still get a commission. The question was, it will be excluded from the tax collected?

SENATOR LACK: Correct.

SENATOR STACHOWSKI: And because of that -- and this is a question that we've got from the Governor's counsel, is that the Governor's counsel projects that the assessments will now decrease as a result of this from $40 million to $7 million in this -- in this new system that will be set up.

SENATOR LACK: Well, as you know, Senator, the Governor some time thereafter - and you can tell from the bill numbers themselves, my bill is S. 1639, now carried by member of the Assembly Barbaro, and the Governor's bill also carried by me is S. 4759 - so from the numbering sequence alone you can tell that the Governor's proposal which essentially does the same as my proposal came out some three or four months after my proposal.

The one big difference, which is not the assessment, tax difference or any of

that, the one big difference between the Governor's -- the one between my bill and the Governor's bill is that my bill would require the separation of the assessment cost on the bill, on the invoice, received by the employer. In other words, you can no longer commingle the costs of the Workers' Compensation Board administration and the other funds that are involved in the whole fee for Workers' Comp. insurance.

SENATOR STACHOWSKI: If, in fact, you are carrying the Governor's bill also and -

SENATOR LACK: Pardon?

SENATOR STACHOWSKI: You are carrying the Governor's bill also, I'm aware of that, and at least according to the information I was given in these questions, it more accurately reflects the recommendations of the commission, Temporary Commission on Workmen's Comp., why wouldn't we be doing that bill at this time rather than that one?

SENATOR LACK: Well, I think, quite frankly, of the two, I like my bill better

than the Governor's bill, Senator, and second of all, I do like that feature of my bill, the earlier bill, which requires the delineation and the separation of administrative costs which the Governor keeps closed up in his bill.

I -- with all the other things, as you know, that we're doing with Workers' Comp. right now and with the projected 19 percent premium increase that will take place the first of next month which will increase the Workers' Compensation premium base in this state to over $5 billion, I think it's high time that some of the real costs to the Workers' Compensation Board, i.e., the costs of its administration, the cost of the reopened case fund, the cost of the special disability fund and the cost of the board itself, will now be known, as it were, and known to any employer at least, that, in other words, if I can make it up, an employer pays $100 in premiums, the employer will get a separate bill, will get a bill that says, again making it up, $90 for insurance for Workers' Comp., $10 for

administrative costs to the Workers' Comp. Board.

I think it's good to start focusing on that. I can understand as an executive agency of government how the Governor might not want those separate costs put out and required by law. I prefer, while both bills - while both bills handle the separation for assessment situations and rating situations so that there won't be a penalty, both bills do that same thing. My bill takes the extra step. The Governor's bill does not.

SENATOR STACHOWSKI: One other question, and it's kind of repetitive, but besides this separation on the listing of the expenses, it still does always not include the agent's commission in the figuring of the premium tax, your bill, this one as opposed to the Governor's bill.

SENATOR LACK: I don't think the Governor's bill does either.

SENATOR STACHOWSKI: I think it does, my understanding.

SENATOR LACK: The Governor's bill wouldn't allow agents to collect money, make a commission on the assessments at all. My bill does.

SENATOR STACHOWSKI: Last question: Workmen's Comp. Board had a memo out and I know that -- I know we had a bit of confusion on this in that Workmen's Comp. had a memo out that they don't like getting these - oppose the shift of rate-setting duties to the board.

SENATOR LACK: I'm sorry. They don't what?

SENATOR STACHOWSKI: The board has opposition to them getting this -- the rate setting duties. Did -- is that still the case?

SENATOR LACK: Well, again, for what the bill accomplishes which is to hold up the first time to those who are paying the price what the price costs. If I were the Workers' Comp. Board, I think, tongue in cheek, I wouldn't be much in favor of this bill either and they certainly haven't been encouraging us

to pass it.

As you well know, Workers' Comp. expenses have never been charged to general fund in this state and sometimes, as a result, since they're not a general fund charge and don't come out of the tax funds of this state, they haven't been looked at perhaps, shall I say, as strongly as some of the other costs that we have in the state and now with the premium base about to go to $5 billion, with a 19 percent increase, I know many of the members here and certainly myself, are receiving many, many more inquiries about the cost to the Workers' Compensation system.

By highlighting and separating out the administrative costs from the insurance costs, we start to get a fairer picture of what's involved. If I was at the Workers' Compensation Board, I don't think I'd be much in favor of this, but I think everybody else in the state is.

SENATOR STACHOWSKI: Could I ask you one last question?

SENATOR LACK: Sure.

SENATOR STACHOWSKI: Do you have any idea why the Governor's counsel's office then feels that this bill is going to cost $33 million more than the other bill? It's going to cost the state $33 million more?

SENATOR LACK: We have all sorts -- as you know, Senator, if you've seen the memoranda which says this is a revenue neutral bill, I've described it, I think, in my opinion and the opinion of the experts and the actuaries and those who are involved in keeping these statistics, do the revenue neutrality of the bill, what the bill does and I, as I said, I understand the differences between the Governor's bill and my bill.

It is not over money, and I don't know anybody who thinks, quite frankly, it's over money because this bill, for example, was not requested by the Senate Finance Committee, because there would be a monetary cost to the state or there would be a realization of less money by the Workers' Compensation system as a

result of passing -- passing this bill.

It is a revenue neutral bill and has been considered by all to be just that. I have no memo sent to me from the Governor. There are no memoranda in opposition other than the Workers' Comp. memo, that have been filed on the bill.

I can tell you this, that all employer and insurance groups that I know of are certainly in favor of this bill, because they want to see the separate designation of administrative costs of the system on those invoices.

SENATOR STACHOWSKI: Let me ask you one more question, if you don't mind then.

SENATOR LACK: Sure, Senator.

SENATOR STACHOWSKI: Do you believe at this time that if we, in fact, pass this bill, that Assemblyman Barbaro is planning on trying to pass this bill also in the Assembly or would he prefer to proceed with the Governor's bill?

SENATOR LACK: As far as I know,

member of the Assembly Barbaro, by introducing this bill, no mean feat in and by itself because, if you know the chair of the Assembly Labor Committee like I know the chair of the Assembly Labor Committee, I can give you a long list of bills that he just won't introduce. The fact that he has introduced this bill and it is under active consideration by the Assembly means that the bill stands a very good chance of passing the Assembly, which is why this bill is being moved in this house at this time.

As you know, Senator, as -- since you're ranking minority member on the Senate Labor Committee, this bill was let out a long time ago from the Senate Labor Committee and has been sitting where it is waiting for some movement in the Assembly and I have some reason to believe that by member of the Assembly Barbaro's introduction of the bill that he is planning to -- to move it and he, like I, has introduced both versions of the bill.

SENATOR STACHOWSKI: On the bill.

ACTING PRESIDENT FARLEY: On the bill, Senator Stachowski.

SENATOR STACHOWSKI: Since -- I appreciate the explanation given by Senator Lack and I know there's no written memos, but somehow in doing our research, we came up with the Governor's counsel giving us that this bill will cost $33 million more than the other bill and also in trying to find out if this bill is going to move in the Assembly, so far we don't have an indication that it's going to, even though Senator -- I mean Senator Lack tells us that, by Assemblyman Barbaro sponsoring it as opposed to some other bills that he wouldn't even sponsor, that he feels this bill will move forward and because of those questions, I, at this time, find myself very hard-pressed because I like the idea of separation and showing people what the administrative costs are, but the problem I have is that since I have these other pieces of information that I'm having a hard time dealing with, I would probably ask that our people oppose the bill.

Thank you.

SENATOR LACK: Mr. President.

ACTING PRESIDENT FARLEY: Senator Lack.

SENATOR LACK: I certainly appreciate Senator Stachowski's comment, but it's very hard, as always, in this body to show a negative and if anybody in the sound of this voice, including counsel to the Governor, the Workers' Comp. Board, et cetera, would care since this bill has been around for a long time and after it was introduced late last session, would care to issue in writing a memorandum that they think this costs more money and delineate why, I'd be happy to look at it.

But this isn't something that flew over the transom yesterday evening. I said this bill has been around for a year. It's been discussed, it's been looked at. It's been statistically reviewed and it is only now when it is approaching passage in this house and starting to move in the Assembly by coming under the sponsorship of the Majority member in charge

of the Labor Committee, that suddenly there is innuendo, no memoranda, nothing in writing that this bill costs $33 million.

In my tenure in this house and in this Legislature, I have yet to see if an agency or certainly the second floor can show that something proposed by the Senate Republicans is going to cost $33 million more than what is currently out there, that there is always a plethora of memoranda saying what spendthrift Republicans we are, and indeed now there is absolutely nothing except a telephone call, stop them from delineating the administrative costs of the Workers' Comp. Board.

Just say it's $33 million more? Where does that 33 million come from? Who knows? But certainly none of the people who are paying the 33 million, the employers, the insurance companies who have totally supported this bill, think it's going to cost more. They all think, quite frankly and hopefully, that eventually it will reduce the administrative costs of the Workers' Compensation system, and

so do I.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 770 are Senators Gold, Leichter, Onorato and Stachowski. Ayes 48, nays 4.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 840, by Senator Sears, Senate Bill Number 3471-A, an act to amend the Public Health Law and the Executive Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1034, by Senator LaValle, Senate Bill Number 4902-A, an act to amend Chapter 699 of the Laws of 1947.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1044, by Senator Wright, Senate Bill Number 5472, an act to amend the State Administrative Procedure Act.

SENATOR GOLD: Could we get one day on this one?

ACTING PRESIDENT FARLEY: Senator Wright, can he have one day on this bill?

SENATOR WRIGHT: Yes.

SENATOR GOLD: Thank you.

ACTING PRESIDENT FARLEY: Lay the bill aside for today.

THE SECRETARY: Calendar Number 1050, by Senator Spano, Senate Bill Number 5750, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Can we -- Senator Spano, could we have one day on this bill? Everything else passed.

SENATOR SPANO: One second.

Lay aside one day, please.

ACTING PRESIDENT FARLEY: Lay the bill aside for today.

THE SECRETARY: Calendar Number 1057, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number

8183, and substitute it for his identical Calendar Number 1057.

ACTING PRESIDENT FARLEY: Substitution is ordered.

SENATOR LEICHTER: Mr. President, would Senator Libous yield to a question?

ACTING PRESIDENT FARLEY: Senator Libous, will you yield for a question on the bill?

SENATOR LIBOUS: Certainly, Mr. President, certainly.

SENATOR LEICHTER: Senator, I appreciate this is not a momentous bill although I don't want to denigrate your bill. You've worked hard to bring it before us.

SENATOR LIBOUS: On the contrary, Mr. President, I thought all my bills were momentous bills.

SENATOR LEICHTER: But somebody called to my attention that earlier this session we passed a Cook bill, which was generic which covered all of these village courts and permitting them to hold sessions within the town

in which they're located, and I just wondered why we needed a special bill for the village of Port Dickinson.

SENATOR LIBOUS: I don't know if the Cook bill is law, Mr. President. If Senator Cook is here, maybe he could -- I was told this was needed because of the situation in the village of Port Dick'.

SENATOR LEICHTER: It's -- it's a Cook-Tonko bill, and it seemed like such an eminently reasonable bill and it certainly should apply to all of the villages, not only the village of Port Dickinson.

SENATOR LIBOUS: Mr. President, I'm not -- I'm not familiar, we may have already done that, but I know that the Assembly just passed this bill, and I know that Assemblyman Tallon sponsors it over there, and I would guess that his office should have discovered it if it wasn't needed. I really can't answer.

SENATOR LEICHTER: I might just suggest, if you look at Senator Cook's bill, which is Senate 2989, which passed unanimously

here on March 30th.

ACTING PRESIDENT FARLEY: Read the last section of the Assembly bill. Substitution is ordered.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that completes the calendar.

Senator Gold, why do you rise? Senator Leichter?

SENATOR LEICHTER: Yeah, Mr. President. May I have unanimous consent to make a brief statement?

ACTING PRESIDENT FARLEY: Without objection, I guess.

SENATOR LEICHTER: O.K. Yes, Mr. President, today is June 14th. Tomorrow is the

last day on which rent control and rent regulations apply in the state of New York. I'm really most concerned that this system, which is so vital to hundreds of thousands, if not millions of New Yorkers, is going to expire because of the unwillingness of the Senate Majority to put a bill on the floor either as a simple extender or Senator Goodman's bill which would make rent control permanent.

I think we're really playing with fire to allow this to go down to the last minute, and I think there is an effort by some people here to scuttle rent control. It would have a devastating effect on, as I said, hun dreds of thousands of New Yorkers and particu larly on some of our urban and suburban areas.

I would hope very much that we would be able to address that issue fairly tomorrow, and I would also hope that these various bills extending rent control would be put out on the floor. I see that on the calendar we have bills by, I believe it's Senator Bruno or maybe Senator Hannon, which

would scuttle rent control.

Put all the bills out. Don't meet behind closed doors and do the work that the Legislature ought to do in the public in the closed conference room of the Senate Republican Majority. These bills deserve to be on the floor and not to have a minority of this Senate, although it may be a majority of the Senate Republicans, make these decisions.

But the fact is that it is a dire situation for hundreds of thousands of New Yorkers. We have an obligation to act on this important issue. We must do so by tomorrow or rent control will terminate.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah, I just wanted to make an announcement. I believe we're at the end of the calendar, Senator.

ACTING PRESIDENT FARLEY: Yes, we are.

SENATOR GOLD: Senator Ohrenstein

has directed me, requested me, asked me to, in a really very nice way, to announce that there will be a policy meeting immediately after the session, and a Minority Conference tomorrow at 2:00 p.m., approximately, in his conference room.

ACTING PRESIDENT FARLEY: There will be a Democratic policy committee meeting in their conference room right after session.

Are there any other announcements? Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we adjourn until tomorrow at 3:00 p.m.

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

(Whereupon at 4:21 p.m., the Senate adjourned.)