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ALBANY, NEW YORK

March 29, 1993

3:08 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

## 1 P R O C E E D I N G S

2 ACTING PRESIDENT FARLEY: Senate  
3 will come to order. Senators will find their  
4 seats.

5 If you will please rise with me  
6 for the Pledge of Allegiance to the Flag.

7 (Whereupon, the Senate joined in  
8 the Pledge of Allegiance to the Flag. )

9 ACTING PRESIDENT FARLEY: Today,  
10 in the absence of visiting clergy, we will bow  
11 our heads for a moment of silence.

12 (Whereupon, there was a moment of  
13 silence. )

14 Secretary will begin by reading  
15 the journal.

16 THE SECRETARY: In Senate,  
17 Sunday, March 28. The Senate met pursuant to  
18 adjournment. Senator Farley in the chair upon  
19 designation of the Temporary President. The  
20 Journal of Saturday, March 27, was read and  
21 approved. On motion, Senate adjourned.

22 ACTING PRESIDENT FARLEY: Hearing  
23 no objection, the Journal will stand approved as

1 read.

2 The order of business:

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 Reports of select committees.

8 Communications and reports from

9 state officers.

10 Motions and resolutions.

11 Senator Present.

12 SENATOR PRESENT: Mr. President.

13 On behalf of Senator Marino, I offer up the  
14 following privileged resolution and ask that it  
15 be read.

16 ACTING PRESIDENT FARLEY: The  
17 entire resolution, Senator?

18 SENATOR PRESENT: Please.

19 ACTING PRESIDENT FARLEY: The  
20 Secretary will read Senator Marino's resolution.

21 THE SECRETARY: Legislative  
22 Resolution, by Senators Marino, Hannon, Daly and  
23 all members of the Senate, mourning the death of

1 Thornton G. Edwards, distinguished citizen and  
2 philanthropist.

3           Whereas, it is the custom of this  
4 legislative body to mourn publicly the death of  
5 prominent citizens of the state of New York  
6 whose life work and civic endeavor served to  
7 enhance the reputation of the state.

8           Thornton G. Edwards, an assistant  
9 counsel to three New York State Senate Majority  
10 Leaders, passed away at his retirement home in  
11 Boca Raton, Florida, at the age of 66.

12           Thornton G. Edwards distinguished  
13 himself by his sincere dedication and  
14 substantial contribution to the well welfare of  
15 his community.

16           Thornton G. Edwards was a unique  
17 public servant who applied his keen intellect  
18 and insight to a wide range of complex public  
19 policy issues.

20           Thornton Edwards' spirit of  
21 humanity, of devotion to the good of all,  
22 carried over into all fields of enterprise.

23           Born in Manchester, New

1 Hampshire, Thornton Edwards was an assistant  
2 counsel to former Senate Majority Leader Earl  
3 Brydges, when he drafted the legislation  
4 creating the State of New York Mortgage Agency  
5 in 1970; he was appointed by former Governor  
6 Nelson Rockefeller as the agency's first  
7 chairman later that year and remained in that  
8 capacity until 1974.

9 Thornton Edwards also served from  
10 1983 to 1992 as an assistant counsel to the  
11 former Senate Majority Leader Warren M. Anderson  
12 and to current Majority Leader, Ralph J. Marino.

13 A 1949 graduate of Harvard Law  
14 School, Thornton Edwards graduated from Phillips  
15 Exeter Academy and attended Harvard University  
16 before receiving his Bachelor of Science in  
17 Naval Science from Tufts College in 1945; he was  
18 an officer in the United States Naval Reserve in  
19 1945-46 and attended the Naval Intelligence  
20 School in 1952.

21 Admitted to the bar in 1949,  
22 Thornton Edwards began his legal career with  
23 Root, Ballantine, Harlan, Bushby and Palmer and

1 later became an associate and partner in the  
2 firm of Hodgson, Russ, Andrews, Woods and  
3 Goodyear in Buffalo, New York; he was a partner  
4 with Sykes, Galloway and Dikeman in New York  
5 City and then a partner in the firm of Willkie,  
6 Farr and Gallagher from 1976 to 1983.

7 Thornton Edwards was formerly a  
8 law lecturer at the University of Buffalo, a  
9 member of the Governor's Judicial Nominating  
10 Committee for the First Judicial Department,  
11 counsel to the Erie County Republican Committee  
12 from 1965 to 1970 and a counsel on taxation and  
13 finance matters to the New York State  
14 Constitutional Convention in 1967.

15 Thornton Edwards' wealth of  
16 knowledge and experience, thoughtfulness and  
17 persistent determination, made him a natural  
18 leader, and people of all political persuasions  
19 gravitated to him for his advice and counsel; he  
20 was a mentor and a teacher to scores of people  
21 in state government and in the legal  
22 profession.

23 Thornton Edwards' commitment to

1 excellence was renowned and he inspired  
2 competence in others; work and service was his  
3 passion, yet he delighted in a good story and a  
4 moment of laughter; those who knew him learned  
5 to look for the telltale twinkle in his eye,  
6 lurking behind his understated Yankee demeanor;  
7 he always made time for his friends.

8           Thornton Edwards loved his family  
9 deeply and is survived by his widow, Phyllis  
10 Edwards of Boca Raton; two daughters, Heather  
11 Edwards and Gale Clement, both of Seattle,  
12 Washington; two sons, Scott and Bret, both of  
13 San Francisco; a stepson, Kurt Wittek, also of  
14 San Francisco; and three grandchildren.

15           Now, therefore, be it resolved  
16 that this legislative body pause in its  
17 deliberations to mourn the death of Thornton G.  
18 Edwards, distinguished citizen and  
19 philanthropist; he will be missed by all those  
20 who value intelligence, compassion, and good old  
21 common sense; and

22           Be it further resolved, that a  
23 copy of this resolution, suitably engrossed, be

1 transmitted to the family of Thornton G.  
2 Edwards.

3 ACTING PRESIDENT FARLEY: Senator  
4 Daly on the resolution.

5 SENATOR DALY: Mr. President. I  
6 had the honor of working very close with Thorn  
7 Edwards for the last 12 years when I served both  
8 as chairman of the Housing Committee and the  
9 Corporations Committee, and Thorn represented  
10 the Majority Leader in both areas.

11 Mr. President. We take as fact  
12 that Thorn Edwards was an exceptionally  
13 competent and knowledgeable counsel. The record  
14 clearly shows that. Father of SONYMA, its first  
15 chairman, his service as counsel to three  
16 majority leaders, his accomplishments in private  
17 life.

18 What the record does not show,  
19 Mr. President, is Thorn Edwards the man. Thorn  
20 was a man of no pretensions, a quiet and gentle  
21 man, but firm and truthful both in principle and  
22 in practice, who would not back off when he was  
23 convinced he was right.

1                   A most enjoyable companion who  
2                   loved the fellowship here in Albany, a man who  
3                   could laugh at himself, a man who always carried  
4                   with him a quick and warm smile and twinkling  
5                   eyes.

6                   It has been said, Mr. President,  
7                   that you judge a man best by his friends and the  
8                   respect and admiration that they have for him.  
9                   By this mark, Thorn Edwards was an exceptionally  
10                  successful human being, a most loved and  
11                  appreciated human being.

12                  He is a man I will never forget,  
13                  and I am sure a man who will not be forgotten by  
14                  many, many others. To his wife, Phyllis, his  
15                  sons and daughters, grandchildren, my sympathy.

16                  ACTING PRESIDENT FARLEY: Senator  
17                  Cook.

18                  SENATOR COOK: Mr. President. I  
19                  was not as well acquainted with Thorn as Senator  
20                  Daly and others, but I simply wanted the record  
21                  to indicate that through the years during the  
22                  time that I was chairman of the Local Government  
23                  Committee that he, on numerous occasions, was so

1       forthcoming and with cooperation and good advice  
2       and counsel that much of what I have been able  
3       to do through the years is really directly  
4       attributable to Thorn's good help and advice and  
5       counsel. And this institution and the people of  
6       the state are going to miss him.

7                   ACTING PRESIDENT FARLEY: Senator  
8       Hannon and then Senator Marchi.

9                   SENATOR HANNON: Mr. President.  
10       Today, people in this chamber and of the  
11       Legislature in this state are much poorer  
12       because of Thorn's passing.

13                   He was a man who was devoted to  
14       public service. And he had accomplishments in  
15       the private sector; but if he had remained  
16       there, he would be without substantial  
17       improvements in things we do for public  
18       financing, things that touch the very tenor of  
19       the life of so many millions of people in this  
20       state -- housing, water, sewerage.

21                   He was challenged by the things  
22       that we do in governing this great state; and  
23       through those challenges, he enriched us and he

1 enriched the state by bringing to them a high  
2 sense of craftsmanship, a high sense of duty,  
3 and a high sense of devotion. He had a  
4 determination that made him a natural leader and  
5 drew to him people of all political persuasions  
6 so that they could gain from him advice and  
7 counsel.

8 He had a commitment to excellence  
9 that was renowned and he inspired excellence in  
10 others by gentle questions, by examples.

11 And he also had an ability at  
12 very quiet times to have a twinkle in his eye  
13 and to say with some understated words some very  
14 humorous comments about the situation.

15 And so, today, I join with the  
16 members of this chamber in conveying our sense  
17 of loss and regrets and sorrow to his widow,  
18 Phyllis, who is with us today, and to his  
19 children, daughters, sons and grandchildren,  
20 that we truly regret his passing.

21 And we, as representing some of  
22 the people of this state, were the better for  
23 his service to all of the people.

1 Thank you.

2 ACTING PRESIDENT FARLEY: Senator  
3 Marchi.

4 SENATOR MARCHI: Mr. President.  
5 There is a common thread that seems to  
6 underscore all of the speakers that have spoken  
7 of Thorn Edwards.

8 My friendship with him goes back  
9 almost a quarter of a century, and all of these  
10 warm personal qualities are the ones that  
11 perhaps have made their biggest impact. Here  
12 was an individual with an extraordinary range of  
13 command in various disciplines and was so  
14 helpful in a creative way in work that we did  
15 together. It was just a beneficial experience  
16 to have that as a resource in the Senate.

17 And most of us who have had  
18 personal contact with him over the years can  
19 attest to the fact that it was a very positive  
20 thing. Unprepossessing with a disarming  
21 simplicity, wonderful family person, everything  
22 that you could possibly associate with an  
23 individual who did not evidence any pomp or any

1 sense of self-aggrandizement, yet at the same  
2 time he contributed so richly to the work we  
3 were doing and to the whole process of  
4 interaction in an institutional sense here in  
5 the Senate.

6 So I join my colleagues in this  
7 collective extension of condolences to his  
8 family. His memory and what he has done for us  
9 will survive many, many years as long as we  
10 continue addressing urgent public matters; and  
11 given also a deep human dimension to all of  
12 them, this will be a very, very positive factor  
13 and certainly inure to his own fine memory that  
14 he has left us with.

15 ACTING PRESIDENT FARLEY: Senator  
16 Gold.

17 SENATOR GOLD: Mr. President.  
18 First of all, who said there wasn't such a thing  
19 as a nice Republican? Of course, there were.

20 Thorn really was a lovely  
21 gentleman, and I wanted to throw my two cents  
22 in. I go back in this place to before the 1967  
23 Constitutional Convention, but I did serve as an

1 assistant counsel to the Majority Leader there.

2 And I have always believed -  
3 funny, when I was in college, I used to fight.  
4 And I think the worst fight I had was against a  
5 farm boy who just fell all over me, and I guess  
6 the best fight I had was against a fellow who  
7 was a middleweight in the Army. And it was a  
8 delight to deal with Thorn because he was a  
9 pro. You can always work better with a pro and  
10 somebody who knows what they are doing.

11 And as someone who didn't always  
12 agree on every issue, I can tell you that it was  
13 a pleasure having him here. He loved what he  
14 was doing, and I don't mean that from an  
15 egocentric point of view. He loved it because  
16 he saw all the goodness that can come out of the  
17 work that we do for other people.

18 And what can I tell you? It's a  
19 shame that this passing came so early into the  
20 retirement, but we can't always question those  
21 decisions of God. All we can do is just feel  
22 kind of lucky that we touched him and he touched  
23 our lives in some way, and certainly we will

1 miss him very much.

2 ACTING PRESIDENT FARLEY: Senator  
3 Oppenheimer.

4 SENATOR OPPENHEIMER: I would  
5 like to just speak for a moment about Thorn's  
6 relationship with myself and the people in our  
7 town. We came from the same town, Mamaroneck,  
8 and I was friendly with him and with his wife.  
9 Both very lovely people.

10 Thorn was just the ultimate  
11 knowledge on the issue of housing, and we often  
12 talked. Sometimes we went home together, and we  
13 would talk about the problems that confront  
14 Westchester with our lack of affordable housing  
15 and how that has created in our county this  
16 enormous problem of homelessness which I have  
17 spoken about several times on the floor here,  
18 having the highest per capita homeless rate in  
19 the state and very possibly in the country, and  
20 we would talk about how we might change that and  
21 make Westchester a place that was viable for  
22 people of all incomes.

23 And I'm going to miss him because

1 he was a gentle and a kind man and such a  
2 knowledgeable man and he was a resource to me,  
3 and I just want to express my very deepest  
4 sympathies to his wife and family.

5 ACTING PRESIDENT FARLEY: Senator  
6 Stafford.

7 SENATOR STAFFORD: Mr. President.  
8 I was here when Thorn came to work for the  
9 Legislature. When we talk about a gentleman  
10 like Thorn, you find that usually everybody says  
11 about the same thing is what it all boils down  
12 to. Because anyone who worked with Thorn always  
13 had his cooperation. It could be some of the  
14 main problems of the session to get something  
15 worked out, and it was just as if nothing was  
16 going on. He just gave you his time, and he was  
17 just able to work with people.

18 He and I shared many things these  
19 past few years. And I can only say, Mr.  
20 President, that in this day and age when some of  
21 us get a little frustrated with government, all  
22 we have to do is think of Thorn Edwards. And  
23 what he wanted to do, as I say, was cooperate,

1 to help, and to be available for those he was  
2 working with and for. And he is a real example  
3 of the fine public servant.

4 ACTING PRESIDENT FARLEY: Senator  
5 Marino.

6 SENATOR MARINO: Thank you, Mr.  
7 President. I was deeply saddened, and we were  
8 all, by the untimely death of a good friend,  
9 Thorn Edwards.

10 Last time I saw Thorn was in  
11 Florida with his lovely wife, and we met  
12 accidentally, really, in a restaurant. And  
13 although he wasn't in great health at that time,  
14 he did not complain but was cheerful and looking  
15 forward to relaxing in Florida and enjoying the  
16 rest of his life.

17 I think he knew how sick he was  
18 but never let on and just carried on and carried  
19 forward, not wanting to disturb those loved ones  
20 around him because he was that kind of a person,  
21 never wanting to be noticed, but yet being there  
22 whenever he was needed.

23 And we here in Albany have needed

1 him and have used his services throughout all  
2 these many years, willingly, and have accepted  
3 those services with great gratitude because they  
4 were given sincerely and given with the kind of  
5 dedication that few public employees have,  
6 dedication to their work that only Thorn Edwards  
7 had.

8 He was outstanding in that he  
9 could work long hours on very technical material  
10 and seemed to enjoy it, things that you and I  
11 might shy away from because they were too tough  
12 to understand, too technical, too difficult to  
13 unravel. Bonding proposal, housing proposal,  
14 Thorn relished in that kind of detail and was  
15 magnificent in how he could simplify the very  
16 complicated and have some real meaning come  
17 forth so that we could all understand it and  
18 apply it to everyday life. He had that knack  
19 and that ability.

20 He was a straight shooter -  
21 Thorn. Didn't much care about the politics of  
22 an issue. Cared more about the result and that  
23 the result was fair and equitable and reasonable

1 and something that all of us could live with.

2           So he was a pragmatist, and yet  
3 he wanted to do what was right for the people at  
4 all times, and that was important to him, and he  
5 kept to that mode. And as a result, we're  
6 better off for it because the legislation he  
7 enacted for us or permitted us to enact was very  
8 difficult but yet very fair, always. And it's  
9 still in being, still helping the people of this  
10 state, and it came out of a brilliant mind, a  
11 very brilliant mind from a good lawyer who knew  
12 what he was doing, one who was tough in  
13 negotiations yet knew where the line was when he  
14 had to compromise. And when he got to that  
15 line, he did compromise so we could go forward  
16 with our work here in Albany.

17           He was a real public servant in  
18 the best sense of the word, a real public  
19 servant, and so we who have taken advantage all  
20 these years of his talent now miss him, and  
21 we're going to miss him as a public servant, as  
22 a good lawyer, as a person who served us well  
23 here in Albany.

1                   But we're also going to miss him  
2                   as a person. Because he was a good person, one  
3                   of the best I have ever met and one that was a  
4                   joy to be around because he had a kind of funny  
5                   sense of humor that stuck through.

6                   And we are, Phyllis, going to  
7                   miss him. We wish you well.

8                   Thank you.

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

11                  (Response of "Aye.")

12                  Those opposed, nay.

13                  (There was no response. )

14                  The resolution is unanimously  
15                  adopted by every member of this Legislature.

16                  Thorn's widow is with us here  
17                  today. And on behalf of the New York State  
18                  Senate, and personally, let me just say what a  
19                  gentle and beautiful man your husband was. And  
20                  he will always be remembered by this house. He  
21                  will always be remembered for his remarkable  
22                  career. It encompassed a great deal not only in  
23                  the executive branch but here in the

1           Legislature. We will all miss him.

2                       We wish you well.

3                       Senator Marino. Are there any  
4 motions on the floor?

5                       SENATOR MARINO: Controversial  
6 bills, please.

7                       ACTING PRESIDENT FARLEY: Okay.  
8 Non-controversial, I think he meant.

9                       THE SECRETARY: On page 7,  
10 Calendar Number 169, by Senator Goodman, Senate  
11 Bill Number 1257A, an act to amend the Alcoholic  
12 Beverage Control Law.

13                      ACTING PRESIDENT FARLEY: Read  
14 the last section.

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

17                      ACTING PRESIDENT FARLEY: Call  
18 the roll.

19                      (The Secretary called the roll. )

20                      THE SECRETARY: Ayes 51.

21                      ACTING PRESIDENT FARLEY: The  
22 bill is passed.

23                      THE SECRETARY: Calendar Number

1 214, by Senator Holland.

2 SENATOR HOLLAND: Lay that aside  
3 for the day.

4 ACTING PRESIDENT FARLEY: Lay it  
5 aside for today.

6 THE SECRETARY: Calendar Number  
7 220, by member of the Assembly Koppell, Assembly  
8 Bill Number 813A, an act to amend the Election  
9 Law, in relation to information required on  
10 voter registration forms.

11 ACTING PRESIDENT FARLEY: Read  
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call  
16 the roll.

17 (The Secretary called the roll. )

18 THE SECRETARY: Ayes 51.

19 ACTING PRESIDENT FARLEY: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 264, by Senator Saland, Senate Bill Number 2377,  
23 an act to amend the Family Court Act.

1                   ACTING PRESIDENT FARLEY:  Read  
2           the last section.

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

5                   ACTING PRESIDENT FARLEY:  Call  
6           the roll.

7                   (The Secretary called the roll. )

8                   THE SECRETARY:  Ayes 51.

9                   ACTING PRESIDENT FARLEY:  The  
10          bill is passed.

11                   THE SECRETARY:  Calendar Number  
12          265, by Senator Saland, Senate Bill Number 2378,  
13          an act to amend the Social Services Law, in  
14          relation to persons required to report cases of  
15          suspected child abuse.

16                   ACTING PRESIDENT FARLEY:  Read  
17          the last section.

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

20                   ACTING PRESIDENT FARLEY:  Call  
21          the roll.

22                   (The Secretary called the roll. )

23                   THE SECRETARY:  Ayes 51.

1                   ACTING PRESIDENT FARLEY: The  
2 bill is passed.

3                   THE SECRETARY: Calendar Number  
4 270, by Senator Padavan, Senate Bill Number  
5 361A, an act to amend the Family Court Act.

6                   ACTING PRESIDENT FARLEY: Read  
7 the last section.

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

10                  ACTING PRESIDENT FARLEY: Call  
11 the roll.

12                                 (The Secretary called the roll. )

13                  THE SECRETARY: Ayes 50. Nays  
14 1. Senator DeFrancisco recorded in the  
15 negative.

16                  ACTING PRESIDENT FARLEY: The  
17 bill is passed.

18                  THE SECRETARY: Calendar Number  
19 281, by Senator Nozzolio, Senate Bill Number  
20 2507, an act to amend the Vehicle and Traffic  
21 Law, in relation to authorizing the issuance of  
22 distinctive license plates.

23                  ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call  
5 the roll.

6 (The Secretary called the roll. )

7 THE SECRETARY: Ayes 51.

8 ACTING PRESIDENT FARLEY: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 282, by Senator Cook, Senate Bill Number 2640,  
12 an act to amend the Transportation Law.

13 ACTING PRESIDENT FARLEY: Read  
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call  
18 the roll.

19 (The Secretary called the roll. )

20 THE SECRETARY: Ayes 51.

21 ACTING PRESIDENT FARLEY: The  
22 bill is passed.

23 SENATOR LIBOUS: Mr. President.

1                   ACTING PRESIDENT FARLEY:  Senator  
2           Libous.

3                   SENATOR LIBOUS:  Thank you, Mr.  
4           President.  Could I have unanimous consent to be  
5           recorded in the negative on Calendar Number 220.

6                   ACTING PRESIDENT FARLEY:  220,  
7           Senator Libous will be in the negative without  
8           objection.

9                   SENATOR LIBOUS:  Thank you.

10                  THE SECRETARY:  Calendar Number  
11           283, by Senator Johnson, Senate Bill Number  
12           2999, Vehicle and Traffic Law, in relation to  
13           vehicle inspections.

14                  ACTING PRESIDENT FARLEY:  Read  
15           the last section.

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

18                  ACTING PRESIDENT FARLEY:  Call  
19           the roll.

20                  (The Secretary called the roll. )

21                  THE SECRETARY:  Ayes 51.

22                  ACTING PRESIDENT FARLEY:  The  
23           bill is passed.

1 THE SECRETARY: Calendar Number  
2 284, by Senator LaValle, Senate Bill Number 400,  
3 an act to amend the Education Law, in relation  
4 to computation of the operating aids base.

5 ACTING PRESIDENT FARLEY: There  
6 is a local fiscal impact note here at the desk,  
7 and you can read the last section.

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

10 ACTING PRESIDENT FARLEY: Call  
11 the roll.

12 (The Secretary called the roll. )

13 THE SECRETARY: Ayes 50. Nays  
14 1. Senator Velella recorded in the negative.

15 ACTING PRESIDENT FARLEY: That  
16 bill is passed.

17 This next bill we're going to  
18 have to lay aside for a moment because there's a  
19 substitution coming. We laid aside 285.  
20 Senator Present, is it okay?

21 THE SECRETARY: Calendar Number  
22 286, by Senator Padavan.

23 SENATOR STACHOWSKI: Lay it

1       aside.

2                   ACTING PRESIDENT FARLEY: Lay it

3       aside.

4                   THE SECRETARY: Calendar Number

5       289, by Senator Cook.

6                   SENATOR GOLD: Lay it aside.

7                   ACTING PRESIDENT FARLEY: Lay

8       that bill aside.

9                   THE SECRETARY: Calendar Number

10       291, by Senator Padavan.

11                   SENATOR GOLD: Senator Padavan

12       said we could lay it aside for the day.

13                   ACTING PRESIDENT FARLEY: Lay it

14       aside.

15                   Senator Padavan?

16                   SENATOR PADAVAN: Lay it aside

17       for the day.

18                   ACTING PRESIDENT FARLEY: For the

19       day?

20                   SENATOR PADAVAN: Yes.

21                   ACTING PRESIDENT FARLEY: Okay.

22                   THE SECRETARY: Calendar Number

23       292, by member of the Assembly Friedman,

1 Assembly Bill Number 4523, an act to amend  
2 Chapter 499 of the Laws of 1991.

3 ACTING PRESIDENT FARLEY: Read  
4 the last section.

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

7 ACTING PRESIDENT FARLEY: Call  
8 the roll.

9 (The Secretary called the roll. )

10 THE SECRETARY: Ayes 53.

11 ACTING PRESIDENT FARLEY: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 293, by member of the Assembly Grannis, Assembly  
15 Bill Number 5733, an act to provide permanent  
16 installation of outdoor fixed single-user pay  
17 toilet facilities.

18 ACTING PRESIDENT FARLEY: Read  
19 the last section.

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

22 ACTING PRESIDENT FARLEY: Call  
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 53.

3 ACTING PRESIDENT FARLEY: The  
4 bill is passed.

5 THE SECRETARY: 295, by Senator  
6 Skelos, Senate Bill Number 621, General  
7 Municipal Law, in relation to volunteer fire  
8 fighter service award program.

9 ACTING PRESIDENT FARLEY: Read  
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call  
14 the roll.

15 (The Secretary called the roll. )

16 THE SECRETARY: Ayes 53.

17 ACTING PRESIDENT FARLEY: The  
18 bill is passed.

19 THE SECRETARY: 297, by Senator  
20 LaValle, Senate Bill Number 1428, an act to  
21 amend the General Municipal Law, permitting  
22 counties, towns, and villages to distribute fuel  
23 at cost.

1                   ACTING PRESIDENT FARLEY:  Read  
2           the last section.

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

5                   ACTING PRESIDENT FARLEY:  Call  
6           the roll.

7                   (The Secretary called the roll. )

8                   THE SECRETARY:  Ayes 53.

9                   ACTING PRESIDENT FARLEY:  The  
10          bill is passed.

11                   THE SECRETARY:  Calendar Number  
12          298, by Senator LaValle, Senate Bill Number 155,  
13          an act to amend the Volunteer Firefighters  
14          Benefit Law.

15                   ACTING PRESIDENT FARLEY:  Read  
16          the last section.

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

19                   ACTING PRESIDENT FARLEY:  Call  
20          the roll.

21                   (The Secretary called the roll. )

22                   THE SECRETARY:  Ayes 54.

23                   ACTING PRESIDENT FARLEY:  The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 299, by Senator Padavan, Senate Bill Number  
4 18 -

5 SENATOR PADAVAN: Senator Galiber  
6 asked me to lay that bill aside for the day,  
7 which I will.

8 ACTING PRESIDENT FARLEY: Lay it  
9 aside for the day.

10 Senator Present, that's the first  
11 time through.

12 SENATOR PRESENT: Mr. President.  
13 Can we take up the controversial calendar,  
14 please.

15 ACTING PRESIDENT FARLEY: Yes,  
16 sir. Controversial.

17 Senator Present, may we lay aside  
18 that first bill. We're waiting for a  
19 substitution that is coming over, and it isn't  
20 here as yet. So 285 will be laid aside  
21 temporarily.

22 THE SECRETARY: On page 12,  
23 Calendar Number 286, by Senator Padavan, Senate

1 Bill Number 3248, an act to amend the Education  
2 Law.

3 SENATOR STACHOWSKI: Explanation.

4 ACTING PRESIDENT FARLEY:  
5 Explanation has been asked for, for 286.

6 Senator Padavan.

7 SENATOR PADAVAN: Thank you, Mr.  
8 President. This bill, which passed last year  
9 and is supported by the State Education  
10 Department, would statutize the retirement that  
11 the five big cities would be required to  
12 appropriate a share of their budget to education  
13 based on one of two calculations as specified on  
14 page 2 of the bill.

15 In one case, the city would be  
16 required to provide the city school district's  
17 proportioned share of the entire city budget in  
18 the three prior fiscal school years, meaning  
19 that it should not vary from those percentages;  
20 or the school district's prior year  
21 proportionate share of the prior year's citywide  
22 budget adjusted for any growth or decline in the  
23 student enrollment since the prior year.

1                   Additionally, the bill requires  
2                   that these proportionate shares exclude state  
3                   aid to education as an add to the total. In  
4                   effect, it is a maintenance of effort. It  
5                   ensures that these big five school districts  
6                   will not diminish their proportionate share of  
7                   dollars to educate as it relates to the overall  
8                   budget, using the prior three years as the  
9                   base.

10                   SENATOR STACHOWSKI: Mr.  
11                   President.

12                   ACTING PRESIDENT FARLEY: Senator  
13                   Stachowski.

14                   SENATOR STACHOWSKI: Will Senator  
15                   Padavan yield to a question?

16                   SENATOR PADAVAN: Yes.

17                   ACTING PRESIDENT FARLEY: Yes, he  
18                   will.

19                   SENATOR STACHOWSKI: Senator,  
20                   don't most city school districts now have a  
21                   process where their council has the opportunity  
22                   to make sure that the city's contribution will  
23                   be maintained or increased year after year? And

1 after all, we know -- at least in Buffalo, and I  
2 assume it's the same in the other cities -- that  
3 those very councilmen and council people at  
4 large -- councilmen and -women, I should say,  
5 tell the people in their districts that they are  
6 fully in support of schools, and that they will  
7 do everything they can for education; and, yet,  
8 to this date, most of them do absolutely nothing  
9 in changing the mayor's -- the amount of money  
10 that he puts into education. By that I mean, in  
11 case I lost you by rambling a bit, is that they  
12 have the opportunity to put more money in  
13 themselves, the council does; and, yet, they  
14 don't do that. And so they, along with the  
15 local Boards of Education, look for us to  
16 mandate that by this bill in what would be a  
17 major new state mandate.

18 SENATOR PADAVAN: I think the  
19 answer to your question is yes.

20 SENATOR STACHOWSKI: I thought  
21 so, too. That's why I asked it in that  
22 fashion.

23 I don't have any other -- on the

1 bill, Mr. President. On the bill.

2 ACTING PRESIDENT FARLEY: On the  
3 bill. Senator Stachowski.

4 SENATOR STACHOWSKI: I think the  
5 bill is a great bill to get money into education  
6 and to make sure that the localities match the  
7 money or at least continue to give the amount of  
8 money that they gave previously to education.  
9 And in the case for myself, as in Buffalo, where  
10 it seems like the city's contribution goes down  
11 year after year, this bill would be a way of  
12 stopping that from happening, even as the people  
13 are complaining that education doesn't get  
14 enough funding, even though we in the state  
15 continue to increase the funding every year that  
16 we give to Buffalo.

17 However, they do have a Common  
18 Council that it's their job to do something  
19 about that in the budget deliberation, and they  
20 choose not to do it. And between them and the  
21 mayor -- and they're the local source of  
22 government -- if they choose not to do it, there  
23 must be a reason.

1                   And apparently, the people that  
2                   elect those local elected officials must agree  
3                   with what they're doing is right because they  
4                   continually re-elect them, even though those  
5                   same people come to Albany and say, "You're not  
6                   putting enough money into education."

7                   My problem with the bill, and  
8                   although I admit it's a great bill, is that,  
9                   first of all, I don't feel that I'm here to do  
10                  the job of the Common Council people that are  
11                  elected to do that; and, secondly, at a time  
12                  when every local form of government is running  
13                  down here saying, "Please, no new mandates," we  
14                  come along with a bill that would be probably  
15                  the largest mandate we could give them, a bill  
16                  that would absolutely have the effect of  
17                  increasing local taxes, if at all possible, if  
18                  they haven't hit their taxing limit -- which I  
19                  know Buffalo hasn't, but they're close -- and a  
20                  bill that would be seeing nothing else -- all  
21                  the people when their taxes went up, the local  
22                  government officials would say, "Well, we didn't  
23                  want to raise your taxes; they, in Albany, made

1 us do it."

2 And once again, it would be,  
3 "You guys do what we should be doing, and you  
4 people do it so we don't get the blame." And in  
5 a time when we're looking to have no further  
6 mandates is the main reason and the only reason  
7 I can't support this bill.

8 SENATOR LEICHTER: Mr. President.

9 ACTING PRESIDENT FARLEY: Senator  
10 Leichter.

11 SENATOR LEICHTER: Mr.  
12 President. Will Senator Padavan yield?

13 SENATOR PADAVAN: Yes.

14 ACTING PRESIDENT FARLEY: I'm  
15 sure he will. Senator Padavan, are you yielding  
16 to Senator Leichter?

17 SENATOR PADAVAN: Yes.

18 SENATOR LEICHTER: Senator  
19 Padavan, I apologize because I just came in and  
20 I may have missed some of the debate and some  
21 points that were made. But let me ask you, if  
22 you will yield, please, what happens if there's  
23 a precipitous decline in the number of students

1 in that district?

2 SENATOR PADAVAN: Yes. As a  
3 matter of fact, it is specified in here. Either  
4 an increase or a decline can be factored in by  
5 the provisions on the bill. It's on page 2 in  
6 the middle.

7 SENATOR LEICHTER: Senator, do  
8 you also take account of the fact that, for  
9 whatever reason, the state aid which the cities  
10 get may decline precipitously?

11 SENATOR PADAVAN: The bill  
12 relates to the percentages of the total budget  
13 in the prior three years, excluding state aid.

14 SENATOR LEICHTER: Well, maybe my  
15 question really should be, suppose suddenly we  
16 become very flush up here. We're able to  
17 provide a great deal more of aid. And I think  
18 Senator Stachowski made some very valid points.  
19 The Common Council and the Mayor in the city of  
20 Buffalo decide, well, we're getting this  
21 additional amount of aid from the state of New  
22 York, we don't need...

23 ACTING PRESIDENT FARLEY: Senator

1       Leichter, try to speak into your microphone. I  
2       know it's difficult -

3                        SENATOR LEICHTER: Yes.

4                        ACTING PRESIDENT FARLEY: But  
5       we're all having trouble hearing you.

6                        SENATOR LEICHTER: I'm sorry.  
7       And as a result of this very substantial  
8       increase in state aid, maybe that increase comes  
9       because of some of the court actions, and they  
10      force the Legislature and the state to change  
11      some of its educational support. Now, there is  
12      more money, and the localities decide that it's  
13      not necessary to maintain that same amount of  
14      local spending which is mandated by your bill.  
15      How do you answer that?

16                      SENATOR PADAVAN: Senator, I only  
17      answer it by looking back over a period of years  
18      and saying to you, simply and directly, that's  
19      not been the case. We are lobbied certainly by  
20      parents, teachers, educators and local  
21      governments year after year to increase aid to  
22      education.

23                      For valid reasons. Look at the

1 city of New York. This past year, their student  
2 population increased over 22,000; over the last  
3 three years over 50,000. It's inconceivable to  
4 me that even if we were -- and hopefully we will  
5 be able to increase aid this year, which we have  
6 not been able to do the last couple years or  
7 so. Even if we were, it would not meet those  
8 obvious needs in terms of not only increases of  
9 numbers of children to be educated but the  
10 associated costs thereto.

11 Therefore, your question is  
12 somewhat academic. As a practical matter, none  
13 of these five cities have been in a position  
14 that we have allowed them to be, namely, giving  
15 them significant sums so that they could, in  
16 order to maintain an adequate level of  
17 education, reduce their share.

18 SENATOR LEICHTER: Senator,  
19 suppose one of these cities has an emergency.  
20 Maybe it's a health emergency. Maybe it's a  
21 public safety emergency. And that city decides  
22 that, important as education is, to deal with  
23 that emergency, maybe they have to open up some

1 hospitals. Maybe they have to deal with a  
2 public safety emergency, put more police  
3 officers, others, out into the street. And they  
4 make that determination and they want to make  
5 that determination as a locality, what is more  
6 important to them.

7 Now, along comes the Senate, led  
8 by Senator Padavan, says, "You can't do that  
9 because we decided some years ago that you are  
10 going to be locked into this particular  
11 system." Is that a wise thing to do, Senator?

12 SENATOR PADAVAN: Senator, first,  
13 if there was something so dramatic -- so  
14 dramatic would occur in one of these five cities  
15 -- and you must keep in mind, and I want to say  
16 this parenthetically. We're not asking local  
17 governments to increase their share. We're  
18 simply saying maintain the average over the last  
19 three years; which, if you look at the data at  
20 this point in time -- and I imagine that's why  
21 we have no memos in opposition for any of the  
22 five cities this year -- the impact would be  
23 minimal if not at all.

1                   ACTING PRESIDENT FARLEY: Let's  
2 hold our conversations down. Senator Padavan is  
3 getting nervous over here.

4                   SENATOR PADAVAN: With regard to  
5 your question directly, if there was something  
6 so dramatic, so overwhelming, that this bill  
7 become an impediment in a health emergency or  
8 some catastrophe that I can't possibly imagine,  
9 well, I would presume we would be called to act  
10 to make an adjustment, if necessary, in that  
11 particular case. But that's so hypothetical  
12 that it -- you know, it begs an appropriate  
13 answer.

14                   Senator, year after year, many  
15 point to Albany and they're saying, "You are not  
16 doing what you can for education." You have  
17 been in that position. I have been. Year after  
18 year, we respond the best we can, and all we're  
19 saying to those local governments, particularly  
20 our city, just keep doing what you have been  
21 doing. We were not asking you for anything  
22 extraordinary. Just maintain that level, and  
23 we'll continue to do what we can to add to it.

1                   And I don't think that's asking  
2           too much.

3                   SENATOR LEICHTER:   Mr. President.

4                   ACTING PRESIDENT FARLEY:   Senator  
5           Leichter.

6                   SENATOR LEICHTER:   Yes, on the  
7           bill.

8                   ACTING PRESIDENT FARLEY:   On the  
9           bill.

10                  SENATOR LEICHTER:   I don't think  
11           I can say it any better than Senator  
12           Stachowski.  I think he made excellent points.  
13           I just want to, maybe, embellish it a bit if I  
14           can.

15                  What disturbs me here is that  
16           Senator Padavan says, "Well, you know, we're not  
17           doing enough for education," or "we're charged  
18           with not doing enough for education.  So I will  
19           tell you what I will do.  I will put my hand  
20           into the governmental levers of the localities  
21           and tell them what to do."

22                  He doesn't say: "I'm going to  
23           give more money for the city of New York.  I'm

1 going to vote against school budgets that shaft  
2 my city "-- which you voted for time and time  
3 and time again. "No, I'm not going to do that.  
4 I will just tell the city of New York how to  
5 spend their own money."

6 Senator, I don't think that's  
7 doing anything for education. I'm sorry.

8 But I am concerned beyond that  
9 personal thing which, frankly, expresses some  
10 regret that I have that my Republican colleagues  
11 from the city of New York cannot fight within  
12 their conference and cannot join those of us  
13 here who want to establish a fair funding  
14 level. And I must say that because I think that  
15 maybe it's particularly ill-suited, Senator  
16 Padavan, for you to bring forth this sort of  
17 bill.

18 SENATOR PADAVAN: Will the  
19 Senator like to yield?

20 ACTING PRESIDENT FARLEY: Senator  
21 Leichter?

22 SENATOR LEICHTER: Yes.

23 SENATOR PADAVAN: Senator, I

1 think you just made a rather broad statement  
2 which, on the face of it, is not only inaccurate  
3 but somewhat offensive. I strongly object to  
4 any statement from you that anyone on this side  
5 has failed to deal with aid to education for the  
6 city of New York. All the facts point to quite  
7 the opposite.

8 Now, if you want to argue  
9 formula, we can stand here all day long and  
10 argue formula. We can talk about 34 versus 36  
11 or 33 versus whatever in terms of aid to  
12 education. We can talk about federal money  
13 pouring into the city of New York. I will be  
14 happy to discuss that with you as long as you'd  
15 like, but don't stand there and make a  
16 categorical statement that our calling upon the  
17 big five cities to maintain a level of effort  
18 consistent with their own practices in order not  
19 to point to us and look to us in every instance  
20 to bail them out.

21 Now, the facts are quite to the  
22 contrary in terms of your allegation, but  
23 they're also, I think, in support of this bill.

1 If you look at the last several years in any of  
2 the big five cities, the impact of this  
3 legislation would be minimal. Minimal. So we  
4 are not calling upon them really to do too  
5 much.

6 Now, if you talk about mandates,  
7 there are mandates in our state laws in almost  
8 every category that you would like to talk  
9 about.

10 Let's refer to social services.  
11 Do we not mandate that local governments pick up  
12 a certain portion by law, in statute, of  
13 Medicaid, of ADC, of whatever area of social  
14 services you would like to look at? So there's  
15 nothing unique about that part of our proposal  
16 here. This does not stand on its own in that  
17 regard.

18 Senator, while I could understand  
19 that you would like to stand up on behalf of our  
20 city, I think it would be more appropriate if  
21 you stood up on behalf of our kids, who year  
22 after year are getting shortchanged not by  
23 virtue of the state aid to education escalation

1       in aid. If you look at the last ten years and  
2       if you plotted a curve of state aid to  
3       education, it has gone up rather steeply. If  
4       you look at that same curve with regard to the  
5       city's share of aid to education, the curve is  
6       somewhat substantially flatter. They have not  
7       kept pace with what we have been able to do over  
8       the past ten years.

9                       Now, it is true, in the last two  
10       years, we have not been able to do what we'd  
11       like. The fact remains, you know what we had to  
12       deal with in terms of our state budget.

13                      SENATOR LEICHTER: Senator, I'm  
14       happy to answer your question, or was it a  
15       question?

16                      But, Senator, let me just say a  
17       couple of things, and I'm glad that you -- I  
18       would be happy to debate this with you, and I'll  
19       tell you -- I'll tell you why.

20                      ACTING PRESIDENT FARLEY: Hold  
21       on. Senator Mega, why do you rise?

22                      SENATOR MEGA: Would Senator  
23       Leichter yield for a short question?

1                   SENATOR LEICHTER:  Could I just  
2                   answer Senator Padavan's question, then I will  
3                   yield to you, Senator.

4                   ACTING PRESIDENT FARLEY:  He's  
5                   not going to yield right at the moment.

6                   SENATOR LEICHTER:  Yes.  Senator,  
7                   I think there are a number of things that you  
8                   said that really ought to be answered.

9                   First of all, let's debate the  
10                  New York situation.  I'm not going to do it  
11                  here, but I will tell you what.  I invite you on  
12                  my television show, and you and I will debate  
13                  this.

14                  Now, the only problem with that  
15                  invitation is that the Republican Majority,  
16                  acting in their usual mature fashion, obviously  
17                  -- apparently have taken some offense to the  
18                  fact that we have put on motions to discharge  
19                  which ask you to have an honest budget; and, as  
20                  a consequence, they have canceled our use of the  
21                  telecommunication system.  But assuming that  
22                  that childishness ends, I would be happy,  
23                  Senator Padavan, you and I -- you take my hour.

1 If not, you give me some of your hour.

2 SENATOR PADAVAN: You have an  
3 hour? I only have 15 minutes.

4 SENATOR LEICHTER: This was an  
5 hour euphemistically. The trouble with doing it  
6 on your show is it will be shown in Queens. But  
7 all right. I'll tell you what. We will debate  
8 it first on my 15 minutes and then on your 15  
9 minutes.

10 But Senator, if you want to talk  
11 about facts, the fact is that New York City gets  
12 less school aid than the number of students, and  
13 it's a disgrace. It's a disgrace, and it's due  
14 to actions of the Majority in this house.

15 And, in fact, the city of New  
16 York just recently had to go to court -- they  
17 had to go to court to sue to get justice. And  
18 now Senator Padavan is going to help the  
19 students of the city of New York not by bringing  
20 them the money they should get, not by saying  
21 "I'm going to vote against this budget because  
22 it's unfair to my city." No. He is going to  
23 tell the city how to spend its own money.

1                   Senator, let me tell you. There  
2 are races this year for the City Council of the  
3 city of New York. And very soon will come the  
4 petition time. And if you want to engage in  
5 that sort of decision making, the Council would  
6 be the right place to do it, and you may want to  
7 consider it. I would be very sorry to lose you  
8 here.

9                   But don't tell the city of New  
10 York or the city of Buffalo how to spend their  
11 money. I just think that's wrong. And then  
12 say, "What a wonderful thing I'm doing for  
13 education."

14                   Let me finally say, well  
15 intentioned as this bill might be -- although as  
16 I pointed out, I think it's mistaken -- I just  
17 want to emphasize again the fact that we're  
18 locking these localities into a particular  
19 formula.

20                   Senator Padavan says that it's  
21 hypothetical that they are ever going to have  
22 such a great need to spend their money  
23 otherwise; and if that occurs, well, we'll come

1 back and change it.

2 It may be October. It may be  
3 November. We may not be able to change it. Why  
4 would you want to impose this sort of a strait  
5 jacket on the localities? I refer again I think  
6 to the very good points that were made by  
7 Senator Stachowski. It's not right for us to  
8 pass this sort of a bill.

9 ACTING PRESIDENT FARLEY: Senator  
10 Dollinger is next.

11 ACTING PRESIDENT FARLEY: Mr.  
12 President. Will Senator Padavan yield to a  
13 question?

14 ACTING PRESIDENT FARLEY: I'm  
15 sure he will. Senator Padavan.

16 SENATOR DOLLINGER: Senator, as I  
17 understand this bill -- and I just need a  
18 clarification. As I understand it, when a  
19 school district, one of the big five, comes to  
20 us and says, "We have a need for additional  
21 funds," and then we meet that need, what this  
22 bill does is it prevents the City Council or any  
23 other government in the locality from then

1 saying, "There wasn't really a need," and  
2 subtracting that sum from the amount that would  
3 otherwise go to finance education. Is that  
4 correct?

5 SENATOR PADAVAN: I'm sorry. I  
6 don't quite follow. I followed you right up to  
7 about the middle.

8 SENATOR DOLLINGER: Here's what  
9 happens. One of the big five comes in and says,  
10 we need \$5 million.

11 SENATOR PADAVAN: I am so  
12 overwhelmed about the possibility of joining the  
13 City Council that I'm having trouble  
14 understanding you.

15 SENATOR DOLLINGER: I thought it  
16 was the cable TV that might have thrown you for  
17 a loop.

18 SENATOR PADAVAN: That's no  
19 problem.

20 SENATOR DOLLINGER: But a school  
21 district, one of the big five, comes in and  
22 says, "We need \$5 million more."

23 SENATOR PADAVAN: Yeah.

1                   SENATOR DOLLINGER: We meet that  
2                   need.

3                   SENATOR PADAVAN: Yes.

4                   SENATOR DOLLINGER: And then,  
5                   what this bill will prevent is the locality then  
6                   saying, "We'll give you have \$5 million less of  
7                   real property tax money," and, therefore, wiping  
8                   out the five million more that we've given them,  
9                   in essence.

10                  SENATOR PADAVAN: Yes. The  
11                  answer to your question is yes in the sense that  
12                  we're saying to that locality that whatever the  
13                  proportion of your total budget was for the last  
14                  several years in terms of education to your  
15                  school district, which is the city, you will  
16                  maintain that level, adjusted for any decreases  
17                  or increases in pupil population.

18                  So the answer to your question is  
19                  yes.

20                  SENATOR DOLLINGER: Thank you.

21                  SENATOR MASIELLO: Mr. President.

22                  ACTING PRESIDENT FARLEY: Senator  
23                  Masiello.

1                   SENATOR MASIELLO:  Senator  
2           Masiello.

3                   ACTING PRESIDENT FARLEY:  Oh, I  
4           know that.  I was just looking at the list that  
5           we have here.  I think you are next on the list.

6                   SENATOR MASIELLO:  Thank you.  
7           Did I jump over the list?

8                   ACTING PRESIDENT FARLEY:  No, I  
9           don't think so.  I think you are next.

10                  SENATOR MASIELLO:  Okay.  Fine.

11                  Thank you very much, Mr.  
12           President.  Would Senator Dollinger yield to a  
13           question?

14                  ACTING PRESIDENT FARLEY:  Senator  
15           Dollinger, will you yield to Senator Masiello?

16                  SENATOR MASIELLO:  Senator, do  
17           you have a maintenance of effort formula in  
18           Rochester?

19                  SENATOR DOLLINGER:  That's a good  
20           question.  I don't know.

21                  SENATOR MASIELLO:  You don't  
22           know.

23                  SENATOR DOLLINGER:  I don't.

1                   SENATOR MASIELLO: Thank you. No  
2 further questions of you.

3                   Because it's my understanding  
4 that there was some kind of maintenance of  
5 effort formula that Rochester has had for a  
6 number of years. Maybe I'm using the wrong  
7 term.

8                   SENATOR DOLLINGER: You may be  
9 correct. I just may not be aware of it or I may  
10 not understand it in that -

11                  SENATOR MASIELLO: Okay. Fine.  
12 I can certainly understand where my colleague,  
13 Senator Stachowski, is coming from and certainly  
14 Senator Leichter. There is certainly a lot to  
15 be said about home rule and the executive and  
16 the legislative branch doing what they are  
17 supposed to do in local government.

18                  But I've got some of statistics  
19 here that really are startling, Senator, that I  
20 think really substantiates your position on this  
21 bill. You take my own city, the city of  
22 Buffalo. They have a per capita expenditure of  
23 \$5,892 per student, which is the lowest in the

1 state of New York of the big five school  
2 districts. However, if you look at the state  
3 aid part of that per capita funding, it's  
4 \$4,112, which is the highest per capita funding  
5 in the state of New York for the five schools -  
6 five school districts, big five school  
7 districts.

8 So what this tells me is that  
9 while the state contributes the highest funding  
10 per student per capita of the state, the city of  
11 Buffalo, conversely, has the lowest funding per  
12 capita of any of the big five cities at, I  
13 believe 1.8 -- I'm sorry -- \$1800 per student  
14 the city contributes per student, which is the  
15 lowest of the five cities, and 4200 which is the  
16 highest that the state contributes.

17 I guess what I'm saying here is  
18 that as the state contributes more, more aid to  
19 the city of Buffalo for education, the city  
20 contributes less.

21 Let me give you another statistic  
22 which I find even more startling and more  
23 disturbing. You take the '85-86 tax year of

1 Buffalo, of which \$90 million was produced by  
2 the tax levy of the city of Buffalo, of which  
3 \$54 million of that \$90 million went to the  
4 school district of Buffalo, or 64 percent. In  
5 1992, the tax levy in the city of Buffalo went  
6 from \$90 million to \$136 million or  
7 approximately \$40 million increase. However, in  
8 1992-93, the tax levy was \$51 million or a  
9 reduction of \$3 million or reduction to 37  
10 percent of the tax levy.

11 So in eight years, while the  
12 property tax levy grew by \$40 million, the  
13 portion to the schools in Buffalo decreased by  
14 \$3 million or from 60 percent to almost 38  
15 percent. So, obviously, somebody is not making  
16 the best use of those revenues in the city of  
17 Buffalo.

18 I don't like telling the council,  
19 I don't like telling the executive, that they  
20 have to do a better job in allocating those  
21 monies. But, quite frankly, as we have  
22 increased state aid, the city has decreased  
23 their contribution to education. I think that

1 is wrong. I think the students have suffered in  
2 the city of Buffalo because of that.

3 I think we have to be fair. We  
4 have to be consistent. We have to be, I think,  
5 just in the allocation of money to our school  
6 districts of the big five. I think Buffalo  
7 illustrates that there is need for this, and I'm  
8 going to support this legislation.

9 ACTING PRESIDENT FARLEY: Senator  
10 Galiber, did you wish to speak?

11 SENATOR GALIBER: No.

12 ACTING PRESIDENT FARLEY: Okay.

13 On the bill. Read the last section.

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

16 ACTING PRESIDENT FARLEY: Call  
17 the roll.

18 (The Secretary called the roll. )

19 SENATOR STACHOWSKI: Mr.

20 President.

21 ACTING PRESIDENT FARLEY: Senator  
22 Stachowski.

23 SENATOR STACHOWSKI: To explain

1 my vote.

2 ACTING PRESIDENT FARLEY: To  
3 explain his vote.

4 SENATOR STACHOWSKI: Although I'm  
5 against mandates, if Senator Masiello, hopefully  
6 soon to be Mayor Masiello, wants to put himself  
7 in this locked box, I can't be against that.  
8 I'm going to vote for the bill.

9 ACTING PRESIDENT FARLEY: Senator  
10 Stachowski is in the affirmative. Negatives  
11 raise your hands again. Senator Galiber, you  
12 are still in the negative? I don't know.

13 THE SECRETARY: Ayes 50. Nays  
14 5. Senators Connor, DeFrancisco, Galiber,  
15 Leichter and Montgomery recorded in the  
16 negative.

17 ACTING PRESIDENT FARLEY: That  
18 bill is passed.

19 Senator Present?

20 SENATOR PRESENT: Mr. President.  
21 I understand that the substitute for Calendar  
22 285 is at the desk. May we have the  
23 substitution and call up that bill?

1                   ACTING PRESIDENT FARLEY:  Yes,  
2           there is, sir.

3                   Secretary will read 285.

4                   THE SECRETARY:  Calendar Number  
5           285.  Senator Larkin moves to discharge the  
6           Committee on Education from Assembly Bill Number  
7           3830 and substitute it for the identical  
8           Calendar Number 285.

9                   ACTING PRESIDENT FARLEY:  
10          Substitution is ordered.  You can read the last  
11          section.

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

14                  ACTING PRESIDENT FARLEY:  Call  
15          the roll.

16                  (The Secretary called the roll. )

17                  THE SECRETARY:  Ayes 55.

18                  ACTING PRESIDENT FARLEY:  The  
19          bill is passed.

20                  Continue the controversial.

21                  THE SECRETARY:  Calendar Number  
22          289, by Senator Cook, Senate Bill Number 3558,  
23          an act to amend the Public Health Law.

1 SENATOR ONORATO: Explanation.

2 ACTING PRESIDENT FARLEY:

3 Explanation. Senator Cook.

4 SENATOR COOK: Mr. President.

5 When the city of New York was authorized,  
6 originally, to build water supply reservoirs in  
7 the upstate area, they were given authority  
8 under the law to impose certain regulations to  
9 protect the purity of that water, which at the  
10 time was very important, very necessary.

11 Today, we have a sophisticated  
12 Department of Environmental Conservation, state  
13 Health Department. In fact, no place else in  
14 the entire state, except in the city watershed,  
15 does any city of this kind have power to go out  
16 and impose regulation upon the people who reside  
17 in the counties who may be part of their  
18 watershed.

19 This bill simply would put New  
20 York City on the same ground that every other  
21 city in the state is, to say that the regulation  
22 of their watershed would have to be under the  
23 same auspices of the state Health Department

1           rather than by the city of New York.

2                         We find this to be something that  
3           is much preferable, frankly, to having a city  
4           government over which we have no control and  
5           with whom we do not always have the best rapport  
6           sending inspectors out and imposing these  
7           regulations.

8                         We think the regulations ought to  
9           be the same in the New York City watershed as  
10          they are in the Buffalo watershed or the  
11          Rochester watershed or any place else in the  
12          state. Therefore, this bill takes from the city  
13          of New York the authority which was necessary at  
14          the time it was put in there, in 1905, and takes  
15          that away from them to unilaterally impose land  
16          use regulations upon us and, instead, says that  
17          the New York City watershed shall be regulated  
18          in the same manner as every other watershed.

19                         ACTING PRESIDENT FARLEY: Senator  
20          Stachowski.

21                         SENATOR STACHOWSKI: Mr.  
22          President. I'd just like to point out that last  
23          year on this bill, Senators Connor, Galiber,

1 Gold, Gonzalez, Halperin, Korman, Leichter,  
2 Markowitz, Masiello, Mendez, Montgomery,  
3 Ohrenstein, Onorato, Oppenheimer, Stavisky,  
4 Waldon, Weinstein, Goodhue, Goodman, Marchi,  
5 Mega, Padavan, Spano and Velella, voted in the  
6 negative.

7 ACTING PRESIDENT FARLEY: Read  
8 the last section.

9 SENATOR ONORATO: Slow roll call.

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

12 ACTING PRESIDENT FARLEY: Is  
13 there five? I guess there is. There's been a  
14 call for a slow roll call. Ring the bell.

15 THE SECRETARY: Senator Babbush  
16 excused. Senator Bruno.

17 (There was no response. )

18 Senator Connor.

19 SENATOR CONNOR: No.

20 THE SECRETARY: Senator Cook.

21 ACTING PRESIDENT FARLEY: Senator  
22 Cook, how do you vote?

23 SENATOR COOK: Yes.

1 THE SECRETARY: Senator Daly.  
2 (There was no response. )  
3 Senator DeFrancisco.  
4 SENATOR DeFRANCISCO: Yes.  
5 THE SECRETARY: Senator  
6 Dollinger.  
7 SENATOR DOLLINGER: No.  
8 THE SECRETARY: Senator Espada.  
9 (There was no response. )  
10 Senator Farley.  
11 SENATOR FARLEY: Aye.  
12 THE SECRETARY: Senator Galiber.  
13 SENATOR GALIBER: Yes.  
14 THE SECRETARY: Senator Gold.  
15 (There was no response. )  
16 Senator Gonzalez.  
17 ((There was no response. )  
18 Senator Goodman.  
19 (There was no response. )  
20 Senator Halperin.  
21 SENATOR HALPERIN: No.  
22 THE SECRETARY: Senator Hannon.  
23 SENATOR HANNON: To explain my

1 vote.

2 ACTING PRESIDENT FARLEY: Senator  
3 Hannon to explain his vote.

4 SENATOR HANNON: Mr. President.  
5 During the course of last fall, the Housing  
6 Committee had a long hearing in regard to water  
7 needs in New York City and the effect of changes  
8 in water fees, et cetera, on housing on that  
9 city. And, obviously, what's happening in the  
10 watershed areas for New York City is a great  
11 deal of concern to us.

12 On looking at this bill, however,  
13 one realizes that what we're trying to do is  
14 simply have reasonable rules apply to those  
15 watershed areas and not to negate things that  
16 the federal government would otherwise -- Mr.  
17 President, would you put my light back on?

18 ACTING PRESIDENT FARLEY: Your  
19 point is well taken, Senator Hannon. I would  
20 like to ask the house to show a little  
21 courtesy. We can't hear the Senator explaining  
22 his vote. Please take your conversations  
23 outside the chamber.

1 Senator Hannon.

2 SENATOR HANNON: This measure  
3 would simply allow reasonable measures to be  
4 imposed on those watershed areas, reasonable to  
5 the people living there and reasonable with  
6 regard to the environmental concerns that were  
7 needed.

8 For that reason, Mr. Speaker, I  
9 would support Senator Cook's bill.

10 ACTING PRESIDENT FARLEY: Senator  
11 Hannon is in the affirmative.

12 Continue the roll.

13 THE SECRETARY: Senator Hoffmann,  
14 excused. Senator Holland.

15 SENATOR HOLLAND: Yes.

16 THE SECRETARY: Senator Johnson.

17 SENATOR JOHNSON: Aye.

18 THE SECRETARY: Senator Jones.

19 SENATOR JONES: No.

20 THE SECRETARY: Senator Kuhl.

21 SENATOR KUHL: Aye.

22 THE SECRETARY: Senator Lack.

23 SENATOR LACK: Aye.

1 THE SECRETARY: Senator Larkin.  
2 SENATOR LARKIN: Aye.  
3 THE SECRETARY: Senator LaValle.  
4 SENATOR LAVALLE: Aye.  
5 THE SECRETARY: Senator Leichter.  
6 SENATOR LEICHTER: No.  
7 THE SECRETARY: Senator Levy.  
8 SENATOR LEVY: Aye.  
9 THE SECRETARY: Senator Libous.  
10 SENATOR LIBOUS: Aye.  
11 THE SECRETARY: Senator Maltese.  
12 SENATOR MALTESE: Aye.  
13 THE SECRETARY: Senator Marchi.  
14 SENATOR MARCHI: No.  
15 THE SECRETARY: Senator Marino.  
16 (Indicating "Aye." )  
17 THE SECRETARY: Aye. Senator  
18 Markowitz.  
19 SENATOR MARKOWITZ: No.  
20 THE SECRETARY: Senator  
21 Masiello.  
22 SENATOR MASIELLO: No.  
23 THE SECRETARY: Senator Mega.

1 SENATOR MEGA: No.  
2 THE SECRETARY: Senator Mendez.  
3 SENATOR MENDEZ: No.  
4 THE SECRETARY: Senator  
5 Montgomery.  
6 SENATOR MONTGOMERY: No.  
7 THE SECRETARY: Senator Nolan.  
8 SENATOR NOLAN: Yes.  
9 THE SECRETARY: Senator  
10 Nozzolio.  
11 SENATOR NOZZOLIO: Aye.  
12 THE SECRETARY: Senator  
13 Ohrenstein.  
14 (Indicating "Nay." )  
15 THE SECRETARY: No. Senator  
16 Onorato.  
17 SENATOR ONORATO: No.  
18 THE SECRETARY: Senator  
19 Oppenheimer.  
20 (There was no response. )  
21 Senator Padavan.  
22 SENATOR PADAVAN: No.  
23 THE SECRETARY: Senator Pataki.

1 SENATOR PATAKI: Yes.  
2 THE SECRETARY: Senator  
3 Paterson.  
4 SENATOR PATERSON: No.  
5 THE SECRETARY: Senator Present.  
6 SENATOR PRESENT: Aye.  
7 THE SECRETARY: Senator Saland.  
8 SENATOR SALAND: Aye.  
9 THE SECRETARY: Senator  
10 Santiago.  
11 (There was to response. )  
12 Senator Sears.  
13 (There was no response. )  
14 Senator Seward.  
15 SENATOR SEWARD: Yes.  
16 THE SECRETARY: Senator Sheffer.  
17 SENATOR SHEFFER: Yes.  
18 THE SECRETARY: Senator Skelos.  
19 SENATOR SKELOS: Yes.  
20 THE SECRETARY: Senator Smith.  
21 SENATOR SMITH: No.  
22 THE SECRETARY: Senator Solomon.  
23 SENATOR SOLOMON: No.

1 THE SECRETARY: Senator Spano.  
2 SENATOR SPANO: No.  
3 THE SECRETARY: Senator  
4 Stachowski.  
5 SENATOR STACHOWSKI: Yes.  
6 THE SECRETARY: Senator  
7 Stafford.  
8 SENATOR STAFFORD: Aye.  
9 THE SECRETARY: Senator  
10 Stavisky.  
11 (There was no response. )  
12 Senator Trunzo.  
13 SENATOR TRUNZO: Yes.  
14 THE SECRETARY: Senator Tully.  
15 SENATOR TULLY: Aye.  
16 THE SECRETARY: Senator Velella.  
17 SENATOR VELELLA: No.  
18 THE SECRETARY: Senator Volker.  
19 SENATOR VOLKER: Yes.  
20 THE SECRETARY: Senator Waldon.  
21 SENATOR WALDON: No.  
22 THE SECRETARY: Senator Wright.  
23 SENATOR WRIGHT: Aye.

1                   ACTING PRESIDENT FARLEY:  
2           Absentees.  
3                   THE SECRETARY: Senator Bruno.  
4                   SENATOR BRUNO: Yes.  
5                   THE SECRETARY: Senator Daly.  
6                   SENATOR DALY: Yes.  
7                   THE SECRETARY: Senator Espada.  
8                   (There was no response. )  
9                   Senator Gold.  
10                  (There was no response. )  
11                  Senator Gonzalez.  
12                  (There was no response. )  
13                  Senator Goodman.  
14                  (There was no response. )  
15                  Senator Oppenheimer.  
16                  (There was no response. )  
17                  Senator Santiago.  
18                  (There was no response. )  
19                  Senator Sears.  
20                  SENATOR SEARS: Yes.  
21                  THE SECRETARY: Senator  
22           Stavisky.  
23                  (There was no response. )

1                   ACTING PRESIDENT FARLEY:

2       Results.

3                   THE SECRETARY:   Ayes 32.   Nays

4       20.

5                   ACTING PRESIDENT FARLEY:   That

6       bill is passed.

7                   SENATOR LIBOUS:   Mr. President.

8                   ACTING PRESIDENT FARLEY:   Senator

9       Libous for a motion.

10                  SENATOR LIBOUS:   Mr. President.

11       I would like to put a sponsor star on Calendar

12       Number 317, Senate Print 2060.

13                  ACTING PRESIDENT FARLEY:   317 is

14       starred at the request of the sponsor.

15                  SENATOR SMITH:   Mr. President.

16                  ACTING PRESIDENT FARLEY:   Senator

17       Smith.

18                  SENATOR SMITH:   Mr. President.   I

19       request unanimous consent to be recorded in the

20       negative on Calendar Number 286.

21                  ACTING PRESIDENT FARLEY:   286,

22       you are in the negative without objection.

23                  Senator Velella.

1                   SENATOR VELELLA: Mr. President.

2           I request unanimous consent on Calendar 285 to  
3           be recorded in the negative. I was outside the  
4           chamber.

5                   ACTING PRESIDENT FARLEY: Senator  
6           Velella will be in the negative on 285.

7                   SENATOR VELELLA: And, Mr.  
8           President, on Calendar Number 255. On Friday, I  
9           was also out of the chamber. I would like the  
10          record to reflect that if I had been here I  
11          would have voted in the negative. That's Senate  
12          Bill 3487, Calendar 255.

13                   ACTING PRESIDENT FARLEY: The  
14          record will so reflect.

15                   Senator Tully.

16                   SENATOR TULLY: Yes, Mr.  
17          President. On page 10, would you place a  
18          sponsor star on Calendar 238?

19                   ACTING PRESIDENT FARLEY: 238 is  
20          starred at the request of the sponsor.

21                   ACTING PRESIDENT FARLEY: Senator  
22          Paterson.

23                   SENATOR PATERSON: Mr.

1 President. Totally unrelated to anything that  
2 Senator Smith did here today, with unanimous  
3 consent, I would like to be recorded in the  
4 negative on Calendar Number 286.

5 ACTING PRESIDENT FARLEY: 286,  
6 without objection. I think we can continue the  
7 calendar. We don't have any more. We have  
8 completed the calendar.

9 SENATOR PRESENT: Mr. President,  
10 you were very efficient today. There being no  
11 further business, I move we adjourn until  
12 tomorrow at 3:00 p.m.

13 ACTING PRESIDENT FARLEY: The  
14 Senate will stand adjourned until tomorrow at  
15 3:00 p.m.

16 (Whereupon, at 4:22 p.m., Senate  
17 adjourned. )  
18  
19  
20  
21  
22  
23