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ALBANY, NEW YORK

April 26, 1995

10:01 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary An a Senator

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

2 ACTING PRESIDENT KUHL: The
3 Senate will come to order. Ask the members to
4 find their places. Ask everybody in the chamber
5 to rise and join with me in saying the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT KUHL: Senator
10 Bruno.

11 SENATOR BRUNO: Mr. President,
12 it's 10:02 by our clock. It's 9:02 Oklahoma
13 time, and I would like to ask, Mr. President,
14 you and those in this chamber in deference to
15 what happened exactly one week ago today in
16 Oklahoma that we join in the call of Governor
17 Keating of Oklahoma that we observe a moment of
18 silence and prayer and in tribute to the victims
19 and the families of the Oklahoma tragedy.

20 (A moment of silence was
21 observed.)

22 ACTING PRESIDENT KUHL: Reading
23 of the Journal.

1 THE SECRETARY: In Senate,
2 Tuesday, April 25th. The Senate met pursuant to
3 adjournment, prayer by the Reverend Peter G.
4 Young. The Journal of Monday, April 24th, was
5 read and approved. On motion, Senate
6 adjourned.

7 ACTING PRESIDENT KUHL: Hearing
8 no objection, the Journal stands approved as
9 read.

10 Presentation of petitions.
11 Messages from the Assembly.
12 Messages from the Governor.
13 Reports of standing committees.
14 Reports of select committees.
15 Communications and reports from
16 state officers.
17 Motions and resolutions.
18 Senator Present.

19 SENATOR PRESENT: Mr. President,
20 on behalf of Senator Levy, on page 24, I offer
21 the following amendments to Calendar 225, Senate
22 Print 975, and ask that it retain its place on
23 the Third Reading Calendar.

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ACTING PRESIDENT KUHL:

Amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator DiCarlo, please place a sponsor's star on Calendar Number 195, 447 and 449.

ACTING PRESIDENT KUHL: Calendar 195, Calendar 447 and what was it?

SENATOR PRESENT: 449.

ACTING PRESIDENT KUHL: 449 are starred at the request of the sponsor.

SENATOR PRESENT: Mr. President, on behalf of Senator Libous, please remove the sponsor's star on 417.

ACTING PRESIDENT KUHL: Sponsor's star is removed on Calendar Number 417.

Senator Saland.

SENATOR SALAND: Mr. President, I'd like to place a sponsor's star on Calendar Number 441, Senate Bill Number 3623, on page 36.

1 ACTING PRESIDENT KUHL: Calendar
2 Number 441 starred at the request of the
3 sponsor.

4 Senator Bruno, we have a couple
5 of substitutions at the desk. We'd like to take
6 care of those at this time.

7 SENATOR BRUNO: Yes, can we do
8 those now, Mr. President.

9 ACTING PRESIDENT KUHL: Secretary
10 will read.

11 THE SECRETARY: Senator Seward
12 moves to discharge from the Committee on
13 Consumer Protection Senate Bill 1540 and
14 substitute it for the identical Calendar 498.

15 Senator Sears moves to discharge
16 from the Committee on Consumer Protection
17 Assembly Bill Number 27 -- 2471-A and substitute
18 it for the identical Calendar Number 499.

19 Senator Cook moves to discharge
20 from the Committee on Education Assembly Bill
21 Number 6355 and substitute it for the identical
22 Calendar Number 514.

23 Senator Skelos moves to discharge

1 from the Committee on Transportation Assembly
2 Bill Number 1823 and substitute it for the
3 identical Calendar Number 576.

4 Senator Maltese moves to
5 discharge from the Committee on Transportation
6 Assembly Bill Number 290 and substitute it for
7 the identical Calendar Number 580.

8 ACTING PRESIDENT KUHL:
9 Substitutions are ordered.

10 Senator Bruno, that brings us to
11 the calendar.

12 SENATOR BRUNO: Mr. President, I
13 believe there are two resolutions at the desk by
14 Senator Marcellino and Senator Hoblock. I would
15 ask that we have the titles read and that we
16 move for their adoption.

17 ACTING PRESIDENT KUHL: Secretary
18 will read the titles of two privileged
19 resolutions.

20 THE SECRETARY: Legislative
21 Resolution, by Senator Hoblock, legislative
22 resolution honoring Paul G. Costin, upon the
23 occasion of his retirement after 22 years of

1 dedicated service to the New York State Senate
2 Office of Communications.

3 ACTING PRESIDENT KUHL: Question
4 is on the resolution. All those in favor
5 signify by saying aye.

6 (Response of "Aye.")

7 Opposed nay.

8 (There was no response.)

9 The resolution is adopted.

10 Secretary will continue to call or read the
11 resolution.

12 THE SECRETARY: Legislative
13 Resolution, by Senator Marcellino, legislative
14 resolution honoring the Long Island Area Chapter
15 of Murdered Children, Incorporated, in
16 recognition of New York State Crime Victims
17 Rights Week April 23rd to 29th, 1995.

18 ACTING PRESIDENT KUHL: Question
19 is on the resolution. All those in favor
20 signify by saying aye.

21 (Response of "Aye.")

22 Opposed nay.

23 (There was no response.)

1 The resolution is adopted.

2 Senator Bruno.

3 SENATOR BRUNO: Mr. President, I
4 believe there is a resolution at the desk
5 sponsored by Senator Hoffmann. I would
6 appreciate also having the title read at this
7 time and moving its immediate adoption.

8 ACTING PRESIDENT KUHL: Secretary
9 will read the title of the privileged
10 resolution.

11 THE SECRETARY: Legislative
12 Resolution, by Senator Hoffmann, commending
13 Barbara Aronson upon the occasion of her
14 designation for special honor at the Reserve
15 Officers Association of the United States Awards
16 Dinner in Manlius, New York, April 29, 1995.

17 ACTING PRESIDENT KUHL: Question
18 is on the resolution. All those in favor
19 signify by saying aye.

20 (Response of "Aye.")

21 Opposed nay.

22 (There was no response.)

23 The resolution is adopted.

1 Senator Bruno, that brings us to
2 the calendar.

3 SENATOR BRUNO: Mr. President,
4 can we now take up the non-controversial
5 calendar.

6 ACTING PRESIDENT KUHL: Secretary
7 will read the non-controversial calendar.

8 THE SECRETARY: Calendar Number
9 318, by Senator Saland, Senate Print 2104, an
10 act to amend the Family Court Act, in relation
11 to evidence of child neglect.

12 ACTING PRESIDENT KUHL: Secretary
13 will read the last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect 120 days.

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 35.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 322, by Senator Goodman, Senate Print 2263, an

1 act to amend the Social Services Law, in
2 relation to making certain records available to
3 the state Comptroller.

4 ACTING PRESIDENT KUHL: Secretary
5 will read the last section.

6 THE SECRETARY: Section 6. This
7 act shall take effect October 1st.

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 35.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 329, by Senator Seward, Senate Print 3422, an
16 act to amend the Public Service Law, in relation
17 to extending the period of time for Public
18 Service Commission to take final action on a
19 petition to order the purchase of national gas.

20 ACTING PRESIDENT KUHL: Secretary
21 will read the last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 39.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 336, by Senator Kuhl, Senate Print 3668, an act
9 to amend the Agriculture and Markets Law, in
10 relation to improving the agricultural districts
11 program.

12 SENATOR PATERSON: Lay aside.

13 ACTING PRESIDENT KUHL: Lay the
14 bill aside.

15 THE SECRETARY: Calendar Number
16 355, by Senator Trunzo, Senate Print 3606, an
17 act to amend the Civil Service Law, in relation
18 to the state Civil Service Commission.

19 ACTING PRESIDENT KUHL: Secretary
20 will read the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect on the 1st day of
23 September.

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 39.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 365, by Senator Leibell, Senate Print 2560, an
9 act to amend the Public Authorities Law, in
10 relation to authorizing and requiring the
11 Metropolitan Transportation Authority.

12 ACTING PRESIDENT KUHL: Secretary
13 will read the last section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 41.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 371, by Senator Padavan, Senate Print 2529, an

1 act to amend the Education Law, in relation to
2 empowering community boards of community school
3 districts.

4 SENATOR PATERSON: Lay aside.

5 ACTING PRESIDENT KUHL: Secretary
6 will read the last section.

7 SENATOR PATERSON: Lay aside.

8 ACTING PRESIDENT KUHL: Lay the
9 bill aside.

10 THE SECRETARY: Calendar Number
11 373, by Senator Cook, Senate Print 2902, an act
12 to amend the Education Law, in relation to
13 authorizing wire transfer of state aid payments
14 to school districts.

15 ACTING PRESIDENT KUHL: Secretary
16 will read the last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect on the 1st day of July.

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 42.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 387, by Senator Lack, Senate Print 2833, an act
4 to amend Chapter 689 of the Laws of 1993,
5 amending the Criminal Procedure Law.

6 ACTING PRESIDENT KUHL: Secretary
7 will read the last section.

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 42.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 399, by Senator Velella, Senate Print 295, an
18 act to amend the Surrogate's Court Procedure
19 Act, in relation to requiring that information
20 in the statewide register of child abuse and
21 maltreatment.

22 ACTING PRESIDENT KUHL: Secretary
23 will read the last section.

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 42.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 409, by Senator Levy, Senate Bill Number -

11 SENATOR BRUNO: Lay the bill
12 aside.

13 ACTING PRESIDENT KUHL: Lay aside
14 for the day.

15 THE SECRETARY: Calendar Number
16 488, Committee on Rules, Senate Print 4323, an
17 act to amend the Racing, Pari-mutuel Wagering
18 and Breeding Law and Chapter 281 of the Laws of
19 1994.

20 ACTING PRESIDENT KUHL: Secretary
21 will read the last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 44.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 Senator Bruno, that completes the
8 non-controversial calendar.

9 SENATOR BRUNO: Mr. President,
10 can we now take up the controversial calendar.

11 ACTING PRESIDENT KUHL: Secretary
12 will read the controversial calendar.

13 THE SECRETARY: Calendar Number
14 336, by Senator Kuhl, Senate Print 3668, an act
15 to amend the Agriculture and Markets Law, in
16 relation to improving the agricultural districts
17 program.

18 SENATOR PATERSON: Explanation.

19 ACTING PRESIDENT KUHL: Lay the
20 bill aside for the day.

21 SENATOR STAFFORD: Mr. President,
22 this is just a -

23 ACTING PRESIDENT KUHL: May we

1 have a little order in the house. Getting
2 pretty noisy.

3 SENATOR BRUNO: Mr. President, if
4 Senator Stafford will forgive the interruption,
5 I'd like to ask for an immediate meeting of the
6 Housing Committee in Room 332.

7 ACTING PRESIDENT KUHL: There
8 will be an immediate meeting of the Housing
9 Committee in the Majority Conference Room, Room
10 332.

11 The Chair recognizes Senator
12 Stafford.

13 SENATOR STAFFORD: Mr. President,
14 I'm -

15 ACTING PRESIDENT KUHL: Senator
16 Stafford.

17 SENATOR STAFFORD: Mr. President,
18 I'm sure that you could do a much better job
19 with this bill, but it's such a good bill, I
20 think that it should pass today providing that
21 your -- that is your wishes.

22 It's the Agriculture and Markets
23 Law, in relation to improvements of agricultural

1 districts.

2 ACTING PRESIDENT KUHL: Thank you
3 for your courtesy, Senator Stafford. I think
4 Monday would be fine, of next week, for the
5 bill.

6 SENATOR STAFFORD: All right.

7 ACTING PRESIDENT KUHL: Thank
8 you.

9 Secretary will continue to call
10 the controversial calendar.

11 THE SECRETARY: Calendar Number
12 371, by Senator Padavan, Senate Print 2529, an
13 act to amend the Education Law, in relation to
14 empowering community boards of community school
15 districts.

16 SENATOR PATERSON: Explanation.

17 ACTING PRESIDENT KUHL: Senator
18 Padavan, an explanation has been asked for on
19 Calendar Number 371 by Senator Paterson.

20 SENATOR PADAVAN:
21 Decentralization provides for the governance of
22 schools within the city of New York by 32 school
23 districts, superintendents and local school

1 boards. This bill would extend their authority
2 in matters of safety, particularly as it relates
3 to the children getting to school in that they
4 would make a determination as to whether or not
5 a school or the district in its entirety should
6 be closed for a given day as a result of a
7 snowstorm or similar circumstance.

8 Currently, that decision must be
9 made by the chancellor, who obviously can be far
10 removed from many parts of the city of New York
11 particularly when we talk about outlying areas
12 such as Staten Island and eastern Queens and
13 northern Bronx.

14 ACTING PRESIDENT KUHL: Chair
15 recognizes Senator Paterson.

16 SENATOR PATERSON: Mr. President,
17 would Senator Padavan yield for a quick
18 question?

19 ACTING PRESIDENT KUHL: Senator
20 Padavan, do you yield to Senator Paterson for a
21 question, sir? Senator yields.

22 SENATOR PATERSON: Mr. President,
23 Senator Padavan, I'll share with you the concern

1 that I wanted to raise, the fact that it is very
2 confusing, particularly in New York City, that
3 the school boards are based pretty much in the
4 same area, and it's hard to basically get the
5 news out as to whether those area schools are
6 open or closed.

7 At the same time, I understand
8 your concern because there have been some
9 problems at times with the size of New York City
10 where you might have a situation where the
11 central board, which is in -- which is in
12 Brooklyn, would think that the schools should be
13 open, but there are parts of Queens where the
14 snow may have reached an accumulation that it
15 would be better that the school be closed.

16 So that rather than have it on a
17 school -- on a district basis, would you
18 consider possibly doing it somehow on a borough
19 basis and not -- this is not an endorsement of
20 borough boards, but do you see the problem that
21 I'm trying to raise with the school boards being
22 so close together that it's difficult for the
23 parents to find out whether or not the school is

1 going to be open?

2 SENATOR PADAVAN: Senator
3 Paterson, I have no problem with that except
4 that when we deal with governance and a decision
5 has to be made, we do have a decentralization
6 system since the mid-'60s that establishes a
7 superintendent in a school district.

8 Now, what you're suggesting is
9 that the superintendents of a number of school
10 districts would have to somehow caucus on a
11 given day and make a determination on a
12 boroughwide basis. I think, practically
13 speaking, that might be very difficult to
14 accomplish.

15 An individual superintendent,
16 let's say hypothetically -- and it is not
17 hypothetical, because it did happen, we have a
18 terrible storm on a Sunday which makes driving
19 very, very hazardous in parts of Staten Island
20 and presents no real problem for Manhattan. The
21 superintendent of that school district in Staten
22 Island, I think, reasonably should be allowed to
23 make a judgment that says hazard is substantial,

1 and so I am directing that the schools not be
2 open on Monday.

3 That, then, can be easily
4 communicated by those schools, and what
5 generally happens, parents call in, in many
6 instances, and they'll find out that way, but
7 certainly, if you turn on the radios in the city
8 of New York, you know that on storm -- on
9 occasions of storms, they will articulate
10 schools that are open and schools that are
11 closed, both public and private. You've heard
12 that, I'm sure, all the time.

13 So there should really be no
14 problem for a given school district to
15 communicate to the parents in that district that
16 that district will not be open on a given day.

17 ACTING PRESIDENT KUHL: Senator
18 Paterson.

19 SENATOR PATERSON: Thank you, Mr.
20 President.

21 Last year, Senators Espada,
22 Galiber, Gold, Leichter, Montgomery, Mendez,
23 Smith and a Senator named Paterson voted against

1 this bill. However, this year, because of the
2 persuasive nature of Senator Padavan's
3 presentation and also because he's sitting
4 directly behind me, I think I'm going to vote
5 for this bill, and Senator Smith is as well
6 because he's sitting behind her too right now.

7 Thank you, Mr. President.

8 ACTING PRESIDENT KUHL: Secretary
9 will read the last -- Senator Marchi, did you
10 wish to speak on the bill?

11 SENATOR MARCHI: Yes.

12 ACTING PRESIDENT KUHL: Senator
13 Marchi.

14 SENATOR MARCHI: Mr. President,
15 this is -- this is an excellent bill. When we
16 consider that each of the community districts in
17 the city of New York, in terms of the number of
18 pupils that are affected in the city of New
19 York, of course is over 300 square miles,
20 separated by waterways and everything else, you
21 don't have an even pattern of weather prevailing
22 in each and every nook and cranny of the city,
23 and certainly my -- my own county is a -

1 District 31 is a classic example of tremendous
2 differences.

3 But it also applies to other
4 districts, so Senator Padavan, I think, is
5 eminently correct in asking that a community
6 district in New York City, in terms of pupil
7 attendance, is larger than most of the school
8 districts throughout the state of New York, and
9 the ability to respond to the uneven impact of
10 harsh weather circumstances, I think, is an
11 enlightened step, and I would hope there may be
12 other ways of handling it, but I think this is
13 the best way to pinpoint the problems and enable
14 a district to react to circumstances rather than
15 wait on some unknowing voice and observer to
16 make that decision.

17 I think that this is eminently
18 desirable. As I say again, it's larger than
19 almost any district in the state of New York,
20 any community district in the city of New York,
21 and it should have that capability.

22 ACTING PRESIDENT KUHL: Secretary
23 will read the last section.

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 44.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 Senator Bruno, that completes the
10 calendar. We have just a little housekeeping
11 here, if we could take that.

12 SENATOR BRUNO: Mr. President, is
13 there any housekeeping items at the desk that we
14 should take up at this particular time?

15 ACTING PRESIDENT KUHL: Senator
16 Wright.

17 SENATOR WRIGHT: Mr. President,
18 on behalf of Senator Levy, I request that the
19 sponsor's star be removed from Calendar Number
20 79, Senate Bill Number 384-C.

21 ACTING PRESIDENT KUHL: The star
22 will be removed on Calendar Number 79 at the
23 request of the sponsor.

1 Senator Bruno, that completes the
2 housekeeping that we have here, sir.

3 SENATOR BRUNO: Housekeeping at
4 the desk is completed, Mr. President?

5 ACTING PRESIDENT KUHL: It is.

6 SENATOR BRUNO: Is that what we
7 are led to understand?

8 ACTING PRESIDENT KUHL: That's
9 what we are led to believe.

10 SENATOR BRUNO: Thank you, Mr.
11 President. And as I understand it, they are
12 still deliberating at the Housing Committee in
13 Room 332. Senator Paterson, they're still
14 deliberating, and there is some activity here in
15 the chamber that we would like to keep the
16 calendar open for, the roll call, is that
17 correct?

18 SENATOR PATERSON: Yes.

19 SENATOR BRUNO: But given that
20 circumstance, any of the members that are
21 diligently pursuing the interests of the state
22 that aren't in the chamber will come in and vote
23 because we will keep the roll call open on this

1 particular bill that's before the house. And,
2 Mr. President, there being no further business
3 to come before the Senate at this time, I move
4 that we adjourn until Monday at 3:00 p.m.,
5 intervening days to be legislative days.

6 ACTING PRESIDENT KUHL: Without
7 objection, the Senate stands adjourned until
8 Monday, May 1st, at 3:00 p.m., intervening days
9 to be legislative days.

10 (Whereupon at 10:24 a.m., the
11 Senate adjourned.)

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