ALBANY, NEW YORK

June 21, 1994

3:58 p.m.

REGULAR SESSION

SENATOR NICHOLAS A. SPANO, Acting President

STEPHEN F. SLOAN, Secretary

... At 3:12 p.m....

SENATOR PRESENT: There will be an immediate meeting of the Committee on Rules in Room 332. Immediate meeting of the Committee on Rules in Room 332.

...At 3:58 p.m....

ACTING PRESIDENT SPANO: The Senate will come to order.

Will all please rise for the Pledge of Allegiance to the Flag.

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

Today we have the Rabbi Robert A. Rothman from the Community Synagogue of Rye for the invocation. Rabbi?

RABBI ROBERT A. ROTHMAN: Lord God, the great in wisdom, grant us, we of limited and finite minds, the ability to understand wherever Your children call upon You for strength, guidance and inspiration, Your spirit comes among them to bless them. We beseech Your presence in our midst this day and throughout the life of each one of those

gathered in this Senate chamber. May the efforts they expend, the deeds they accomplish, the ideas they teach and reflect, help bring nigh unto You those who look to them for guidance and direction. May the power of principle rather than the principle of power be the measure of their commitment. Teach them neither to be afraid of espousing good causes nor cherishing good convictions. Save them from that life's outlook which consists of slogans that numb the mind, starve the soul and stultify progress. May we all come to learn that prayer without performance is perfidy; faith without function is fanaticism and religion without response is regression. Guide and preserve, we pray, all those who zealously and wisely direct this faithful body and those who contribute to its strengths. May they continue to strive for the beauty of studious reason for the satisfaction of a vibrant and viable society, for the enlargement of feelings true, and for the sweetness of adding joy to humanity's earth ly home by touching our dust with divinity.

Blessed are You, O Lord, creator of life and of purpose and of hope and of meaning. Amen.

ACTING PRESIDENT SPANO: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 20th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. Prayer by Rabbi Lester Benjamin Bronstein of White Plains. The Journal of Saturday, June 18th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT SPANO: Hearing no objection, the Journal stands approved as read.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees. Secretary will read.

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

Senate Bill Number 112-A, by

Senator Santiago, city of New York to reconvey a certain parcel of real property;

623, by Senator Daly, an act to amend the Public Officers Law;

1127, by Senator Present, Public Lands Law;

1155, by Senator Skelos, an act to amend the Penal Law;

1902-A, by Senator Larkin, an act to amend the Agriculture and Markets Law;

2241-A, by Senator Paterson, city of New York to reconvey its interests in certain real property;

3790 -- excuse me, 3739-A, by Senator Skelos, Retirement and Social Security Law;

4186, by Senator Bruno -- 4186-A by Senator Bruno, Public Authorities Law;

5065-B, by Senator Skelos, Real Property Tax Law;

5387-A, by Senator Stafford, an act to amend the Education Law;

6109-B, by Senator Kuhl, an act

to amend the General Business Law and the Executive Law;

6516-B, by Senator Skelos, an act to amend the Penal Law;

6740, by Senator Present, an act to amend the Real Property Tax Law;

7076-A, by Senator Stafford, an act to amend the Tax Law;

7130, by Senator Saland, payment of special district payment, the town of Poughkeepsie;

7395, by Senator Daly, Education Law;

7592-A, by Senator Rath, an act to amend the Executive Law;

7755-A, by Senator Kuhl, Agriculture and Markets Law;

7768, by Senator Kuhl, an act to amend the Judiciary Law;

7906, by Senator Padavan, an act to amend the Executive Law;

7907, by Senator Libous, an act to amend the Criminal Procedure Law;

7959-A, by Senator Johnson, an act to amend the Executive Law;

8009, by Senator Trunzo, town of Islip in the county of Suffolk to discontinue use of park lands;

8091, by Senator Holland, an act to amend the General Municipal Law;

8210, by Senator Farley, an act to amend the Banking Law;

8248-A, by Senator Larkin, Real Property Tax Law;

8268, by Senator DeFrancisco, Criminal Procedure Law;

8454, by Senator Babbush, state of New York to sell and convey to the city of New York certain public lands;

8581, by Senator Lack, Uniform Justice Court Act;

8593, by Senator Wright, amends Chapter 165 of the Laws of 1826;

8605, by Senator Rath, State Administrative Procedure Act;

5606-B, by Senator Tully and

others, Public Health Law;

8642, by Senator Saland, an act to amend the Family Court Act.

All bills reported directly for third reading.

ACTING PRESIDENT SPANO: Without objection, third reading.

Senator Velella.

SENATOR VELELLA: Mr. President, if I may briefly interrupt the proceedings of the Senate this afternoon to introduce a colleague of ours from the state of New Hampshire, State Senator Leo Fraser, who is also the president of the National Conference of Insurance Legislators, which will be having their convention here in New York State in November of this year. Senator Fraser is a distinguished member of the New Hampshire Legislature and, fortunately, is being treated to sit on the Republican side of the house today although in some kind of other life he sits on the Democratic side. I'm sure he's getting a tremendous education in the good process of how

good government works sitting with us Republicans today, Senator Gold.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: No comment.

ACTING PRESIDENT SPANO: Senator Fraser, it's our pleasure to welcome you to the chamber. We hope you enjoy your visit to the state and to the Senate chamber today. Thank you.

Senator -- motions and resolutions.

Senator Rath.

SENATOR RATH: Mr. President, I wish to call up bill, my bill, Print Number 7999 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Rath, Senate Bill Number 7999, an act to amend the State Administrative Procedure Act.

SENATOR RATH: Mr. President.

ACTING PRESIDENT SPANO: Senator Rath.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.

THE SECRETARY: Ayes 43.

SENATOR RATH: Mr. President, I now offer the following amendments.

ACTING PRESIDENT SPANO: Without objection.

SENATOR RATH: Mr. President.

ACTING PRESIDENT SPANO: Senator Rath.

SENATOR RATH: I wish to call up my bill 8002-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Rath,

Senate Bill 8002-A, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT SPANO: Senator Rath.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

SENATOR RATH: Mr. President, I now offer the following amendments.

ACTING PRESIDENT SPANO: So ordered.

Senator Wright.

SENATOR WRIGHT: Mr. President, I wish to call up my bill, Print Number 6861-B recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Wright, Senate Bill Number 6861-B, authorize the city of Ogdensburg to finance a projected accumulated deficit.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT SPANO: Bill is before the house.

SENATOR WRIGHT: Mr. President, I now offer the following amendments.

ACTING PRESIDENT SPANO: So ordered.

Senator Seward.

SENATOR SEWARD: Yes, Mr. President.

On behalf of Senator Goodman, please place a sponsor's star on Calendar Number

1240.

ACTING PRESIDENT SPANO: Calendar Number 1240 is starred at the request of the sponsor.

SENATOR SEWARD: And also, on behalf of Senator Libous, I wish to call up his Bill Number 7189 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: The Secretary will read.

THE SECRETARY: By Senator Libous, Senate Bill Number 7189, an act to amend the Mental Hygiene Law.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.

THE SECRETARY: Ayes 43.

SENATOR SEWARD: Mr. President, I now offer the following amendments.

ACTING PRESIDENT SPANO: So ordered.

Senator Daly.

SENATOR DALY: Mr. President, on page 24, I offer the following amendments to Calendar Number 993, Senate print 5407-D, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SPANO: So ordered.

SENATOR DALY: Mr. President, may I also remove the sponsor's star from Calendar Number -- two bills, Calendar Numbers 298 and 708.

ACTING PRESIDENT SPANO: 298 and 708, remove the star.

Excuse me, Senator Daly. What were those two numbers again?

SENATOR DALY: The two numbers were 289 and 708.

ACTING PRESIDENT SPANO: 289 and 708. Thank you.

Senator Holland.

SENATOR HOLLAND: Please star my bill, Calendar Number 1226, Senate Print Number 7073; Calendar 1226.

ACTING PRESIDENT SPANO: 1226.

SENATOR HOLLAND: Star the bill.

ACTING PRESIDENT SPANO: The bill is starred at the request of the sponsor.

ACTING PRESIDENT SPANO: Senator Holland.

SENATOR HOLLAND: On page 29, I offer the following amendments to my bill, Calendar Number 1210, Senate Print Number 1012-F, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SPANO: So ordered.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on page 28, I offer the following amendments to Calendar Number 1165, Senate Print 3463-A, and ask that said bill retain its place on Third Reading Calendar, for Senator Trunzo.

ACTING PRESIDENT SPANO: So

ordered.

SENATOR DiCARLO: For Senator Levy, on page 13, I offer the following amendments to Calendar Number 663, Senate Print Number 325, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT SPANO: So ordered.

SENATOR DiCARLO: Mr. President, on page 41, I offer the following amendments to Calendar Number 846, Senate Print 3410-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SPANO: So ordered.

SENATOR DiCARLO: Mr. President, I wish to call up Senator Levy's bill, Print 5551 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Levy, Senate Bill Number 5551, an act to amend the

Vehicle and Traffic Law.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

SENATOR DiCARLO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT SPANO: Without objection.

SENATOR DiCARLO: On behalf of Senator Levy, please place a sponsor's star on Calendar Number 607.

ACTING PRESIDENT SPANO: 607 is starred at the request of the sponsor.

SENATOR DiCARLO: On behalf of Senator Libous, please place a sponsor's star on Calendar 1225.

ACTING PRESIDENT SPANO: 1225 is starred at the request of the sponsor.

SENATOR DiCARLO: Mr. President, on behalf of Senator Stafford, I wish to call up his bill, Senate Print Number 6321-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Stafford, Bill Number 6321-A, in relation to the creation of the Westport Fire District.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

SENATOR DiCARLO: I now offer the following amendments.

ACTING PRESIDENT SPANO: Without objection.

SENATOR DiCARLO: Mr. President, on behalf of Senator Cook, I wish to call up his

bill, Print Number 2915-B recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: By Senator Cook, Senate Bill 2915-B, an act to amend the Social Services Law.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 44.

SENATOR DiCARLO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT SPANO: Amendments received and adopted.

Senator Padavan.

SENATOR PADAVAN: Yes, Mr. President. On behalf of Senator Volker, I move to recommit Senate Print Number 6895, Calendar

Number 751, which is on the Third Reading Calendar and commit said bill to the Committee on Health with instructions to strike the enacting clause.

ACTING PRESIDENT SPANO: Was that -- what was that bill number again, Senator Padavan?

SENATOR PADAVAN: The printed number is 6893.

ACTING PRESIDENT SPANO: 6893. So ordered.

Senator LaValle.

SENATOR LAVALLE: Yes, Mr. President. I'd like to remove the sponsor's star on Calendar Number 539, Senate Print Number 6882-A and Calendar Number 1067, which is Senate Print Number 8063-A.

ACTING PRESIDENT SPANO: Remove the stars on 539 and 1067.

SENATOR LAVALLE: Thank you.

ACTING PRESIDENT SPANO: Secretary will read substitutions.

THE SECRETARY: On page 11,

Senator Levy moves to discharge the Committee on Transportation from Assembly Bill Number 748-C and substitute it for the identical Third Reading 607.

On page 30, Senator Waldon moves to discharge the Committee on Cities from Assembly Bill Number 9337 and substitute it for the identical Third Reading 1220.

On page 31, Senator Stavisky moves to discharge the Committee on Rules from Assembly Bill Number 9224-B and substitute it for the identical Third Reading 1222.

On page 31, Senator LaValle moves to discharge the Committee on Local Government from Assembly Bill Number 10091 and substitute it for the identical Third Reading 1224.

On page 31, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 10876 and substitute it for the identical Third Reading 1225.

On page 32, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 10252 and substitute it for

the identical Third Reading 1228.

On page 32, Senator Lack moves to discharge the Committee on Rules from Assembly Bill Number 11326 and substitute it for the identical Calen... Third Reading 1231.

On page 32, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 11,465 and substitute it for the identical Third Reading 1234.

On page 33, Senator Goodman moves to discharge the Committee on Rules from Assembly Bill Number 8600-B and substitute it for the identical Third Reading 1240.

ACTING PRESIDENT SPANO: Substitutions ordered.

Any other motions, resolutions?

Senator Present.

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar with the exception of 4013.

ACTING PRESIDENT SPANO: Question is on the adoption of the resolutions on the Resolution Calendar with the exception of 4013.

All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolutions are adopted.

Senator Present.

SENATOR PRESENT: Will you call up that Resolution 4013?

ACTING PRESIDENT SPANO: Secretary will read the title of 4013.

THE SECRETARY: Legislative Resolution 4013, by Senator Padavan and others, urging the New York State Congressional delegation to support New York State as a pilot state for implementation of a tamper-proof identification system for use by legal aliens in obtaining employment in the United States.

ACTING PRESIDENT SPANO: Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Present.

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

ACTING PRESIDENT SPANO: Secretary will read the non-controversial calendar.

THE SECRETARY: On page 4, Calendar Number 212, by Senator Velella, Senate Bill Number 5614-B, an act to amend the Insurance Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number

311, by Senator Johnson, Senate Bill Number 3934-A, an act to amend the General Business Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 393, by Senator DiCarlo, Senate Bill Number 6379-A, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill's passed.

THE SECRETARY: Calendar Number 426, by member of the Assembly Weinstein, Assembly Bill Number 4537-A, an act to amend the Executive Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- ayes 50, nays 4, Senators Cook, DiCarlo, Hannon and Maltese recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 429, by Senator Skelos, Senate Bill Number 6522-A.

SENATOR GOLD: Lay it aside.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 434, by Senator Levy.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 438, by member of the Assembly O'Neil, Assembly Bill Number 9722-C, an act to amend the Highway Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- ayes 53, nays one, Senator Larkin recorded in the

negative.

ACTING PRESIDENT SPANO: The bill's passed.

THE SECRETARY: Calendar Number 600, by Senator Skelos.

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

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 643, by Senator Stafford, Senate Bill Number 4821-B, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 741, by the assembly Committee on Rules, Assembly Bill Number 11,679-B, an act to amend the Civil Service Law and the Military Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 767, by member of the Assembly Harenberg, Assembly Bill Number 3315-B, Real Property Tax Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 826, by Senator Larkin, Senate Bill Number 7685, an act to amend the Real Property Tax Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays one, Senator Cook recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Kuhl, Senate Bill Number 2068.

ACTING PRESIDENT SPANO: Lay aside for the day? Laid aside for the day.

THE SECRETARY: Calendar Number 1170, by Senator Daly, Senate Bill Number 5933-A, relating to the disposition of surplus monies of the East Gates Water District.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1178, by Senator Pataki, Senate Bill Number 7128, an act to amend the Town Law.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1186, by Senator Libous, Senate Bill Number 7975, an act to amend the Tax Law.

SENATOR GOLD: Can we have a day on that, please?

ACTING PRESIDENT SPANO: Laid aside. Senator Libous, you want to lay that aside for the day?

SENATOR LIBOUS: Yes.

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 1211, by Senator Tully, Senate Bill Number 2428-A, an act to amend the General Municipal Law.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1212 -

ACTING PRESIDENT SPANO: Senator Holland.

SENATOR HOLLAND: What happened to 1210?

ACTING PRESIDENT SPANO: That bill was amended previously, Senator Holland.

THE SECRETARY: Calendar Number 1212, by Senator Tully, Senate Bill Number 2430-A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1213, by Senator Kuhl, Senate Bill Number 4141-A, New York State and Local Employees Retirement System.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT SPANO: Laid aside.

THE SECRETARY: Calendar Number

1214, by Senator Cook, Senate Bill Number 4966, an act to amend the Education Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays one, Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1215, by the Senate Committee on Rules, Senate Bill Number 5701-A, extending certain police disability retirement benefits.

ACTING PRESIDENT SPANO: Read the last section.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Laid aside.

THE SECRETARY: Calendar Number 1216, by Senator Spano, Senate Bill Number 5738-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1217, by Senator DeFrancisco, Senate Bill Number 6394-A, an act to amend the Family Court Act.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1218, by Senator Stafford, Senate Bill Number 6496-A, Environmental Conservation Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1219, by Senator Volker, Senate Bill Number 6594, an act to amend the Vehicle and Traffic

Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1220, substituted earlier today, by member of the Assembly Jenkins, Assembly Bill Number 9337, city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1221, by Senator Gold, Senate Bill Number 6626, an act to amend the Education Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1222, substituted earlier today, by member of the Assembly Lafayette, Assembly Bill Number 90 -- 2924-B, New York to convey its interest in certain real property.

ACTING PRESIDENT SPANO: Home

rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill the passed.

THE SECRETARY: Calendar Number 1223, by Senator Nozzolio, Senate Bill Number 6855, an act to amend the Civil Service Law.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill

is passed.

THE SECRETARY: Calendar Number 1224, substituted earlier today, by member of the Assembly McGee, Assembly Bill Number 10091, Volunteer Firefighters Benefit Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1227, by Senator Holland, Senate Bill Number 7136, an act to amend the Tax Law and Chapter 491 of the Laws of 1993.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section -

SENATOR GOLD: Lay it aside,

please.

ACTING PRESIDENT SPANO: Laid aside.

THE SECRETARY: Calendar Number 1228, substituted earlier today, by member of the Assembly Kaufman, Assembly Bill Number 10252, the city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1229, by Senator Wright, Senate Bill Number 7531, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT SPANO: Read the

last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1230, by Senator Cook, Senate Bill Number 7667, in relation -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT SPANO: Laid aside.

THE SECRETARY: Calendar Number 1231, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11326, Real Property Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1232, by Senator Larkin, Senate Bill Number 7894, an act to amend the Navigation Law.

SENATOR GOLD: Lay that aside for Senator Paterson, please.

ACTING PRESIDENT SPANO: You want to lay that bill aside? Laid aside.

THE SECRETARY: Calendar Number 1233, by Senator Cook, Senate Bill Number 7912, making certain findings and determinations.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1234, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11465, city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1235, by Senator Tully, Senate Bill Number 7928, an act to amend the Social Services Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1237, by Senator Lack, Senate Bill Number 8193, an act to amend the Tax Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1238, by Senator Daly, Senate Bill Number 8261-A, an act -

SENATOR PRESENT: Lay aside for the day.

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 1239, by Senator Daly.

SENATOR PRESENT: Lay aside for the day.

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 1241, by Senator Saland, Senate Bill Number 8441, an act to amend the Family Court Act.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1242, by Senator Skelos, Senate Bill Number 8449-A, an act to amend the State Finance Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1243, by Senator Kuhl, Senate Bill Number 8460, in relation to the membership in State Police 20-year retirement plan.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT SPANO: Laid aside.

THE SECRETARY: Calendar Number 1244, by Senator Marchi, Senate Bill Number 8470, an act to amend the Abandoned Property Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1245, by Senator -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT SPANO: Laid aside.

THE SECRETARY: Calendar Number 1247, by Senator Wright.

SENATOR WRIGHT: Lay aside for the day.

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 1248, by Senator Nozzolio, Senate Bill Number 8575, an act to amend the Tax Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Laid aside.

THE SECRETARY: Calendar Number 1249, by Senator Daly, Senate Bill Number 8578, authorizing the Commissioner of General Services to convey an easement.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill

is passed.

THE SECRETARY: Calendar Number 1250, by Senator Johnson, Senate Bill Number 8583, an act to amend the Military Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1251, by Senator Kuhl, Senate Bill Number 8586, authorizing the city of Elmira to convey certain lands.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1252, by Senator Kuhl.

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

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 1253, by Senator Farley, Senate Bill Number 8588, an act to amend the Public Housing Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1254, by Senator Wright, Senate Bill Number 8592, amends Chapter -

SENATOR GOLD: Can we have a day on this?

SENATOR WRIGHT: Pardon?

SENATOR GOLD: May we have one day on this?

SENATOR WRIGHT: Yes.

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 1255, by Senator Rath.

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

ACTING PRESIDENT SPANO: Laid aside for the day.

THE SECRETARY: Calendar Number 1256, by Senator Nozzolio, Senate Bill Number 8613, authorizing the county of Cayuga to convey certain easements.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Leichter.

SENATOR LEICHTER: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 1237?

ACTING PRESIDENT SPANO: Without objection.

Senator Present, that completes the non-controversial calendar.

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

ACTING PRESIDENT SPANO: Secretary will read the controversial calendar.

THE SECRETARY: On page 29, Calendar Number 1213, by Senator Kuhl, Senate Bill Number 4141-A, require New York State and Local Employees Retirement System to accept retirement applications.

SENATOR GOLD: Explanation.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Laid aside.

THE SECRETARY: Calendar Number 1215, by the Senate Committee on Rules, Senate Bill Number 5701-A, extending certain police disability retirement benefits.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT SPANO: Is an explanation asked for?

SENATOR PRESENT: There was.

ACTING PRESIDENT SPANO: Senator Present.

SENATOR PRESENT: Mr. President, in 1979 there were a number of policemen, state, from the Division of Parks and Recreation who

were employees of Parks and Recreation who were transferred into the State Police.

This establishes their disability benefits as they were when they were members of the Parks and Recreation Commission.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Yes. I'm just trying to understand why these particular people who were transferred to the State Police now, as members of the State Police they were entitled certainly to disability for their services as State Police, is that right?

SENATOR PRESENT: At a reduced rate from which they were entitled to as members -- as employees of Parks and Recreation.

SENATOR LEICHTER: All right. But, Senator, would -- if I understand this, are you now counting salary or acts that occurred prior to the time they were members of the State Police in computing or fixing the eligibility for disability based on their service prior to the time they were in the State Police?

SENATOR PRESENT: Is it -- once more. I didn't follow you.

SENATOR LEICHTER: Well, are you, by this bill, giving credit either for eligibility or for computation of benefits for services to people prior to the time that they were members of the State Police?

SENATOR PRESENT: This -- this bill clarifies the intention of the law we passed in '79 when these people were transferred from Parks and Recreation to the State Police, which enables them to receive the same disability benefits they would have received had they remained in Parks and Recreation.

SENATOR LEICHTER: Well, let me see if I understand. Isn't it a fact that, by this bill, you are giving them the benefits of disability which comes from being a member of the State Police; is that right?

SENATOR PRESENT: True, but they're less -- they're less than they would have received had they remained as employees of Parks and Recreation.

SENATOR LEICHTER: There's a reason -- are you saying the State Police has lesser disability benefits than members of the state park service?

SENATOR PRESENT: Because the date of transfer was later. They lost their prior right.

SENATOR LEICHTER: As I read this bill, Senator Present, I just ask you whether I'm not correct that isn't what you're doing counting service that was rendered prior to the time they became members of the State Police in either determining eligibility or at least determining the level of benefits when they re tire as members of the State Police and, if that's the case, my question is why?

SENATOR PRESENT: The intent of the legislation which transfers these personnel from Parks and Recreation to State Police in 1979 was not to diminish any of their rights or disability benefits. This corrects that so that they would receive the same as had they remained in Parks and Recreation.

SENATOR LEICHTER: Well, Senator, I don't want to -

SENATOR PRESENT: You may.

SENATOR LEICHTER: -- question your reading of this bill, but it seems to me that you're saying that members of the state park service have a higher disability benefit than have members of the State Police, which is not my understanding.

SENATOR PRESENT: Back in prior to 1979 and before they were transferred, they had a 75 percent disability benefit. When they were transferred into the State Police, it was at 50 percent, so you're wrong. State Police benefits are less.

SENATOR LEICHTER: And you're saying that -- I don't know whether it was your intent; I know it wasn't my intent, but when they transferred to the State Police that we were going to keep the retirement disability at 75 percent which they would have enjoyed if they'd stayed as members of the state park police.

SENATOR PRESENT: At that time the State Police took over jurisdiction of the parkways.

SENATOR LEICHTER: Let me ask you this question: As members of the State Police did they receive higher wages?

SENATOR PRESENT: I don't believe so. No.

SENATOR LEICHTER: I accept -

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Yeah. Senator Present, just so I understand it, and I was trying to follow along. What -- were they transferred -- when this transfer occurred, was it a voluntary transfer or was it an involuntary transfer?

SENATOR PRESENT: It was voluntary and completed by a chapter in 1979.

SENATOR GOLD: And when they made the transfer, did they get any increase in salaries?

SENATOR PRESENT: Well, if they did, only as a result of collective bargaining agreements.

SENATOR GOLD: Well, if the Senator will yield to a question. This is the part that I don't understand. They were employed by a certain agency.

SENATOR PRESENT: Right.

SENATOR GOLD: They transferred and you say it was voluntarily to another agency and they may have, in the new job, gotten more respect, more money, I don't know what, and now it seems as if something happened, obviously they did not expect, that something happened and now they want the benefit of a different job which they voluntarily gave up and made a transfer.

Now, that's what I'm getting at. If I'm wrong, I certainly would like to understand how I'm wrong, but I guess that's what I'm getting at.

SENATOR PRESENT: Well, I guess you say the "voluntarily" probably had an

option. You transfer under the terms of this chapter and we guarantee you no diminution of your benefits or your salaries, or you don't want to transfer you'd probably be fired, you'd be out of a job.

SENATOR GOLD: Well, I don't understand that, Senator. I mean is that the fact or is it not the fact? I don't understand it at all.

SENATOR PRESENT: Well, the intent of the chapter passed in 1979 was to transfer these people to the State Police and not to diminish any of their benefits.

SENATOR GOLD: Well, as a last question, Senator, wouldn't it just have been easy to keep them in the same retirement system they were in or to have language which equalized the retirement systems?

SENATOR PRESENT: I think that was the intent of the language passed in 1979 and there was a technical error in it or omission.

Last section.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1227, by Senator Holland, Senate Bill Number 7136, an act to amend the Tax Law and Chapter 491 of the Laws of 1993.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR GOLD: Explanation. Explanation.

ACTING PRESIDENT SPANO: Senator Holland for an explanation.

SENATOR HOLLAND: This bill would make permanent provisions of the present law

which authorizes until 30 June 1994 the release by the Department of Taxation and Finance of wage information to the Department of Social Services for the purpose of evaluating the effectiveness of employment and training programs.

This is a department -- this is a program bill and there will be an Assembly sponsor.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1230, by Senator Cook, Senate Bill Number 7667, an act in relation to the membership of certain police officers in the town of Fallsburg.

SENATOR GOLD: Explanation.

ACTING PRESIDENT SPANO: Senator Cook.

SENATOR COOK: Mr. President, the town of Fallsburg passed a resolution authorizing its police officers to be covered under Section 384 (d) of the Retirement and Social Security Law. The town tells us that it was their fault that, indeed, the application forms for the members were not forwarded to the state and, therefore, they are prepared to accept the -- the costs of having these members become members of the system.

SENATOR GOLD: Will Senator Cook yield to a question?

SENATOR COOK: Yes, sir.

ACTING PRESIDENT SPANO: Senator Cook yields.

SENATOR GOLD: Senator Cook, the Rules Committee, in the last few days, is starting to see this new brand of personnel bill and I want to get it out early as to what we're doing or not doing. Do you know why this would

not be covered by the Trunzo bill that we passed last year?

SENATOR COOK: Senator, I asked the same question, and I'm led to believe that it has to do with a section of law that is being dealt with that, for some reason, the Trunzo bill -- and Senator Trunzo isn't here, but I'm led to believe that it wasn't included in the original Trunzo bill that was passed, and I think that probably it would be appropriate that that law be amended to have this section in there, but we're told by the Retirement System that it isn't covered by that law.

SENATOR GOLD: Well, will the Senator yield to a question?

SENATOR COOK: Yes.

ACTING PRESIDENT SPANO: Senator continues to yield.

SENATOR GOLD: Senator, I think that it's not telling any tales out of school that we will be around for a few days. Why don't we lay this aside and have a bill put in under your name which makes the general change

in the Trunzo law from last year, so that it affects all of these people instead of us starting now with a new tirade.

Now, it took -- it took about five years to get the Trunzo law where we started with about 10 or 15 of these bills and then it grew to hundreds of bills before we finally passed the law. If we find that there are people such as this who should have been covered by the Trunzo bill and weren't, why don't we just hold your bill for a day or two and see if we can get the general law changed and take care of everybody?

SENATOR COOK: I guess, Senator, the answer is, I don't really think these people want to wait for five years.

SENATOR GOLD: Five days.

SENATOR COOK: Well, as you indicated, last time it took five years and that's the way, unfortunately, it sometimes happens around here. I -- I would certainly agree with you in principle that the entire law should be changed and, in fact, I'll be glad to

ask Senator Trunzo to -- to proceed on that, but I will also tell you that we have been working with the sponsors in the Assembly on these bills, that I'm not prepared, frankly, to -- to submarine them at this point since all the work has been done on them, in order to let that other process move forward. We don't have any assurance, for example, that the Governor would even sign a general bill. Indeed we may be around here for some days yet, but I'm not - I'm not sure that this is the sort of thing that will get the top -- to the top of the agenda in that period of time and, in that interim, I think that the individual bill is -- I'd like to move forward with the individual bills.

SENATOR GOLD: Well, Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: I think with the support of Senator Leichter, it took a lot of "no" votes and a lot of pointing out before we got to the point where we made the proper

amendments.

I'm going to suggest to Senator Cook that if he wants to talk to Senator Trunzo, and I will, there can be a Trunzo-Cook-Leichter bill or whatever, that adds this in, and I don't believe the Governor wouldn't sign it, but I think that we're starting out in the same old nonsense where people put in private bills to get a benefit that the average citizen does not get unless the average citizen knows a legislat or, and it's a terrible way to do this, and - and I'm going to urge that Senator Leichter and I and anybody else wants to join vote no on these bills, and maybe that will encourage some general legislation.

SENATOR COOK: Mr. President.

ACTING PRESIDENT SPANO: Senator Cook.

SENATOR COOK: I'd simply like to indicate, Senator, that when you say that the average citizen doesn't get the benefit, these bills were requested by the municipalities that are involved. It's not a matter that some

person from out in left field came in to us and says, "Can't you do me a special favor?" The municipality calls us, tells us, "We obviously somewhere in the process messed up and we'd like to have the means of correcting it."

SENATOR GOLD: Mr. President, on the bill.

ACTING PRESIDENT SPANO: Senator Gold, on the bill.

SENATOR GOLD: Mr. President, when it comes to honesty, Senator Cook doesn't need my affirmation but, if you want it, you got it. That's not the issue. I mean the issue is that, when it comes to little towns and little villages and municipalities throughout this state, all you need is -- is Joe or Harry or Tom about to retire and somebody says, Oh, my God, you know, if you were under this system or that system, the next thing you know one guy is lying, everybody is swearing to it and what the hell, and the municipality is going along with it, because it's run by this political party or that political party and this one knows that and

that's exactly what shouldn't happen. At least we shouldn't be the ones making the judgment.

Now, I don't know these people, and I don't want to suggest in any way that there was any shenanigans with this bill. But as I've said so many times before, if we get to a point where we were before, Senator Cook, where we're dealing with 150, 200 bills, you know there's a crook in there some place. I don't know which one, but you're asking me and other members of this Legislature to be the judges in cases where we don't have the facts and we don't know what's goin' on.

So to refresh everybody's recollection, we passed the Trunzo bill which set up an administrative procedure and then people didn't have to come to the Legislature. They could just make the filings, the town could show the proof, the adjustments could be made and we were out of it, but the concept of us being in it when we don't know any of the facts involved is ludicrous, and it has nothing to do with this particular situation, Senator Cook,

because I know you wouldn't touch something with a ten-foot pole unless you knew it was honest. But the point is, we really don't know any more than we hear from the municipalities and it's a dangerous precedent.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 4, Senators Dollinger, Gold, Leichter and Montgomery recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1232, by Senator Larkin, Senate Bill Number 7894, an act to amend the Navigation Law.

SENATOR GOLD: Explanation, please.

ACTING PRESIDENT SPANO: Senator Larkin.

SENATOR LARKIN: This bill exempts volunteer fire fighting companies and districts and protection districts or departments from strict liability for any pollution discharge of the petroleum products if the discharge occurs during the performance of the fire fighting duties. However, the individuals or companies would still be liable for any negligent actions. This is as a result of a court case.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR LARKIN: It was put in as a result of a court case.

SENATOR GOLD: Yes, I just want to inform the body that this is, in fact, a result of a court case, and the New York State Trial Lawyers is in opposition to it and they are concerned about the blanket immunity of a class of potential tortfeasors.

ACTING PRESIDENT SPANO: Read the

last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1243, by Senator Kuhl, Senate Bill Number 8460, an act in relation to membership in State Police 20-year retirement plan.

SENATOR GOLD: Explanation.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1245, by Senator Cook, Senate Bill Number 8514, in relation to eligibility for the optional 20-year retirement plan.

SENATOR GOLD: Explanation.

ACTING PRESIDENT SPANO: Senator Cook.

SENATOR COOK: Mr. President, this bill is practically like the other one except that in this case, the town says that the forms were, in fact, entered; Retirement System denies that they were received. There's nobody who is able to ascertain exactly what did happen on either side of the aisle at this point.

The point, however, is that there's no more costs involved than there would have been had the forms, indeed, been received on -- in a timely manner and it's -- it's really another -- the same section of the law, the same general set of circumstances.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Mr. President, I think that Senator Gold, in our previous debate on a Senator Cook bill, I think, gave the reason why at least some of us feel that it's unwise to once again get into the process of trying to pass on these pension applications,

but one thing which sort of triggers my interest is that we've got 61 members of the Legislature here. I notice last year that apparently people who are represented by Democrats seemed to be more careful in making their pension applications because we see almost no bills from this side of the aisle.

But now, I'm able to make another observation, that of those people represented by Republicans, that those in Ulster County repre sented by Senator Cook seem to be much less careful than other people represented by Republican Senators.

I never, you know, see these bills come out in any other part of the state, or rarely. So, Senator Cook, maybe you ought to give some -- in your news letter, maybe have a little note in there how to make out pension applications, or what good -- a good post office to mail it, but I think it's unfortunate that once we thought we had laid this whole process to rest, to find out that we didn't, and I think that Senator Gold made a good suggestion that we

ought to amend that Trunzo bill and cover this particular provision of the law. I can't understand why it wasn't covered, but if you say it wasn't, I assume it isn't, but I think that we really ought to, you know, avoid getting caught into this whole process again.

ACTING PRESIDENT SPANO: Senator Cook.

SENATOR COOK: Mr. President, Senator Leichter, I'll be glad in the next news letter we'll list you as a consultant on all retirement matters. Anyone can contact you and have this resolved.

ACTING PRESIDENT SPANO: Home rule message is at the desk.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT SPANO: I'm sorry. Senator Dollinger.

SENATOR DOLLINGER: Will the sponsor yield to a question?

ACTING PRESIDENT SPANO: Senator Cook? Senator Cook yields.

SENATOR DOLLINGER: Senator, I'm just interested in the finite question of the fiscal implications of this. It says "the remaining costs of $315,000 will be socialized by all remaining members of the system." Can you tell me what that means?

SENATOR COOK: It means, Senator, that the people in this case as opposed to the other case where the town clearly said it's their responsibility, that in this case the town is saying, We mailed it, we don't know why the system didn't get it, but we think it should be deemed that it was -- that it was filed in a timely manner, because we sent them in and it isn't really the town who is going to suffer if we don't do this, it's going to be the individual police officers.

SENATOR DOLLINGER: Just, again, through you, Mr. President, if Senator Cook will again yield.

SENATOR COOK: Yes.

SENATOR DOLLINGER: Does that mean that $315,000 that would again be available

for benefits to people who are currently in the system would go to pay for the benefits for these individuals?

SENATOR COOK: Well, what it means, Senator, is that that amount of money which would have been paid had the piece of paper been received last year will nevertheless be paid even though the piece of paper was received this year.

SENATOR DOLLINGER: O.K. But again through you, Mr. President, just so I understand, the $315,000, is that paid for by the local communities or is that simply money that comes out of the pension system based on additional contributions from other people?

SENATOR COOK: It's the -- it makes the members of the pension system in the same manner as if they had been enrolled at the time that they were -- that they first did, in fact, individually fill out the piece of paper and somebody put them in the mail to get to Albany, and the town is indeed saying it will make its contribution, dated from that date

forward, because it considers that to be the service -- the point at which it was liable for contributing, and it's, in effect, simply making these members eligible for the same benefit that they would have been eligible for under any other circumstances.

SENATOR DOLLINGER: Again just so I understand it. The $315,000 isn't coming from the town; it's coming out of the pension system, this is what they will be paid out of?

SENATOR COOK: It's a pro rated benefit that all other towns in the state are getting, yes.

SENATOR DOLLINGER: Just on the bill briefly.

ACTING PRESIDENT SPANO: Senator Dollinger on the bill.

SENATOR DOLLINGER: I think that my brief colloquy with Senator Cook highlights the point that Senator Gold makes, in that it appears that we're making an adjudication that the town was not responsible and that the officers weren't responsible, so instead the

beneficiaries of the pension system are now going to pay the money to cover this.

I'd simply point this out because at least in my recollection, the discussion about a supplement and a COLA for the members of the pension system in New York State, one of the things that the Comptroller has said is that there are extra funds available, several hundred million dollars, which are accrued additional benefits beyond those that are required to meet the actuarial assumptions of the pension system.

What it seems to me we're doing in this little bill is, we're taking a little tiny piece of that and saying that we're going to give it to these 11 officers and we're making an adjudication today based on what Senator Cook said that it wasn't the officer's fault, it wasn't the town's fault, but yet the mail was never received and I think, much as Senator Gold explained, that that kind of justification needs some kind of case-by-case determination based on evidence.

I thought we did all that in the Trunzo bill last year. The reason why we did it is because we said we couldn't be judge and jury over these pension matters. I have great sympathy for the plight of these officers. I have great sympathy for the plight of a town who says, We think we did it and we can't tell you why we're not in, but it seems to me this ought to be adjudicated through the pension system and not resolved in this fashion when we don't have enough information to make an adjudication that holds the pension fund liable for $315,000 in other people's money that we're now about to give to these 11 officers.

I understand the Senator's position and his sponsorship, but I just think this is the wrong forum to adjudicate that.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 3, Senators Dollinger, Gold and Leichter recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1248, by Senator Nozzolio, Senate Bill Number 8575, an act to amend the Tax Law.

SENATOR GOLD: Hold on.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Stafford, that's it?

Senator Present, that completes

our controversial.

SENATOR GOLD: On behalf of Senator Smith, I believe there's a resolution at the desk if we could have it read and could move its adoption.

ACTING PRESIDENT SPANO: Yes. Secretary will read the title of the resolution.

THE SECRETARY: Legislative Resolution, by Senator Smith and also Senator Montgomery, honoring actress/singer Melba Moore in recognition of her dedicated efforts in behalf of women's organizations aiding abused women, upon the occasion of the African Street Festival on July 1st, 1994.

ACTING PRESIDENT SPANO: Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR GOLD: May I inquire, is

Calendar 1241 still in the house?

ACTING PRESIDENT SPANO: Senator Gold, that bill is not in the house.

SENATOR GOLD: All right. Thank you.

SENATOR PRESENT: Housekeeping?

ACTING PRESIDENT SPANO: Any more housekeeping?

(There was no response.)

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until tomorrow at 11:00 a.m.

ACTING PRESIDENT SPANO: Senate will stand adjourned until tomorrow at 11:00 a.m.

(Whereupon at 5:05 p.m., the Senate adjourned.)