ALBANY, NEW YORK

April 1, 1993

7:53 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

Please rise with me for the Pledge of Allegiance to the flag.

(Whereupon, the Senate joined in the Pledge of Allegiance to the flag.)

Today, in the absence of visiting clergy, we will bow our heads for a moment of silence.

(Whereupon, there was a moment of silence.)

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Wednesday, March 31. The Senate met pursuant to adjournment. Senator Farley in the Chair upon designation of the Temporary President. The Journal of Tuesday, March 30, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the journal will stand approved as

read.

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I would like to offer up the following privileged resolution and ask it be read.

THE SECRETARY: Legislative resolution, by Senator Libous, recognizing the month of April 1993 as Alcoholism Awareness Month in the state of New York.

ACTING PRESIDENT FARLEY: Senator Libous.

SENATOR LIBOUS: Mr. President. I know the hour is late, and I won't take a long

time but I just -- I think this is important enough to make a couple of comments. As chairman of the Senate Committee on Alcoholism and Drug Abuse, I just want to point out that April is Alcoholism Awareness Month, and I think it is something that all of my colleagues in this chamber should be very much aware of.

Just to cite a couple of examples and some statistics, about 1.4 million New York citizens suffer directly from the effects of alcoholism.

And I just want to share a couple of other points with you that I think are very important: That 50 percent of all homicides and forcible rapes in New York State, 70 percent of all robberies, 65 percent of all child abuse cases, and 70 percent of all series assaults have alcohol that are dealing with those types of assaults that affect American citizens and particularly the citizens of New York State.

Alcoholism is a severe problem that we do have. By making April Alcoholism Awareness Month, I hope that all of my

colleagues in this chamber will go forth and at least keeping in their mind the fact that alcoholism is something that we need to continue to fight, something that we need to continue to look at, whether it deals with alcohol and driving, drunken driving, or these statistics that I shared with you.

The other point that I want to make before closing is that a recent survey of high school students in grades 7 through 12 is telling us that 11 percent call themselves hooked on alcohol. Mr. President, I find that and those statistics to be somewhat alarming, and I ask for adoption of this resolution.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yes, Mr. President. Will the Senator be kind enough to open it up for co-sponsorship? I know there are people who are interested.

SENATOR LIBOUS: Absolutely. I would open that up for all my colleagues for

co-sponsorship.

ACTING PRESIDENT FARLEY: Please approach the desk or let them know that you would like to co-sponsor this alcoholism resolution.

SENATOR LIBOUS: Could we include all members unless someone does not wish to be co-sponsor.

ACTING PRESIDENT FARLEY: That's strictly up to the Acting Majority Leader.

SENATOR PRESENT: Certainly.

ACTING PRESIDENT FARLEY: Without objection, Senator Ohrenstein, do you want all members on it?

SENATOR OHRENSTEIN: No. Just those who wish to.

ACTING PRESIDENT FARLEY: Just those. Senator Present, do you want all the Republican members on it?

SENATOR PRESENT: All those who want -- or deny that they don't want.

ACTING PRESIDENT FARLEY: All Republicans are going to be on it. Democrats

approach the -- let the desk know if you wish to be a sponsor.

On the resolution. All in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President. Can you star my bill, S. 48 -

ACTING PRESIDENT FARLEY: Hold on. I can't even hear you.

SENATOR HOLLAND: Mr. President. Can you star my bill, S. 48, Calendar 381, please.

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

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On page 17, I offer the following amendments to Calendar Number 273, Senate Print 2452, and ask that said bill retain its place on

the Third Reading Calendar.

ACTING PRESIDENT FARLEY: The amendments are received. The bill will retain its place.

SENATOR KUHL: Thank you.

ACTING PRESIDENT FARLEY: Senator Johnson.

SENATOR JOHNSON: Mr. President. On page 17, I would like to place a sponsor star on Calendar Number 260, Print Number 3140.

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

Are there any other motions on the floor?

Senator Present, we go to you.

SENATOR PRESENT: Mr. President, let's take up the non-controversial calendar.

ACTING PRESIDENT FARLEY: Non controversial calendar. Secretary will read it.

THE SECRETARY: On page 12, Calendar Number 63, by Senator Levy, Senate Bill Number 191, an act to amend the Vehicle

and Traffic Law.

SENATOR OHRENSTEIN: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 146, by Senator Padavan, Senate Bill Number 2135A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52, nays one, Senator Holland recorded in the negative.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 277, by Senator Levy.

SENATOR OHRENSTEIN: Lay it

aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 359, by the Senate Committee on Rules, Senate Bill Number 3986, an act to amend Chapter 905 of the Laws of 1986, amending the General Municipal Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 396, by Senator Lack, Senate Bill Number 4064, an act to amend the Tax Law and Chapter 713 of the Laws of 1992 amending the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Could you, Mr. President, please remove that star from S.48, Calendar 381, until it is on third reading.

ACTING PRESIDENT FARLEY: The star is removed from the bill.

Senator Present, that concludes the non-controversial.

SENATOR PRESENT: Mr. President. Let's take up the controversial calendar.

ACTING PRESIDENT FARLEY: Controversial. The Secretary will read it.

THE SECRETARY: On page 12, Calendar Number 63, by Senator Levy, Senate Bill Number 191.

SENATOR LEVY: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 277, by Senator Levy.

SENATOR LEVY: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 359, by the Senate Committee on Rules, Senate Bill Number 3986, an act to amend Chapter 905 of the Laws of 1986, amending the General Municipal Law.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for.

SENATOR LARKIN: The purpose of this bill is to extend the specific facilities portion of the IDA bill for the next 3 months. There are many projects that are under way, more specifically in New York City and some of our larger cities across the state. Failure to enact this for the next three months until we do something with the IDAs will cause those projects to go down the tubes.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Will Senator Larkin yield, please?

ACTING PRESIDENT FARLEY: Senator Larkin, will you yield to Senator Leichter?

SENATOR LARKIN: Yes. I'm not mean-spirited, by the way.

SENATOR LEICHTER: Well, Senator, I know you're not, and while some of your bills maybe don't express the best of benefit to the people of the state of New York, I would never accuse you personally of being mean-spirited. I know you're not.

But I am concerned about the bill, and I wonder if you will yield?

Senator, you mentioned that there are a number of projects of a specific nature which are being financed through the IDA mechanism. As you know, the IDA mechanism provides for the abatement or elimination of sales taxes. That has a definite consequence not only for the locality but also for the state of New York.

Can you tell us what projects, what the dollar value of these projects are, so that we can make some estimate of what the loss

of revenue would be for the state?

SENATOR LARKIN: No, I can't give you the exact number, Franz, but I can just tell you this much here, that one of the problems with this whole IDA was the agreements between both houses. And the other house was supposed to take it up today or probably tomorrow. But the projects that are -- some of them are in being and negotiated and would be in jeopardy if this wasn't extended for the 90 days.

This will be part of the overall IDA reform bill that, hopefully, we will do before we leave here this session, and the purpose of this was to not disrupt those that are in progress right now.

SENATOR LEICHTER: Mr. President. Would Senator Larkin yield for another question?

ACTING PRESIDENT FARLEY: Senator Larkin?

SENATOR LARKIN: Yes. M-m h-m-m.

SENATOR LEICHTER: Could you just tell us one of the projects?

SENATOR LARKIN: I don't have the list right here with me.

SENATOR LEICHTER: You cannot tell us just one?

SENATOR LARKIN: I just answered you that.

SENATOR LEICHTER: Well, you know, I -- Mr. President. I guess I'm a bit concerned because we're told that there are all of these important projects that may go down the drain, and then Senator Larkin can't tell us what these projects are.

Just on the bill, I would certainly feel more comfortable if I could have some idea of what we're talking about and if we could make some assessment of what the cost is to the state. IDA is a terribly expensive program. It's probably a program -- I won't say probably. It is a program that is badly flawed. I don't know whether it makes sense to extend it to governmental projects, civic projects, particularly when we don't even know what these projects are.

ACTING PRESIDENT FARLEY: Read the last section.

Senator DeFrancisco. Did you want to speak to the bill or explain your vote?

SENATOR DeFRANCISCO: I could speak to the bill.

Since she's not here, I thought maybe I would express this for her. I'm familiar with a project that's going on in Larraine Hoffmann's district. It's in the university section. It's called "The Forum," and it's a physicians' building, a substantial structure that's going to be built in Syracuse. They are negotiating the thing right now. I have had calls, and I know Larraine's had calls, that if this isn't extended that project is dead. And it's a very significant project in the university area. And that's why I'm very interested in this bill.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that concludes the calendar.

(Whereupon, there was a pause in the proceedings.)

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, I believe that Senator Galiber has something and if you will bear with him for a minute.

SENATOR GALIBER: Thank you very kindly.

This is a motion to discharge, and I appreciate the leadership here allowing me this opportunity to deal with it.

This motion to discharge touches concerns that are very interesting.

Yes?

ACTING PRESIDENT FARLEY: Might he read -- he would like to read this motion to discharge.

Which one is it, Senator?

SENATOR GALIBER: I'm sorry. I think it's 1668.

ACTING PRESIDENT FARLEY: Do you have that?

THE SECRETARY: Yes.

ACTING PRESIDENT FARLEY: We have that.

SENATOR GALIBER: There's two there, but in the interest of time, very frankly, I could allude to the -

ACTING PRESIDENT FARLEY: Take them both together?

SENATOR GALIBER: -- second one to save some time.

ACTING PRESIDENT FARLEY: Thank you.

THE SECRETARY: By Senator Galiber, Senate Bill Number 1667A, an act providing for the abolition of the New York City

Central Board of Education and transferring the functions, powers and duties heretofore exercised to borough boards of education as herein established.

Also, Senate Bill Number 1668, by Senator Galiber, an act in relation to excising the public schools in Bronx from the New York City School District and establishing a Bronx Borough Board of Education and providing for the repeal of such provisions upon expiration thereof.

ACTING PRESIDENT FARLEY: Senator Galiber, on the motion.

SENATOR GALIBER: Yes, Mr. President. I will incorporate both of them. The principal one that I'm concerned with is the one which, in effect, abolishes 110 Livingston Street.

ACTING PRESIDENT FARLEY: If you will, there is an awful lot of conversation going on in the chamber, and it's very difficult for the stenographer and for the members to hear Senator Galiber.

Senator, please continue.

SENATOR GALIBER: This 110 Livingston Street expends some $140 million each year. None of that money goes directly and in my best judgment indirectly to the education of our youngsters.

Education is key to our future, it's key to our present, and it has been key to where we are today. We have lost an entire generation of youngsters. We are not educating our youngsters in the state of New York; to a larger degree not in our urban centers where the future of the state and the future of the nation hinges.

In the city of New York, we have some 32 school decentralization districts. Senator Marchi and I were here in the 1970s when school decentralization became the order of the day rising out of a political situation which occurred in Brooklyn, and the bill that we had ultimately was a political decision that was made by a body of persons with a great deal of influence with the UFT. Keep in mind,

colleagues, a political decision.

I had the privilege to work with Senator Marchi and Congressman now, Charles Rangel; David Paterson's dad, Basil; and we worked desperately on this piece of legislation, and at the end when we put it altogether, it was so horrible that Basil Paterson and myself voted against that bill because it did absolutely nothing to educate the youngsters of our city.

That time, history has shown that that no vote was a tremendous vote. Like an old wine the no vote was a good vintage meaning it grew with time.

As the result of dissatisfaction and criticism and concern about the education of our youngsters, we tried for years to put Band-Aids on it. Last year, the year before last? Time goes by so fast. Senator, was it three years ago or four years ago? We created the so-called Marchi Commission -- not so called. Called Marchi Commission. And rightly so. Because no one has been more committed to education in the state of New York than Senator

Marchi has been.

What grew out of that school governance committee -- the commissioners that served on that commission, dedicated women and men. I have been honored and privileged to serve on a number of temporary commissions, task forces, interested commissions, but never in the history of my political life as a Senator have I been privileged to serve with such great men and women committed to the cause of education.

Unfortunately, as we went through the process and we heard from all aspects of our educational system, we understood that it was almost a given, very frankly, that school-based management was a good concept. School-based management. We do not want to get in a quagmire, if you will -- bogged down, if you will, on whether the Dade County experiment worked, whether school-based management was better in Chicago or Rochester or through some other demonstration programs.

But the sign posts were all there through the the entire hearing that we were not

educating our youngsters, and we had to make our school districts and school decisions closer to the neighborhoods, closer to the community. Almost to a commissioner, everyone agreed that's what had to happen, that we had to give to principals a larger responsibility of decision making. We had to commingle with the principals, the teachers and the parents, who were concerned about educating their youngsters. Everyone agreed.

The difficulty, of course, was after we heard all this excellent testimony and came to that basic conclusion, there was an in consistency between the findings and the conclusion. The conclusion was that we would retain 110 Livingston Street. That was inconsistent with all the testimony. Because we realized that 110 Livingston had outgrown its usefulness, if it ever had any usefulness, and we had to cut away and do away with that bureaucracy.

I wrote a minority report. And, my good colleagues, listen very carefully. Some

of you might have missed it because they stuck the minority report in the middle of the report. And as reports go, most of the time we don't read them. But the report was a very simple one. It wasn't originated with Joe Galiber. It was originated, early on, in the '70s where those persons who had the foresight to understand that smaller, in this instance, was better for our youngsters if we really and truly wanted to educate them.

And the minority report was a simple one. It said that we want to take away 110 Livingston Street and give to each borough and to each borough president the responsibility for educating our youngsters. Not very complicated. We would have a simple board. We would have a board with one superintendent. We would have the presidents of the board -- all boards in that borough on it. The mayor of the city of New York would have one designated person -- ran a little contrary to the spirit of what happened this year. The borough president would have one, and then the City Council would

be responsible for another person.

Within that frame, we would have a superintendent who ultimately would have the responsibility of hiring, in this bill. And we all know of all the horror stories that we have heard throughout the decentralization period of time, where clubs, political clubs, faded away; the school districts and the school boards and the decentralization boards became the patronage dispensers in our community. Horrible things happened, focusing on who gets hired, who doesn't get hired, what the structure was, but never focusing on the youngsters in our school district.

Now, the Governor this year started out with a notion. So I can give the flavor of what we are dealing with in our city -- and we focus on what happens in our city because you've got to understand the population that we're dealing with -- one-third of all the students are in the city of New York.

Let me take a negative and why we from time to time argue with you that we have to

take the concerns and the societal problems of a particular area in order to look to the future to solve some of these problems. From a negative standpoint, 75 percent of our prison population comes from the city of New York; 18 Assembly districts, if you will, account for that 75 percent. Most of our dilapidated housing centers are in the city of New York. Job opportunities aren't there.

And some would say, Senator, what has that to do with education? It has everything to do with education. We spend our time and our effort educating, and we spend less time later on and less money later on dealing with the population.

Back, Senator, to what the Governor said in his State of the State Message. The Governor said, "Look, we've got over 600 different formulas of education throughout our state. What we'll have to do is to change these formulas."

And this bill and education is timely, because I think perhaps one of the

reasons why we are here tonight is because we haven't got the educational formula together. Every year, it's the same problem, so many formulas, in order to satisfy so many constituencies, never with a singular view of educating our youngsters.

The Governor said, Let's do a regional notion. "Let's cut it down to 15 regions possibly." Whether we cut it down to 15 or no, the fact of the matter is how are we going about the business of educating our youngsters.

This is one single issue that there should be no difference on. We may differ procedurally. Because, historically, motions to discharge are procedural, someone said the other night. Not in my best judgment. It may be a procedure to get to the substantive matter which is concerning ourselves with education. So I don't think we should just slough off this time, if you will, and say, "This is a Democrat who has the only vehicle through which to get a bill moved." It's not the bill. It's the substance

that I'm referring to. Whether the bill comes from your side or my side is irrelevant.

The fact of the matter is we need this bill more so now for all the reasons that I have mentioned. And I say over and over again, we certainly are not educating our youngsters and they are the future, when 80 percent of the urban centers are the work forces of tomorrow.

And we're saying, "But, Senator, this is a motion to discharge. It is a procedural matter." Therefore, historically, we have said, "Party vote in the negative," and on rare occasions when I have some of my colleagues who go to war with me -- no, skirmishes, because war has a permanency attached to it - skirmishes with me, saying, "Senator, we're not going to vote with you;" therefore, there are some exceptions.

The fact of the matter is that this piece of legislation is not authored by Joe Galiber. It is just brought to the top by Joe Galiber at an opportune time when we recognize that we weren't doing collectively and that we

have to move toward doing something positive now, not tomorrow. The fact of the matter is that this piece of legislation is needed so badly.

There are a few reports out. You should read them, because they are saying simply that: School-based management, decisions closer to communities, involvement with the parents, involvement with the communities, advisory boards or counseling boards, taking away the proper power, adding on where it's needed.

And some have suggested if we do with 110 Livingston street at all -- and I go along with it, very frankly -- is that perhaps we should leave them in a position where, for example, if you buy pencils for five school districts, then you are going to get the rate - the pencils cheaper in five boroughs - somewhere in that capacity, and that's all, not the dumping ground for those who have failed our youngsters and are rewarded by placing them in an institution where they do nothing but sit behind a desk, not to be an arrogant institution

which says, "Our children be damned; our membership in a union is more important."

And, very frankly, colleagues, the reason why the first decentralization bill did not pass with any teeth and strength in it, if you will, was the fact that the UFT intervened, and they felt threatened by this.

And there are those of us who are born with union concepts, support unions from time to time, dislike the notion that we have to choose up sides between the union membership or our youngsters. Should not have to be that. But there has to be a give and take. And if the union is not willing to cooperate with us then, collectively, we should go through the process of taking or destroying or cutting away, and that's what we have to do.

The commissioners that serve with me, honorable men, and not the honorable men that Shakespeare talked about when Antony did a number at that particular point in time, but honorable men and women with good intent but the inability to focus on and continually to focus

on what is really needed.

The UFT again came into play, and they were so strong and so powerful that they were able to convince some of my colleagues that this was -- and some of my colleagues, in all candor and honestly, not lacking in honesty or integrity but felt perhaps this was the best way. My subjective view. They put a contract in. It's like strong lobbying.

And we all understand lobbying, but there comes a time -- just like they did in Jersey with the rifle association -- there comes a time when the people speak out, and this is the time, the people in the state of New York, whatever your area may be, wherever you may live, wherever you may educate your youngsters in a better setting, perhaps, than the city of New York. It makes it a lot easier.

Your superintendents, as we write, make monies out in Nassau or Suffolk far exceeding any other place. But that's irrelevant to me. That's irrelevant to me. I write on it. My colleagues and I have joined in

some reports pointing this out, but for this singular purpose, it doesn't matter. If you want to could do away with the save harmless throughout the state, change the formula -- we would like in the city of New York to give us a different formula. We are educating youngsters at a low rate. You know it. You know it.

But no, we can't change those formulas. What you can do -- what you can do, keep your high paid superintendents in your districts, keep your educational process that you have if it's good, but give us in the city of New York -- and it's only the city of New York -- an opportunity to educate the bulk of our future in this state, the youngsters who are not educated. Let's put them to work. Let's keep them out of jail. Let's let them be part of the growth of New York State and this great country of ours.

So, Mr. President, I ask in a simple substantive motion, not a procedural motion, to allow this bill to come out of committee so that we can debate it. Because,

secretly, if I were to take a poll, there is not one person within the sound of my voice would vote against this notion of educating our youngsters in the state of New York.

I so move, Mr. President.

ACTING PRESIDENT FARLEY: Senator Galiber -- okay.

Senator Padavan, and then Senator Marchi. There are several who want to speak to it.

SENATOR PADAVAN: Senator Galiber, I first want to say very forthrightly that I agree with virtually if not everything you said and agree with both the spirit and the direction of your proposal.

And as you have been talking and as I have been trying to listen, I also requested, through your counsel, copies. And I presume your presentation and your point of view expressed both 1668 and 1667A. So I would like to comment on both those proposals.

Your observations relevant to the efficacy of borough boards I think has garnered

the attention of many people in the city of New York. I, for one, have been working with some responsible educational leaders, Carol Gresser as an example, whose a member of the Central Board from Queens, members of the Association of Administrators, School Board Superintendents and Principals, as well as others in trying to develop an outline of how the best approach to achieving your objectives could be brought about.

One of several areas that kind of become, if not stumbling blocks, areas that seem to require more study or, if not study, solutions, are ones that I would like to ask you about and see if you have given them any thought, and I'm going to ask them in total so you can respond. I don't want it to be a Q and A. I would just like to raise some of these concerns or issues or points of view with you and see what you think about them.

One of the issues raised was relevant to certain centralized functions that the board of education provides today that can

best be categorized as capital assets: School buildings, modernization, renovation, the School Building Construction Authority which, while independent, has oversight and a direct connection to the board of education currently, the citywide or centralized purchasing that takes place currently by the board of education for things such as supplies, books, computers, a myriad of items that are purchased by centralized purchasing agents presumably to get the best possible price that are then distributed around the city. How do we break that up? That was the question. That is the question.

I'm going to try and put them together, Senator, then you can respond as you see fit.

Another question that was raised is collective bargaining. Within the Board of Education, we have either the obvious entity the UFT that represents all of the teachers, groups that represent the administrators, other unions that represent clerical employees, custodial

employees. I'm not sure how many different unions there are who participate in a collective bargaining process with the city of New York and with the board of education. How do we break that up?

Your bill does address the issue of an orderly transference of individuals in terms of the their Civil Service status from the borough board to the central board. So you have taken care of that part.

But what I don't see and maybe I just didn't pick it up quickly is the collective bargaining aspect of how these people are hired in the first place through the Department of Personnel, the hiring process, the successor that now exists to the old Board of Examiners, which does centralized hiring and screening of various categories within the Board of Education. How do we break that up in an efficient productive way?

Now, you have structured your borough boards along the following lines -- if I read it, as I say I read it quickly -- each

superintendent and three other members; one from the mayor, one from the borough president and one from the council members-at-large as a delegation. That seems like a reasonable approach. It would vary in number, of course, from borough to borough. Staten Island would have a smaller one reflective of its configuration.

There is some question, however, that was raised about whether or not it may be desirable, since we elect community school boards, as to whether or not we should also elect borough boards. Now, that has problems and I can understand them. Politicizing the borough board in that fashion could present problems, but we do elect community school boards. And then the superintendent, who is not elected but appointed, and the superintendents as a group would obviously be the dominant category on your proposed borough board. Could be good, could be bad. I'm not quite sure. But it is certainly something that is being raised as an area of further analysis.

So, Senator, what I would like you to do, if you would, is if you would respond to these concerns that have been raised to me in deliberations that I have had.

And before I sit down, let me again repeat. I thank you for bringing this issue to the surface in the fashion you have done so. We would have been disposed to do so, as well, except all the questions that I've raised and others that I've probably forgotten had not yet been resolved. I think if there is any problem with your motion, it is that. Not with your concept, not with your idea, and not with the basic thrust of it.

If there is a problem, it's that some of these questions are still unanswered, either in terms of the minds of the people whose expertise we rely upon or directly in your bill.

Sp, Senator, if you would give us the benefit of your thoughts on some of these issues, I would appreciate it.

ACTING PRESIDENT FARLEY: Senator Galiber, did you want to respond?

SENATOR GALIBER: First off, I wanted to thank Senator Paterson for promising me that he will follow in the footsteps of his dad and support this motion to discharge, and I'm in appreciation for that.

Senator Padavan, on the questions that you asked, certainly they are excellent ones, and they are things that were built into this piece of legislation. If it is not all spelled out, the spirit of what you are talking about certainly is there.

And I know as well as you do. First off, I alluded to it -- only I used erasers, if you will, as an example -- that 110 Livingston Street certainly can deal with the capital issues that you mentioned a lot better, if you will, than the separate boards. Makes good sense that we follow that pattern.

We voted on the school construction bill some two or three years ago. Time is running out on some of us, passing by for others, but the fact of the matter is we recognized that we needed an authority, and we

needed it badly. Because with the local government and the process we went through in order to build a school, it took some ten years or so. So they have done a fairly good job, the school construction. So I agree with you as far as that aspect of it. That's an easy part of the piece of legislation that I have introduced.

As far as the collective bargaining, I again alluded to it, that most of us are concerned about the constituents in our schools and we want to take care of that portion of it. Collective bargaining in my best judgment, Senator, can be done. We can ask everybody to make a bit of sacrifice. No, not really sacrifice. It should be deemed or looked upon as a change for a better purpose. Five boroughs, there is not much to ask unions to negotiate with if structured right. So I feel that we can do that and accomplish that end with merely a notion of collective bargaining with the five boroughs.

Because what we strive for,

again, when we went through the school governance portion of the Marchi Commission that I was privileged, as I said before, to serve on, that there were those who hoped that we would get to the point where we would almost have a different form of governance that we viewed outside of the city of New York as a possibility. We pay a price for our collectiveness in the city of New York. We pay a price for the closeness and the contiguous portion, almost contiguous portion of the five boroughs.

That's why some of us don't want you to leave, Queens. Some of us don't want you to leave, Staten Island. Because there is a uniqueness about it, and we have the ability to make that uniqueness very powerful and strong in terms of movement to educate our youngsters.

So we could ask those who are in the union. Come back from the suburbia where you live. In fact, the bill calls for a residency requirement in the bill. It might be a klinker to some. But again, the decisions,

the commitment, the closeness, all those things that came out.

So, Senator, I don't think it's too much of a problem to ask the union to bend a little bit.

Point two, if they are sincere, and most of them are, 99 percent. They just have a different discipline. They're concerned about their constituents, which is the membership, but they also should be concerned - whether they live in New York or no, they should be concerned about the education of their youngsters. Given that, I can see them coming in and doing a little bit of collective bargaining.

The funding portion of it, that wasn't mentioned. The funding would come from the state and the City and then from the federal government into the City, and those monies would be equally disbursed based upon a formula through the the five boroughs.

The elected boards, you alluded to that. We still are kind of mixed about

that. I don't know whether we should be electing the boards, but if we did, I would have no serious objection to it, very frankly. And if you are looking for it in the bill, Senator, it's not covered in that bill, very candidly. It's not covered. But it's a notion that we have to consider.

Chicago experience. They had a demonstration program in Chicago where they have the school-based management formula. And what they did, they took this notion to the people, took this motion to the people. Maybe a referendum. We have the power. If we haven't the strength or the commitment here, maybe the people. As they did in Chicago, they voted for it. And interestingly, Senator, there was about a 35 percent turnout in that election. And you know the horrible statistics that we have now on school board elections on turnouts? Very, very small. But they were so concerned, as we should be concerned, about the education of the youngsters that the parents of the youngsters, the people in the community, those who had gone

through experience in life, the old folks, and those who were interested in the future, came out and participated.

So if we elect the board, the thrust of having one superintendent was to get away from the notion of all the administrative -- I almost think, very frankly, that someone wisely put that notion of school boards not being elected. Because that sounds democratic and it's good. But the notion of allowing them -- they delegated what administrative charts call nondelegable responsibilities. They gave to the board the power to hire principals and hire all down the line, which I don't think they should have.

But if it came to that, Senator, I have no problem, because I think it's easily resolved, whether we have an election for borough boards or whether we have -- I just want the present system not to be in place, whatever we ultimately decide. So that's still open.

I think the people certainly have to have a vote. And I think if structured

properly, they will come out and participate whether we do it -- as we argued, do it in a general election or whether we should do it on the side. The notion of a proportionate representation would go out the window in my best judgment.

We adopted that -- those of us who have been around long enough. John Marchi, you recall. There was a nice gentleman who came through some time ago with a theory of proportionate representation. Nice guy. We all fell in love with him. But, also, we all got suckered in, and we got suckered into a system of proportionate representation which is horrible. We just got suckered in, being nice persons.

Those were the good days, when we were nice, gentle, kind and loving to people but we got sucked in for the wrong purpose.

So, Senator, I think your points are well taken. I think there is definitely a role for 110 Livingston Street. I don't like what they have been doing up to present. I want

to vitiate most of what they have been doing because they have been doing it horrible. But there is a role for them. And within the frame of the questions that you asked, I just used erasers in one instance. I agree with you the School Construction Authority has been helpful. And I think that, notwithstanding that, we can still move and put this out on the floor.

And we know the process. It's a business of amending and dealing with and I was encouraged, very frankly, because when I floated this bill some year or two ago, I was the lone person on this piece of legislation, lone person. I had a good friend of mine from your county who left us too soon, Altman, Irwan Altman, who served as a commissioner, a tough administrator, good person, committed to educating our youngsters. And before the Man Upstairs decided to take him from us, too soon, of course, he was beginning to say, "Joe, we should maybe take another look at what we were doing."

The superintendents of -- there

is an association for the superintendents. I don't have the name for them. They are now advocating us. Singer is the president. We have a borough president in Manhattan, a bit ambitious, wants to run. She's come up with a similar plan that I have here or that we have. Because we collectively believe in what this bill represents. We just don't want to bring it out so we'd have an opportunity to pass it. Because if it comes out, we will pass it.

So, Senator, your questions are well taken. I think we have covered most of them. The elections -- certainly we want people to participate. We don't want to appoint people, then we get too deeply involved in politics.

So I think that notwithstanding, we have the opportunity to change the formulas a bit, if needed, share the responsibility, but give to the -- give to these boards what we did not give in the first decentralization bill. You don't have the power if you don't have control over your purse strings. You just don't

have it, and we didn't give it to our school boards.

Someone said, Senator, maybe it's good, as history has recorded, good thing we didn't do it. I don't believe that. It's just that they had to go hat in hand to 110 Livingston, "Please, may I have a little money for this program; change the formula for the other program." We need to vitiate all that, Senator.

ACTING PRESIDENT FARLEY: On the motion. We will take the first motion. We'll vote on them separately.

SENATOR GALIBER: The only one thing I wanted to add was that I would hope that you would certainly move to discharge the bill, the main piece of legislation. If you feel that you still want to be quagmired with an antiquated system which is doing horror for our youngsters, then I ask you please, as we do from time to time, something for my own districts. And everybody should respond to that, something for my own district. Discharge the

demonstration bill that calls on separating Bronx County from all of what I have said, and let's demonstrate with what's in my backyard and my county which certainly touches the concerns of the youngsters who are attempting to be educated in my county.

And the bill covers, if you will, also -- Senator, the high schools would be involved. They would not be separate as they are now.

So there is two motions. If the first one succeeds, and I hope so for the benefit of all my colleagues in the city of New York, and if that fails, please do the other one. It's in my backyard.

ACTING PRESIDENT FARLEY: On the motion for the bill 1668. All in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

The motion -

(Laughter.)

I don't think -

(Laughter.)

SENATOR GALIBER: Mr. President, I don't hear one nay. I mean I need this cooperation from you also -

(Laughter.)

Unless silence is consent as my colleague has indicated.

ACTING PRESIDENT FARLEY: Gee. The motion is not accepted. Senator Marchi is very loud.

SENATOR MARCHI: I'm not going to speak on the bill, but I will explain my vote.

Senator, when there is a bill, a real bill, I trust and hope you will be on it because we have discussed that.

ACTING PRESIDENT FARLEY: On 1667A. All in favor of the motion, say aye.

(A loud response of "Aye.")

(Laughter.)

All opposed.

(A loud response of "Nay.")

(Laughter.)

The motion is not accepted.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I would like to announce that there will be a Majority Conference tomorrow at 1:00 p.m. in the usual conference room; that we adjourn this session until 1:00 p.m. Saturday, April 3, intervening days being legislative days.

ACTING PRESIDENT FARLEY: Tomorrow, there will be a Majority Conference in 332 at 1:00 p.m., intervening legislative day, but there will be a session day on Saturday 1:00 p.m.

Senator Ohrenstein, you have an announcement.

SENATOR OHRENSTEIN: There will be a Democratic Conference at 1:00 p.m. on Saturday.

ACTING PRESIDENT FARLEY: There will be a Democratic Conference at 1:00 p.m. on Saturday.

SENATOR OHRENSTEIN: 1:15? You got it.

ACTING PRESIDENT FARLEY: 1:15 on Saturday.

The Senate stands adjourned.

(Whereupon, at 8:47 p.m., the Senate adjourned.)