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ALBANY, NEW YORK

June 11, 1997

10:10 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

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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

1 state officers.

2 Motions and resolutions.

3 Senator Marcellino.

4 SENATOR MARCELLINO: Madam

5 President, I move that the following bills be
6 discharged from their respective committees and
7 be recommitted with instructions to strike the
8 enacting clause, specifically Senate Number
9 3547.

10 THE PRESIDENT: The enacting
11 clause is struck.

12 SENATOR MARCELLINO: Madam

13 President, on page 22, I offer the following
14 amendments to Calendar Number 635, Senate Print
15 Number 481, and ask that said bill retain its
16 place on the Third Reading Calendar.

17 THE PRESIDENT: The amendment is
18 received.

19 SENATOR MARCELLINO: Madam

20 President, on page number 29, I offer the
21 following amendments to Calendar Number 799,
22 Senate Print Number 4338, and ask that said bill
23 retain its place on the Third Reading Calendar.

24 THE PRESIDENT: The amendment is
25 received.

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

7 THE PRESIDENT: The amendment is
8 received.

9 SENATOR MARCELLINO: Thank you.

10 THE PRESIDENT: Senator Skelos.

11 SENATOR SKELOS: Thank you, Madam
12 President.

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

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

1 THE PRESIDENT: The Secretary
2 will read.

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

8 THE PRESIDENT: The substitution
9 is ordered.

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

15 THE PRESIDENT: The substitution
16 is ordered.

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

22 THE PRESIDENT: The substitution
23 is ordered.

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

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

4 THE PRESIDENT: The substitution
5 is ordered.

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

11 THE PRESIDENT: The substitution
12 is ordered.

13 Senator Marcellino.

14 SENATOR MARCELLINO: Yes. Madam
15 President, on behalf of Senator Libous, please
16 remove the sponsor's star from Calendar Number
17 822.

18 THE PRESIDENT: The star is
19 removed.

20 SENATOR MARCELLINO: Thank you.

21 THE PRESIDENT: Senator
22 DeFrancisco.

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

1 THE PRESIDENT: The Secretary
2 will read.

3 THE SECRETARY: Calendar Number
4 196, by Senator LaValle, Senate Print 1299-A, an
5 act to amend the Town Law, in relation to lands
6 within the Hampton Bays water district.

7 THE PRESIDENT: Read the last
8 section, please.

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

11 THE PRESIDENT: Call the roll.
12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 38.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 637, by member of the Assembly Nortz, Assembly
18 Print 6510-A, an act to amend the Racing,
19 Pari-mutuel Wagering and Breeding Law, in
20 relation to including the county of Jefferson.

21 THE PRESIDENT: Read the last
22 section, please.

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

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)

2 THE PRESIDENT: The bill is
3 passed.

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

6 THE PRESIDENT: The bill is
7 passed.

8 THE SECRETARY: Calendar Number
9 689, by Senator Farley, Senate Print 3803-A, an
10 act to amend the Banking Law, in relation to the
11 voluntary and involuntary liquidation.

12 THE PRESIDENT: Read the last
13 section, please.

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

16 THE PRESIDENT: Call the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 38.

19 THE PRESIDENT: The bill is
20 passed.

21 THE SECRETARY: Calendar Number
22 949, by Senator Saland, Senate Print 5196, an
23 act to amend the Social Services Law, in
24 relation to Division for Youth programs.

25 THE PRESIDENT: Read the last

1 section, please.

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

4 THE PRESIDENT: Call the roll.
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 39.

7 THE PRESIDENT: The bill is
8 passed.

9 THE SECRETARY: Calendar Number
10 950, by Senator Saland, Senate Print 5221, an
11 act to amend the Social Services Law, in
12 relation to the William B. Hoyt Memorial
13 Children and Family Trust Fund Act.

14 THE PRESIDENT: Read the last
15 section, please.

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

18 THE PRESIDENT: Call the roll.
19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 40.

21 THE PRESIDENT: The bill is
22 passed.

23 THE SECRETARY: Calendar Number
24 952, by Senator Saland, Senate Print 5224, an
25 act to amend the Executive Law and the Family

1 Court Act, in relation to support of children.

2 THE PRESIDENT: Read the last
3 section, please.

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

6 THE PRESIDENT: Call the roll.
7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 40.

9 THE PRESIDENT: The bill is
10 passed.

11 THE SECRETARY: Calendar Number
12 1011, by Senator Levy, Senate Print 4816, an act
13 to amend the Public Authorities Law, in relation
14 to eliminating.

15 THE PRESIDENT: Read the last
16 section, please.

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

19 THE PRESIDENT: Call the roll.
20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 40.

22 THE PRESIDENT: The bill is
23 passed.

24 THE SECRETARY: Calendar Number
25 1021, by Senator Maziarz, Senate Print 4340, an

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

3 THE PRESIDENT: Read the last
4 section, please.

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

7 THE PRESIDENT: Call the roll.
8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 40.

10 THE PRESIDENT: The bill is
11 passed.

12 THE SECRETARY: Calendar Number
13 1061, by Senator Farley, Senate Print 3755-A, an
14 act to amend the Banking Law, in relation to the
15 requirement for licensure.

16 THE PRESIDENT: Read the last
17 section, please.

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

21 THE PRESIDENT: Call the roll.
22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 40.

24 THE PRESIDENT: The bill is
25 passed.

1 THE SECRETARY: Calendar Number
2 1144, by Senator Onorato, Senate Print 4170, an
3 act authorizing the city of New York to reconvey
4 its interest in certain real property.

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

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

10 THE PRESIDENT: Call the roll.
11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 40.

13 THE PRESIDENT: The bill is
14 passed.

15 THE SECRETARY: Calendar Number
16 1160, by Senator Kuhl, Senate Print 547, an act
17 to amend the Agriculture and Markets Law and the
18 Economic Development Law, in relation to the
19 creation.

20 THE PRESIDENT: Read the last
21 section, please.

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

24 THE PRESIDENT: Call the roll.
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 40.

2 THE PRESIDENT: The bill is
3 passed.

4 THE SECRETARY: Calendar Number
5 1162, by Senator Larkin, Senate Print 1797, an
6 act to amend the Administrative Code of the city
7 of New York, in relation to the change of
8 retirement options.

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

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

14 THE PRESIDENT: Call the roll.
15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 40.

17 THE PRESIDENT: The bill is
18 passed.

19 THE SECRETARY: Calendar Number
20 1163, by Senator Larkin, Senate Print 2012, an
21 act to amend the Real Property Tax Law, in
22 relation to subjecting certain state lands.

23 THE PRESIDENT: Read the last
24 section, please.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 THE PRESIDENT: Call the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 42.

5 THE PRESIDENT: The bill is
6 passed.

7 THE SECRETARY: Calendar Number
8 1164, substituted earlier today by member of the
9 Assembly Tonko, Assembly Print 4280, an act to
10 amend the Labor Law, in relation to the
11 employment of minors.

12 THE PRESIDENT: Read the last
13 section, please.

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

16 THE PRESIDENT: Call the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 42.

19 THE PRESIDENT: The bill is
20 passed.

21 THE SECRETARY: Calendar Number
22 1165, substituted earlier today by member of the
23 Assembly Luster, Assembly Print 4642-A, an act
24 to amend the Public Health Law, in relation to
25 creating a state rural health council.

1 THE PRESIDENT: Read the last
2 section, please.

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

5 THE PRESIDENT: Call the roll.
6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 42.

8 THE PRESIDENT: The bill is
9 passed.

10 THE SECRETARY: Calendar Number
11 1166, by Senator Stavisky, Senate Print 2908, an
12 act to amend the Penal Law, in relation to
13 penalties for criminal solicitation.

14 THE PRESIDENT: Read the last
15 section, please.

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

19 THE PRESIDENT: Call the roll.
20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 43.

22 THE PRESIDENT: The bill is
23 passed.

24 THE SECRETARY: Calendar Number
25 1167, by Senator Waldon, Senate Print 3111, an

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

4 THE PRESIDENT: Read the last
5 section, please.

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

8 THE PRESIDENT: Call the roll.
9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 43.

11 THE PRESIDENT: The bill is
12 passed.

13 THE SECRETARY: Calendar Number
14 1168, by Senator Leibell, Senate Print 3215, an
15 act authorizing the town of Southeast, Putnam
16 County, to establish.

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

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

22 THE PRESIDENT: Call the roll,
23 please.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 43.

1 THE PRESIDENT: The bill is
2 passed.

3 THE SECRETARY: Calendar Number
4 1169, by Senator Spano, Senate Print 3269-A -

5 SENATOR GOLD: Lay it aside.

6 THE PRESIDENT: Lay it aside,
7 please.

8 THE SECRETARY: Calendar Number
9 1170, by Senator LaValle, Senate Print 3286 -

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

12 THE PRESIDENT: Lay it aside,
13 please.

14 THE SECRETARY: Calendar Number
15 1171, by Senator Present, Senate Print 3291-B,
16 an act to amend the Education Law, in relation
17 to state apportionments.

18 THE PRESIDENT: Read the last
19 section, please.

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

22 THE PRESIDENT: Call the roll.

23 SENATOR GOLD: Lay it aside.

24 THE PRESIDENT: Lay it aside,
25 please.

1 THE SECRETARY: Calendar Number
2 1172, by Senator Kuhl, Senate Print 3349, an act
3 to amend the Real Property Tax Law, in relation
4 to authorizing the installment.

5 THE PRESIDENT: Read the last
6 section, please.

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

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 44.

12 THE PRESIDENT: The bill is
13 passed.

14 THE SECRETARY: Calendar Number
15 1173, by Senator Marchi, Senate Print 3355, an
16 act to amend the Not-for-Profit Corporation Law,
17 in relation to granting.

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

21 THE PRESIDENT: Lay it aside,
22 please.

23 THE SECRETARY: Calendar Number
24 1174, substituted earlier today, by member of
25 the Assembly Harenberg, Assembly Print 6228, an

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

3 THE PRESIDENT: Read the last
4 section, please.

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

7 THE PRESIDENT: Call the roll.
8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 44.

10 THE PRESIDENT: The bill is
11 passed.

12 THE SECRETARY: Calendar Number
13 1175, by Senator Volker, Senate Print 3533, an
14 act to amend the Civil Practice Law and Rules,
15 in relation to the calculation.

16 THE PRESIDENT: Read the last
17 section, please.

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

20 THE PRESIDENT: Call the roll.
21 (The Secretary called the roll.)

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

24 THE PRESIDENT: The bill is
25 passed.

1 THE SECRETARY: Calendar Number
2 1176, by Senator Leibell, Senate Print 3552, an
3 act to legalize, validate, ratify and confirm
4 certain acts and proceedings of the Town Board,
5 Planning Board, Zoning Board of Appeals.

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

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

11 THE PRESIDENT: Call the roll.
12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 44.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 1177, by Senator Rath, Senate Print 3636, an act
18 to amend the General Municipal Law, in relation
19 to alternative methods.

20 THE PRESIDENT: Read the last
21 section, please.

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

24 THE PRESIDENT: Call the roll.
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 44.

2 THE PRESIDENT: The bill is
3 passed.

4 THE SECRETARY: Calendar Number
5 1178, by Senator Volker, Senate Print 3730, an
6 act to amend the Civil Practice Law and Rules,
7 the Estates, Powers and Trusts Law and the State
8 Finance Law.

9 THE PRESIDENT: Read the last
10 section, please.

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

13 THE PRESIDENT: Wait a second.
14 Wait a second.

15 SENATOR GOLD: Excuse me. 1178?

16 THE PRESIDENT: Yes.

17 SENATOR GOLD: Lay it aside.

18 THE PRESIDENT: The Secretary
19 will read.

20 THE SECRETARY: Calendar Number
21 1179, by Senator Volker, Senate Print 3769, an
22 act to amend the Criminal Procedure Law, in
23 relation to selection of the jury.

24 THE PRESIDENT: Read the last
25 section, please.

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

3 THE PRESIDENT: Call the roll.
4 (The Secretary called the roll.)

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

7 THE PRESIDENT: The bill is
8 passed.

9 THE SECRETARY: Calendar Number
10 1180, by Senator Stafford, Senate Print 3994, an
11 act to repeal Paragraph (c) of Subdivision 2 of
12 Section 139-I.

13 THE PRESIDENT: Read the last
14 section, please.

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

17 THE PRESIDENT: Call the roll.
18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 46.

20 THE PRESIDENT: The bill is
21 passed.

22 THE SECRETARY: Calendar Number
23 1181, by Senator Trunzo, Senate Print 4159-A, an
24 act to amend the Retirement and Social Security
25 Law, in relation to retirement credit.

1 SENATOR GOLD: Lay it aside,
2 please.

3 THE PRESIDENT: Lay it aside,
4 please.

5 THE SECRETARY: Calendar Number
6 1182, substituted earlier today by member of the
7 Assembly Feldman, Assembly Print 3075-A, an act
8 to amend the Highway Law.

9 SENATOR GOLD: Lay it aside.

10 THE PRESIDENT: Lay it aside,
11 please.

12 THE SECRETARY: Calendar Number
13 1183, by Senator Goodman, Senate Print 4678, an
14 act to amend the General Municipal Law, in
15 relation to authorizing any city having a
16 population of one million or more.

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

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

22 THE PRESIDENT: Call the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 46.

25 THE PRESIDENT: The bill is

1 passed.

2 THE SECRETARY: Calendar Number
3 1184, by Senator Larkin, Senate Print 4690, an
4 act to reopen the special retirement plan
5 available to police officers.

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

9 SENATOR GOLD: Lay it aside.

10 THE PRESIDENT: Lay it aside,
11 please.

12 THE SECRETARY: Calendar Number
13 1185, by Senator Rath, Senate Print 4853-A, an
14 act to amend the Labor Law and the Executive
15 Law, in relation to a domestic violence employee
16 awareness and assistance program.

17 THE PRESIDENT: Read the last
18 section, please.

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

21 THE PRESIDENT: Call the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 46.

24 THE PRESIDENT: The bill is
25 passed.

1 THE SECRETARY: Calendar Number
2 1186, by Senator Present, Senate Print 5350, an
3 act to amend the Education Law, in relation to
4 authorizing a choice of assumed amortization.

5 THE PRESIDENT: Read the last
6 section, please.

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

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 46.

12 THE PRESIDENT: The bill is
13 passed.

14 THE SECRETARY: Calendar Number
15 1187, substituted earlier today, by member of
16 the Assembly Matusow, Assembly Print 1653, an
17 act to amend the Town Law, in relation to
18 exempting the North Castle South Fire District
19 Number 1.

20 THE PRESIDENT: Read the last
21 section, please.

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

24 THE PRESIDENT: Call the roll.
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 46.

2 THE PRESIDENT: The bill is
3 passed.

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

7 SENATOR DeFRANCISCO: There will
8 be an immediate meeting of the Majority in Room
9 332, and we'll stand at ease until 12:30.

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

13 SENATOR PATERSON: Madam
14 President, there will be an immediate meeting of
15 the Minority. We were going to have it in Room
16 332, but it's being used for something.

17 THE PRESIDENT: I've got extra
18 space.

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

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

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

25 THE PRESIDENT: The Senate will

1 stand at ease.

2 Senator Dollinger.

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

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

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

13 THE PRESIDENT: Without
14 objection, Senator Dollinger.

15 SENATOR DOLLINGER: Thank you.

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

18 THE PRESIDENT: Senator Skelos.

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

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

25 SENATOR SKELOS: And also could

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

5 THE PRESIDENT: The Secretary
6 will read.

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

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

13 897, by Senator Velella, an act
14 to amend Chapter 383 of the Laws of 1991;

15 1417, by Senator Wright, an act
16 to amend the Workers' Compensation Law;

17 1573, by Senator Spano, an act to
18 amend the Environmental Conservation Law;

19 1884, by Senator Volker, an act
20 to amend the Public Health Law and the Penal
21 Law;

22 1972-A, by Senator Velella, an
23 act to amend the New York City Civil Court Act;

24 2061, by Senator Kuhl, an act to
25 amend the Real Property Tax Law;

1 2167, by Senator Wright, an act
2 to amend the Real Property Tax Law;
3 2305, by Senator Larkin, an act
4 to amend the Real Property Tax Law;
5 2511-A, by Senator Breslin, an
6 act to amend the Public Authorities Law;
7 2852, by Senator Kuhl, an act to
8 amend the Education Law;
9 3003-A, by Senator Spano, an act
10 to amend Chapter 511 of the Laws of 1995;
11 3035, by Senator Padavan, an act
12 to amend the Real Property Law;
13 3137, by Senator LaValle, an act
14 to amend the Town Law;
15 3564, by Senator Maltese, an act
16 to amend the Penal Law;
17 3578, by Senator Marchi, an act
18 to amend the Public Authorities Law;
19 3539, by Senator Stafford, an act
20 in relation to allowing;
21 3742-A, by Senator Seward, an act
22 to amend the Judiciary Law;
23 3743, by Senator Volker, an act
24 to amend the Civil Practice Law and Rules;
25 3835, by Senator Nozzolio, an act

1 to amend the Judiciary Law;
2 3862, by Senator Skelos, an act
3 authorizing the assessor;
4 4007, by Senator Present, an act
5 to amend the Penal Law;
6 4199, by Senator Kuhl, an act to
7 amend the Cooperative Corporations Law;
8 4200, by Senator Kuhl, an act to
9 authorize;
10 4217-A, by Senator Volker, an act
11 to amend the General Municipal Law;
12 4243-A, by Senator Trunzo, an act
13 to amend the General Municipal Law;
14 4433, by Senator Hannon, an act
15 to amend the Civil Service Law;
16 4448, by Senator DeFrancisco, an
17 act in relation to authorizing;
18 4851, by Senator Rath, an act in
19 relation to creating;
20 4999, by Senator Stafford, an act
21 in relation to extension;
22 5260, by Senator Bruno, an act in
23 relation to the timeless -- timeliness of the
24 election;
25 5390, by Senator Larkin, an act

1 to amend the General Municipal Law.

2 All bills ordered direct for
3 third reading.

4 THE PRESIDENT: All bills direct
5 to third reading.

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

10 THE PRESIDENT: The Secretary
11 will read.

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

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

19 THE PRESIDENT: Senator Spano.

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

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

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

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

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

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

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

14 SENATOR GOLD: Pardon me?

15 SENATOR SPANO: Most of them are
16 in Queens.

17 SENATOR GOLD: Yeah. I would
18 believe that.

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

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

4 THE PRESIDENT: Thank you,
5 Senator Gold.

6 SENATOR GOLD: You're welcome.

7 THE PRESIDENT: Read the last
8 section, please.

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

11 THE PRESIDENT: Call the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 54.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 1171, Senator Present, Senate Print 3291-B, an
18 act to amend the Education Law, in relation to
19 state apportionments.

20 SENATOR GOLD: Mr. President.

21 THE PRESIDENT: Senator Gold.

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

24 SENATOR PRESENT: I would be
25 happy to.

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

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

12 SENATOR GOLD: Thank you very
13 much.

14 THE PRESIDENT: Senator?

15 SENATOR DOLLINGER: Will Senator
16 Present yield to one question?

17 THE PRESIDENT: Senator Present.

18 SENATOR PRESENT: Sure.

19 SENATOR DOLLINGER: This is 1171,
20 Senator? I just want to make sure I understand
21 it. The effective date of this bill is July
22 1st, 1996. Is it the intention to make this a
23 year retroactive?

24 SENATOR PRESENT: Yes.

25 SENATOR DOLLINGER: So it will be

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

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

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

11 SENATOR PRESENT: No.

12 SENATOR DOLLINGER: Okay. Thank
13 you.

14 THE PRESIDENT: Read the last
15 section, please.

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

18 THE PRESIDENT: Call the roll.
19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 54.

21 THE PRESIDENT: The bill is
22 passed.

23 THE SECRETARY: Calendar Number
24 1178, by Senator Volker, Senate Print 3730, an
25 act to amend the Civil Practice Law and Rules,

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

3 SENATOR GOLD: Last section.

4 THE PRESIDENT: Read the last
5 section, please.

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

9 THE PRESIDENT: Call the roll.

10 (The Secretary called the roll.)

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

13 THE PRESIDENT: The bill is
14 passed.

15 THE SECRETARY: Calendar Number
16 1181, by Senator Trunzo, Senate Print 4159-A, an
17 act to amend the Retirement and Social Security
18 Law, in relation to retirement credit.

19 SENATOR GOLD: Madam President.

20 THE PRESIDENT: Senator Gold.

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

23 SENATOR TRUNZO: Sure.

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

1 individual bill, right?

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

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

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

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

16 SENATOR TRUNZO: No.

17 SENATOR GOLD: No?

18 SENATOR TRUNZO: No, not that I
19 know of.

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

25 I'm going to support the bill

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

4 SENATOR TRUNZO: Thank you.

5 THE PRESIDENT: Read the last
6 section, please.

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

9 THE PRESIDENT: Call the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 54.

12 THE PRESIDENT: The bill is
13 passed.

14 THE SECRETARY: Calendar Number
15 1182, substituted earlier today by member of the
16 Assembly Feldman, Assembly Print 3075-A, an act
17 to amend the Highway Law.

18 SENATOR GOLD: Explanation.

19 SENATOR SKELOS: Lay it aside
20 temporarily.

21 THE PRESIDENT: Lay it aside.

22 THE SECRETARY: Calendar Number
23 1184, by Senator Larkin, Senate Print 4690, an
24 act to reopen the special retirement plan
25 available.

1 SENATOR GOLD: Explanation.

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

4 Senator Larkin.

5 SENATOR LARKIN: Yes, Madam
6 President.

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

12 SENATOR GOLD: Last section.

13 SENATOR LARKIN: -- several
14 officers -

15 SENATOR GOLD: Last section.

16 SENATOR LARKIN: Thank you, sir.

17 THE PRESIDENT: Thank you.

18 Read the last section, please.

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

21 THE PRESIDENT: Call the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 55.

24 THE PRESIDENT: The bill is
25 passed.

1 Senator Skelos, that completes
2 the controversial calendar.

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

5 THE PRESIDENT: I'm sorry.

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

11 THE PRESIDENT: The Secretary
12 will read.

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

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

19 (Response of "Aye".)

20 Those opposed, nay.

21 (There was no response.)

22 The resolution is adopted.

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

1 THE PRESIDENT: The Secretary
2 will read.

3 THE SECRETARY: Calendar Number
4 1182, substituted earlier today, by member of
5 the Assembly Feldman, Assembly Print 3075-A, an
6 act to amend the Highway Law.

7 SENATOR GOLD: Madam President.

8 THE PRESIDENT: Senator Gold.

9 SENATOR GOLD: Would Senator
10 Maltese yield to a question?

11 THE PRESIDENT: Senator?

12 SENATOR MALTESE: Yes, Madam
13 President.

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

20 SENATOR MALTESE: That's correct.

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

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

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

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

15 SENATOR GOLD: Madam President,
16 on the bill.

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

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

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

7 THE PRESIDENT: Thank you,
8 Senator Gold.

9 Please read the last section.

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

12 THE PRESIDENT: Call the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 55.

15 THE PRESIDENT: The bill is
16 passed.

17 Senator Skelos, that does
18 complete the controversial calendar.

19 SENATOR SKELOS: Is there any
20 housekeeping at the desk?

21 THE PRESIDENT: There is.

22 SENATOR SKELOS: Would you
23 recognize Senator Kuhl.

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

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

4 THE PRESIDENT: The amendments
5 are received.

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

12 THE PRESIDENT: The amendments
13 are received.

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

19 THE PRESIDENT: The amendments
20 are received.

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

1 Reading Calendar.

2 THE PRESIDENT: The amendments
3 are received.

4 SENATOR KUHL: Also, Madam
5 President, on behalf of Senator LaValle, on page
6 44, I offer the following amendments to Calendar
7 Number 1170, Senate Print 3286, and ask that
8 said bill retain its place on the Third Reading
9 Calendar.

10 THE PRESIDENT: The amendments
11 are received.

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

16 THE PRESIDENT: The Secretary
17 will read.

18 THE SECRETARY: Calendar Number
19 386, by Senator LaValle, Senate Print 3173, an
20 act to amend the Public Authorities Law.

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

24 THE PRESIDENT: Call the roll on
25 reconsideration, please.

1 (The Secretary called the roll on
2 reconsideration.)

3 THE SECRETARY: Ayes 55.

4 SENATOR KUHL: I offer up the
5 following amendments.

6 THE PRESIDENT: The amendments
7 are received.

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

12 THE PRESIDENT: The Secretary
13 will read.

14 THE SECRETARY: Calendar Number
15 741, by Senator Stafford, Senate Print 1342-A,
16 an act to amend the Family Court Act.

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

19 THE PRESIDENT: Please call the
20 roll on reconsideration.

21 (The Secretary called the roll on
22 reconsideration.)

23 THE SECRETARY: Ayes 55.

24 SENATOR KUHL: I offer up the
25 following amendments.

1 THE PRESIDENT: The amendments
2 are received.

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

7 THE PRESIDENT: The Secretary
8 will read.

9 THE SECRETARY: Calendar Number
10 956, by Senator Skelos, Senate Print 340, an act
11 to amend the Vehicle and Traffic Law.

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

14 THE PRESIDENT: Please call the
15 roll on reconsideration.

16 (The Secretary called the roll on
17 reconsideration.)

18 THE SECRETARY: Ayes 55.

19 SENATOR KUHL: I offer up the
20 following amendments.

21 THE PRESIDENT: The amendments
22 are received.

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

1 from the Assembly which is now at the desk.

2 THE PRESIDENT: The Secretary
3 will read.

4 THE SECRETARY: Calendar Number
5 1076, by Senator Seward, Senate Print 3188, an
6 act to amend the General Municipal Law.

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

9 THE PRESIDENT: Please call the
10 roll on reconsideration.

11 (The Secretary called the roll on
12 reconsideration.)

13 THE SECRETARY: Ayes 55.

14 SENATOR KUHL: I offer up the
15 following amendments.

16 THE PRESIDENT: The amendments
17 are received.

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

22 THE PRESIDENT: The Secretary
23 will read.

24 THE SECRETARY: Calendar Number
25 1152, by Senator LaValle, Senate Print 5139, an

1 act to amend the Public Officers Law.

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

4 THE PRESIDENT: Please call the
5 roll on reconsideration.

6 (The Secretary called the roll on
7 reconsideration.)

8 THE SECRETARY: Ayes 55.

9 SENATOR KUHL: I offer up the
10 following amendments.

11 THE PRESIDENT: The amendments
12 are received. Senator Skelos.

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

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

20 SENATOR SKELOS: Intervening days
21 to be legislative days.

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

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