ALBANY, NEW YORK

June 11, 1997

10:10 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would everyone please rise and join with me in the Pledge of Allegiance.

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

May we bow our heads in a moment of silence.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Tuesday, June 10th. The Senate met pursuant to adjournment. The Journal of Monday, June 9, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause, specifically Senate Number 3547.

THE PRESIDENT: The enacting clause is struck.

SENATOR MARCELLINO: Madam President, on page 22, I offer the following amendments to Calendar Number 635, Senate Print Number 481, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received.

SENATOR MARCELLINO: Madam President, on page number 29, I offer the following amendments to Calendar Number 799, Senate Print Number 4338, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received.

SENATOR MARCELLINO: Madam President, on page number 30, I offer the following amendments to Calendar Number 813, Senate Print Number 5122-A, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received.

SENATOR MARCELLINO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Thank you, Madam President.

On behalf of Senator Bruno, I just want to announce that our colleague, Senator Steve Saland's father, Louis Saland, passed away early this morning. Details and arrangements are being distributed to all the members' offices and, of course, our prayers are with Steve and the entire Saland family at this difficult time.

There will be an immediate meeting of the Rules Committee in the Majority Conference Room. I believe there's some substitutions at the desk, if we could please make them.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 43, Senator Farley moves to discharge from the Committee on Labor Assembly Bill Number 4280 and substitute it for the identical Senate Calendar Number 1164.

THE PRESIDENT: The substitution is ordered.

THE SECRETARY: On page 44, Senator Cook moves to discharge from the Committee on Rules Assembly Bill Number 4642-A and substitute it for the identical Third Reading Calendar 1165.

THE PRESIDENT: The substitution is ordered.

THE SECRETARY: On page 44, Senator Johnson moves to discharge from the Committee on Rules Assembly Bill Number 6228 and substitute it for the identical Third Reading Calendar 1174.

THE PRESIDENT: The substitution is ordered.

THE SECRETARY: On page 45, Senator Maltese moves to discharge from the

Committee on Rules Assembly Bill Number 3075-A and substitute it for the identical Third Reading Calendar 1182.

THE PRESIDENT: The substitution is ordered.

THE SECRETARY: And on page 46, Senator Oppenheimer moves to discharge from the Committee on Rules Assembly Bill Number 1653 and substitute it for the identical Third Reading Calendar 1187.

THE PRESIDENT: The substitution is ordered.

Senator Marcellino.

SENATOR MARCELLINO: Yes. Madam President, on behalf of Senator Libous, please remove the sponsor's star from Calendar Number 822.

THE PRESIDENT: The star is removed.

SENATOR MARCELLINO: Thank you.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, at this time may we have a reading of the non-controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 196, by Senator LaValle, Senate Print 1299-A, an act to amend the Town Law, in relation to lands within the Hampton Bays water district.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 637, by member of the Assembly Nortz, Assembly Print 6510-A, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to including the county of Jefferson.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The bill is passed.

THE SECRETARY: Ayes 37, nays 1, Senator Tully recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 689, by Senator Farley, Senate Print 3803-A, an act to amend the Banking Law, in relation to the voluntary and involuntary liquidation.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 18. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 949, by Senator Saland, Senate Print 5196, an act to amend the Social Services Law, in relation to Division for Youth programs.

THE PRESIDENT: Read the last

section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 950, by Senator Saland, Senate Print 5221, an act to amend the Social Services Law, in relation to the William B. Hoyt Memorial Children and Family Trust Fund Act.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 952, by Senator Saland, Senate Print 5224, an act to amend the Executive Law and the Family

Court Act, in relation to support of children.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect in 120 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1011, by Senator Levy, Senate Print 4816, an act to amend the Public Authorities Law, in relation to eliminating.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1021, by Senator Maziarz, Senate Print 4340, an

act to amend the Executive Law, in relation to increasing income eligibility.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1061, by Senator Farley, Senate Print 3755-A, an act to amend the Banking Law, in relation to the requirement for licensure.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the first day of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1144, by Senator Onorato, Senate Print 4170, an act authorizing the city of New York to reconvey its interest in certain real property.

THE PRESIDENT: Read the last section -- there's a home rule message at the desk.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1160, by Senator Kuhl, Senate Print 547, an act to amend the Agriculture and Markets Law and the Economic Development Law, in relation to the creation.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect in 180 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1162, by Senator Larkin, Senate Print 1797, an act to amend the Administrative Code of the city of New York, in relation to the change of retirement options.

THE PRESIDENT: There's a home rule message at the desk. Read the last section, please.

THE SECRETARY: Section 7. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1163, by Senator Larkin, Senate Print 2012, an act to amend the Real Property Tax Law, in relation to subjecting certain state lands.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1164, substituted earlier today by member of the Assembly Tonko, Assembly Print 4280, an act to amend the Labor Law, in relation to the employment of minors.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1165, substituted earlier today by member of the Assembly Luster, Assembly Print 4642-A, an act to amend the Public Health Law, in relation to creating a state rural health council.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1166, by Senator Stavisky, Senate Print 2908, an act to amend the Penal Law, in relation to penalties for criminal solicitation.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 8. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1167, by Senator Waldon, Senate Print 3111, an

act to amend the Public Authorities Law, in relation to the installation of security monitors.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1168, by Senator Leibell, Senate Print 3215, an act authorizing the town of Southeast, Putnam County, to establish.

THE PRESIDENT: There's a home rule message at the desk. Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1169, by Senator Spano, Senate Print 3269-A -

SENATOR GOLD: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 1170, by Senator LaValle, Senate Print 3286 -

SENATOR DeFRANCISCO: Lay it aside at the request of the sponsor for the day.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 1171, by Senator Present, Senate Print 3291-B, an act to amend the Education Law, in relation to state apportionments.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 1172, by Senator Kuhl, Senate Print 3349, an act to amend the Real Property Tax Law, in relation to authorizing the installment.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1173, by Senator Marchi, Senate Print 3355, an act to amend the Not-for-Profit Corporation Law, in relation to granting.

SENATOR DeFRANCISCO: Please lay the bill aside for the day at the request of the sponsor.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 1174, substituted earlier today, by member of the Assembly Harenberg, Assembly Print 6228, an

act to amend the Tax Law, in relation to notice of determination.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1175, by Senator Volker, Senate Print 3533, an act to amend the Civil Practice Law and Rules, in relation to the calculation.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43, nays 1, Senator DeFrancisco recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1176, by Senator Leibell, Senate Print 3552, an act to legalize, validate, ratify and confirm certain acts and proceedings of the Town Board, Planning Board, Zoning Board of Appeals.

THE PRESIDENT: There's a home rule message at the desk. Please read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1177, by Senator Rath, Senate Print 3636, an act to amend the General Municipal Law, in relation to alternative methods.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect in 60 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1178, by Senator Volker, Senate Print 3730, an act to amend the Civil Practice Law and Rules, the Estates, Powers and Trusts Law and the State Finance Law.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Wait a second. Wait a second.

SENATOR GOLD: Excuse me. 1178?

THE PRESIDENT: Yes.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1179, by Senator Volker, Senate Print 3769, an act to amend the Criminal Procedure Law, in relation to selection of the jury.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43, nays 1, Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1180, by Senator Stafford, Senate Print 3994, an act to repeal Paragraph (c) of Subdivision 2 of Section 139-I.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect in 30 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1181, by Senator Trunzo, Senate Print 4159-A, an act to amend the Retirement and Social Security Law, in relation to retirement credit.

SENATOR GOLD: Lay it aside, please.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 1182, substituted earlier today by member of the Assembly Feldman, Assembly Print 3075-A, an act to amend the Highway Law.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 1183, by Senator Goodman, Senate Print 4678, an act to amend the General Municipal Law, in relation to authorizing any city having a population of one million or more.

THE PRESIDENT: There's a home rule message at the desk. Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1184, by Senator Larkin, Senate Print 4690, an act to reopen the special retirement plan available to police officers.

THE PRESIDENT: There's a home rule message at the desk. Read the last section.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 1185, by Senator Rath, Senate Print 4853-A, an act to amend the Labor Law and the Executive Law, in relation to a domestic violence employee awareness and assistance program.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 5. This act shall take effect in 180 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1186, by Senator Present, Senate Print 5350, an act to amend the Education Law, in relation to authorizing a choice of assumed amortization.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1187, substituted earlier today, by member of the Assembly Matusow, Assembly Print 1653, an act to amend the Town Law, in relation to exempting the North Castle South Fire District Number 1.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

THE PRESIDENT: The bill is passed.

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

SENATOR DeFRANCISCO: There will be an immediate meeting of the Majority in Room 332, and we'll stand at ease until 12:30.

THE PRESIDENT: There will be an immediate meeting of the Majority in Room 332, and we will stand at ease until 12:30.

SENATOR PATERSON: Madam President, there will be an immediate meeting of the Minority. We were going to have it in Room 332, but it's being used for something.

THE PRESIDENT: I've got extra space.

SENATOR PATERSON: So we're going to have it in Room 314.

THE PRESIDENT: There will be an immediate meeting of the Minority in Room 314.

SENATOR PATERSON: Right. And with that, I propose we stand at ease.

THE PRESIDENT: The Senate will

stand at ease.

Senator Dollinger.

SENATOR DOLLINGER: Madam President, could I just have unanimous consent -

THE PRESIDENT: Let's listen to Senator Dollinger before we stand at ease.

SENATOR DOLLINGER: Madam President, could I just have unanimous consent to be recorded in the negative on Calendar Number 637, with the consent of the Majority, if I could.

THE PRESIDENT: Without objection, Senator Dollinger.

SENATOR DOLLINGER: Thank you.

(Whereupon, the Senate stood at ease from 10:32 a.m. until 12:59 p.m.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Higher Education Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Higher Education Committee in the Majority Conference Room.

SENATOR SKELOS: And also could

we -- if we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 306, by Senator Skelos, an act to amend the Criminal Procedure Law;

897, by Senator Velella, an act to amend Chapter 383 of the Laws of 1991;

1417, by Senator Wright, an act to amend the Workers' Compensation Law;

1573, by Senator Spano, an act to amend the Environmental Conservation Law;

1884, by Senator Volker, an act to amend the Public Health Law and the Penal Law;

1972-A, by Senator Velella, an act to amend the New York City Civil Court Act;

2061, by Senator Kuhl, an act to amend the Real Property Tax Law;

2167, by Senator Wright, an act to amend the Real Property Tax Law;

2305, by Senator Larkin, an act to amend the Real Property Tax Law;

2511-A, by Senator Breslin, an act to amend the Public Authorities Law;

2852, by Senator Kuhl, an act to amend the Education Law;

3003-A, by Senator Spano, an act to amend Chapter 511 of the Laws of 1995;

3035, by Senator Padavan, an act to amend the Real Property Law;

3137, by Senator LaValle, an act to amend the Town Law;

3564, by Senator Maltese, an act to amend the Penal Law;

3578, by Senator Marchi, an act to amend the Public Authorities Law;

3539, by Senator Stafford, an act in relation to allowing;

3742-A, by Senator Seward, an act to amend the Judiciary Law;

3743, by Senator Volker, an act to amend the Civil Practice Law and Rules;

3835, by Senator Nozzolio, an act

to amend the Judiciary Law;

3862, by Senator Skelos, an act authorizing the assessor;

4007, by Senator Present, an act to amend the Penal Law;

4199, by Senator Kuhl, an act to amend the Cooperative Corporations Law;

4200, by Senator Kuhl, an act to authorize;

4217-A, by Senator Volker, an act to amend the General Municipal Law;

4243-A, by Senator Trunzo, an act to amend the General Municipal Law;

4433, by Senator Hannon, an act to amend the Civil Service Law;

4448, by Senator DeFrancisco, an act in relation to authorizing;

4851, by Senator Rath, an act in relation to creating;

4999, by Senator Stafford, an act in relation to extension;

5260, by Senator Bruno, an act in relation to the timeless -- timeliness of the election;

5390, by Senator Larkin, an act

to amend the General Municipal Law.

All bills ordered direct for third reading.

THE PRESIDENT: All bills direct to third reading.

SENATOR SKELOS: Madam President, if we could now take up the controversial calendar, starting with Calendar Number 1169, by Senator Spano.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 44, Calendar Number 1169, by Senator Spano, Senate Print 3269-A, an act to amend the Retirement and Social Security Law, in relation to vested benefits.

SENATOR GOLD: One half a second. Will the Senator yield to a question?

THE PRESIDENT: Senator Spano.

SENATOR GOLD: Yeah, Senator. I'm trying to -- this deals with one person or is this a more general type of -

SENATOR SPANO: This is a more general bill. It would include any member of the New York City Transit Authority who had the

vested retirement benefit, who are age 55 and completed 25 years of service and want to retire prior to age 55.

SENATOR GOLD: If the Senator will yield to a question. Are we talking about -- do you have any big idea how big the class is?

SENATOR SPANO: It could potentially affect 12,000 employees.

SENATOR GOLD: And the last question is they all live in your district?

SENATOR SPANO: Just a few of them. Most of them are in Queens.

SENATOR GOLD: Pardon me?

SENATOR SPANO: Most of them are in Queens.

SENATOR GOLD: Yeah. I would believe that.

Madam President, on the bill. I wouldn't doubt that most of them are in Queens and since it does affect New York City and my constituents, I certainly would have been sympathetic to carrying this and dealing with the issue, and I appreciate the fact that Senator Spano's district is so calm and cool

these days that he's got nothing to do but worry about the city of New York but having said that, I'm certainly going to vote for it.

THE PRESIDENT: Thank you, Senator Gold.

SENATOR GOLD: You're welcome.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1171, Senator Present, Senate Print 3291-B, an act to amend the Education Law, in relation to state apportionments.

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Would Senator Present yield to just one very short question?

SENATOR PRESENT: I would be happy to.

SENATOR GOLD: Yeah. I understand, Senator, that this applies outside the city of New York. Is there a reason why? I mean, is the City's financial situation such that it wouldn't apply or something?

SENATOR PRESENT: As you know, the City districts have a different formula for school aid for buildings and reconstruction. It affects most of the upstate cities, really the poor districts and allows them to adjust to a bill that we passed last year.

SENATOR GOLD: Thank you very much.

THE PRESIDENT: Senator?

SENATOR DOLLINGER: Will Senator Present yield to one question?

THE PRESIDENT: Senator Present.

SENATOR PRESENT: Sure.

SENATOR DOLLINGER: This is 1171, Senator? I just want to make sure I understand it. The effective date of this bill is July 1st, 1996. Is it the intention to make this a year retroactive?

SENATOR PRESENT: Yes.

SENATOR DOLLINGER: So it will be

for the entire school year that's already - just about to be completed.

SENATOR PRESENT: For those school districts that entered into contracts to build or reconstruct within their school district prior to July of last year.

SENATOR DOLLINGER: Will this have any effect on the state treasury -- again through you, Madam President. What's the effect on the state treasury, if anything?

SENATOR PRESENT: No.

SENATOR DOLLINGER: Okay. Thank you.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1178, by Senator Volker, Senate Print 3730, an act to amend the Civil Practice Law and Rules,

the Estates, Powers and Trusts Law and the State Finance Law.

SENATOR GOLD: Last section.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 4. This act shall take effect on the first day of September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 1, by Senator Connor recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1181, by Senator Trunzo, Senate Print 4159-A, an act to amend the Retirement and Social Security Law, in relation to retirement credit.

SENATOR GOLD: Madam President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Would Senator Trunzo yield to just one question?

SENATOR TRUNZO: Sure.

SENATOR GOLD: Senator, this is a generalized kind of a bill. It's not just an

individual bill, right?

SENATOR TRUNZO: It's not individual. It's just to make it -- the City retirement systems to be identical with the state retirement system where compensation time is -

SENATOR GOLD: May I ask where the bill came from? Did it come -

SENATOR TRUNZO: It was given to us by the various New York City labor unions, such as D.C. 37, Teamsters Union, the Authorities, all of those groups.

SENATOR GOLD: And last question. I assume most of the membership involved lives in your district.

SENATOR TRUNZO: No.

SENATOR GOLD: No?

SENATOR TRUNZO: No, not that I know of.

SENATOR GOLD: Well, again, I want to thank you on behalf of my constituents, Senator, for putting them ahead of the concerns of your constituency and paying so much attention to the city of New York.

I'm going to support the bill

because I think it's the right thing and I even would have supported it if the sponsorship was different, but thank you for carrying it for us.

SENATOR TRUNZO: Thank you.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1182, substituted earlier today by member of the Assembly Feldman, Assembly Print 3075-A, an act to amend the Highway Law.

SENATOR GOLD: Explanation.

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar Number 1184, by Senator Larkin, Senate Print 4690, an act to reopen the special retirement plan available.

SENATOR GOLD: Explanation.

THE PRESIDENT: There's also a home rule message at the desk.

Senator Larkin.

SENATOR LARKIN: Yes, Madam President.

Senator Gold, this will allow certain police officers employed by the town of Crawford in Orange County to participate in a special retirement plan that was initially offered in 1988. At the time of its offering -

SENATOR GOLD: Last section.

SENATOR LARKIN: -- several officers -

SENATOR GOLD: Last section.

SENATOR LARKIN: Thank you, sir.

THE PRESIDENT: Thank you.

Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the controversial calendar.

SENATOR SKELOS: We have one more bill, I believe.

THE PRESIDENT: I'm sorry.

SENATOR SKELOS: I believe there's a -- before we get to that bill, I believe there's a privileged resolution at the desk, by Senator Markowitz. I ask that the title be read and move its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Markowitz, Legislative Resolution mourning the death of Dr. John Elefterakis.

THE PRESIDENT: The question is on the resolution. All those in favor of adopting please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The resolution is adopted.

SENATOR SKELOS: Madam President, would you call up Calendar Number 1182, by Senator Maltese.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1182, substituted earlier today, by member of the Assembly Feldman, Assembly Print 3075-A, an act to amend the Highway Law.

SENATOR GOLD: Madam President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Would Senator Maltese yield to a question?

THE PRESIDENT: Senator?

SENATOR MALTESE: Yes, Madam President.

SENATOR GOLD: Senator, as I understand this, this would designate a portion of the state highway system in Kings County east of Knapp Street along the Shore Parkway, continuing, et cetera, as the POW/MIA Memorial Highway, is that correct?

SENATOR MALTESE: That's correct.

SENATOR GOLD: Would you tell me whose Senate Districts these -- this road runs through?

SENATOR MALTESE: Madam President, I believe that it would go through

Senator Ada Smith's district and she is presently in the Higher Education Committee and I'm not sure what other districts.

If the good Senator's questions are regarding the sponsorship of the bill, I was originally asked by Assemblyman Kaufman and Assemblyman Weprin to carry a combined bill that would have involved both Queens and Kings County. Apparently some, not dispute but some difference arose in the Assembly and the bills were divided between Brooklyn and Queens. I agreed to carry both bills and have consented to having Senator Smith and Senator Kruger added as co-sponsors on the bill.

SENATOR GOLD: Madam President, on the bill.

I appreciate your comments, Senator Maltese. I appreciate the fact that when we had a road we were naming for Jackie Robinson, as an afterthought, the Republican Party decided that it would be nice to put on the Senators whose districts were involved and even some Afro-Americans.

Senator Maltese, in a friendly way -- although that's difficult -- I would

suggest to you that if a member of this house put in a bill renaming a road in your district without you on it, you would have a cow and, Senator, I'm glad we are opening up the sponsorship. It should have been done originally, in my opinion.

THE PRESIDENT: Thank you, Senator Gold.

Please read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

Senator Skelos, that does complete the controversial calendar.

SENATOR SKELOS: Is there any housekeeping at the desk?

THE PRESIDENT: There is.

SENATOR SKELOS: Would you recognize Senator Kuhl.

SENATOR KUHL: Madam President, on page 42, I offer the following amendments to

my bill, Calendar Number 1134, Senate Print 1828 and ask that the bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: On behalf of Senator Hannon, Madam President, on page 16, I offer the following amendments to Calendar Number 493, Senate Print 1736-A, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: On page 24, Madam President, I offer the following amendments to Calendar Number 709, Senator Leibell's bill, Senate Print 3115, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: Also, Madam President, on page 43, on behalf of Senator Spano, I offer the following amendments to Calendar Number 1161, Senate Print 1407, and ask that said bill retain its place on the Third

Reading Calendar.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: Also, Madam President, on behalf of Senator LaValle, on page 44, I offer the following amendments to Calendar Number 1170, Senate Print 3286, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: On behalf of Senator LaValle, Madam President, I wish to call up his bill, Senate Print 3173, recalled from the Assembly which is now at this desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 386, by Senator LaValle, Senate Print 3173, an act to amend the Public Authorities Law.

SENATOR KUHL: Madam President, I now move to reconsider the vote by which the bill passed the house.

THE PRESIDENT: Call the roll on reconsideration, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

SENATOR KUHL: I offer up the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: Madam President, on behalf of Senator Stafford, I wish to call up his bill, Senate Print 1342-A, recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 741, by Senator Stafford, Senate Print 1342-A, an act to amend the Family Court Act.

SENATOR KUHL: Move to reconsider the vote by which the bill passed the house.

THE PRESIDENT: Please call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

SENATOR KUHL: I offer up the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: On behalf of Senator Skelos, I wish to call up his bill, Senate Print 340, recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 956, by Senator Skelos, Senate Print 340, an act to amend the Vehicle and Traffic Law.

SENATOR KUHL: Move to reconsider the vote by which the bill passed the house.

THE PRESIDENT: Please call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

SENATOR KUHL: I offer up the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: Also, Madam President, on behalf of Senator Seward, I wish to call up his bill, Senate Print 3188, recalled

from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1076, by Senator Seward, Senate Print 3188, an act to amend the General Municipal Law.

SENATOR KUHL: Move to reconsider the vote by which the bill passed.

THE PRESIDENT: Please call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

SENATOR KUHL: I offer up the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR KUHL: And lastly, Madam President, on behalf of Senator LaValle, I wish to call up his bill, Senate Print 5139, recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1152, by Senator LaValle, Senate Print 5139, an

act to amend the Public Officers Law.

SENATOR KUHL: I move to reconsider the vote by which the bill passed.

THE PRESIDENT: Please call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

SENATOR KUHL: I offer up the following amendments.

THE PRESIDENT: The amendments are received. Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business, I move we adjourn at the call of the Majority Leader, intervening days being legislative days.

THE PRESIDENT: On motion, the Senate stands adjourned until the call of the Majority Leader.

SENATOR SKELOS: Intervening days to be legislative days.

THE PRESIDENT: Yes. Intervening days will be legislative days.

(Whereupon, at 1:20 p.m., the Senate adjourned.)