NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 11, 2002

3:19 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

I ask everyone present to please rise and join me in the Pledge of Allegiance to the Flag.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT MEIER: In the absence of clergy, may we bow our heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT MEIER: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations.

As a member of the State Liquor Authority, Edward F. Kelly, of Holmes.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, I'd like to move the nomination. If you could recognize Senator Leibell, please.

ACTING PRESIDENT MEIER: Senator Leibell.

SENATOR LEIBELL: Thank you very much, Mr. President. I am pleased to rise and to speak on this nomination. I've had the opportunity to do that before, and I'm pleased once again.

I have known Ed Kelly and the Kelly family probably for a couple of decades now. And as I've said repeatedly, we're particularly glad when the Governor, as he always does, sends us a fine name, because we

certainly know how much we need good people, men and women, in government.

We have been most fortunate to have Ed Kelly serving as commissioner of the New York State Liquor Authority, and we're very pleased once again to have this nomination in front of us. Ed brings us to many years of the experience, both in the private sector and in the public sector. I can tell you firsthand that within my district his family is well known and much loved.

He has served all of our constituents, throughout the course of many years, in a variety of ways and will continue to serve all the residents of New York State in this position.

Mr. President, I move the nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of the nomination of Edward F. Kelly as a member of the New York State Liquor Authority. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those

opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Kelly is with us today in the gallery. He is accompanied by his wife, Nancy.

And, Mr. Kelly, we congratulate you and we wish you well with your duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: As a member of the Board of Trustees of the State University of New York, Aminy I. Audi, of Fayetteville.

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President. I am deeply honored to rise in support of the reappointment of Aminy Audi to the Board of Trustees of the State University of New York.

Ms. Audi is, in the succinctest possible language, one of the preeminent citizens of Central New York. She is the

executive vice president and partner of Stickley Furniture.

She was at one time a freelance writer and reporter for the Voice of America. Her commitment to democracy and the American way is manifest in virtually every aspect of her daily life.

Stickley, as many people might know, employs a number of individuals from all over the world. And it is with enormous pride that anyone who walks through that factory sees people integrating into the American system in one of the most beautiful ways possible. And all of them speak with loving admiration of the proprietor of that company, Ms. Aminy Audi.

Mrs. Audi has won numerous awards, far too many for us to read today. But if I could just highlight a few, Mr. President. She was a recipient of the "Women in the Homes Industries Today" Woman of the Year Award in manufacturing in the year 2000. She's a founding member of the Central New York's Women's Fund.

She was a recipient of the

Fayetteville Chamber of Commerce Citizen of the Year Award, which she shared with her husband, Alfred, in 1999. She was a recipient of the Ernst & Young Upstate New York Entrepreneur of the Year Award in 1997.

And the list goes on and on, including Post-Standard Woman of Achievement in Business in 1991, one of the most distinguished awards in our area.

I am delighted that Mrs. Audi has chosen to continue her service on the board. We appreciate her dedication to education. And her willingness to serve is something that we should all take great pleasure in today.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to also second the nomination of Mrs. Audi. As somebody that has been a professor at the university for over thirty years, and somebody that's been very interested in the State University, I applaud her for being willing to serve. And we're indeed so fortunate to have somebody as

remarkable as this young lady serving us on the Board of Trustees for the State University.

My daughter, who is an attorney for Stickley and for Mrs. Audi, has said that she is truly one of the most remarkable women that she has ever known.

And I think that, Mrs. Audi, the State of New York is really blessed to have you serve our great State University. We appreciate the Governor reappointing you. And we're very fortunate to have you and thank you for your service.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Everyone is rising without any hope to get a discount on furniture or to in some way get the favor of this great lady.

I just wanted to mention something from a different angle. Aminy has been on the board for some time now, the SUNY board, and she does a great job. Recently, without getting into the various issues, on a very sensitive issue I found out that she's a very

active person on the board. She's someone who's willing to come forward if she thinks that something is awry. And she's a person of her word and of utmost integrity.

So we are truly fortunate to have you on the board, and we're very fortunate the Governor was wise enough to continue you on to another term.

ACTING PRESIDENT MEIER: The question is on the confirmation of Aminy Audi as a member of the Board of Trustees of the State University of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mrs. Audi is with us today in the gallery. And we congratulate you and wish you well with your duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: As a member of the New York State Energy Research and Development Authority, William F. Edwards, of Cicero.

As a member of the Port Authority of New York and New Jersey, Henry R. Silverman, of New York City.

As a member of the New York State Bridge Authority, Edmund A. Fares, of Monroe.

As a member of the Niagara Frontier Transportation Authority, Eunice A. Lewin, of Buffalo.

As members of the Port of Oswego Authority, David W. Buske, of Oswego, and Christopher C. Dain, of Oswego.

As a member of the Board of Trustees of Cornell University, Edward V.K. Cunningham, Jr., of LaGrangeville.

As a member of the Correction Medical Review Board, Michael M. Baden, M.D., of New York City.

As a member of the Republic Airport Commission, Meredith Rudolph Payne, of Amityville.

As a member of the Medical Advisory

Committee, Carl P. Sahler, Jr., M.D., Ph.D., of Canandaigua.

As a member of the Advisory Council on Alcoholism and Substance Abuse Services, Karl J. Kabza, of Saranac Lake.

As a member of the State Office of Science, Technology and Academic Research Advisory Council, Richard A. Lippe, of Woodbury.

And as a member of the Board of Visitors of Helen Hayes Hospital, Claire Dayton, of Greenville Center.

SENATOR SKELOS: Move the nominations.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'd like to just speak briefly on one of the nominees.

William F. Edwards is a member of the New York State Energy Research and Development Authority. Another great Central New Yorker has been appointed to a very important board for our state.

And I just wanted to mention very briefly, since he was unable to be here, that

he is the president of Niagara Mohawk and one of the senior vice presidents of National Grid, USA.

He's been involved in the community in the Central New York area for many, many years. And I know he serves with my wife, Linda, on the Elmcrest Children's Center board, but he's on many, many other boards in the community.

Not only is he an important person in the community, well-educated, with a lot of good business and energy sense, but he is a person who gives as much as he gets from the community. So I'm very happy to rise in support of his nomination.

ACTING PRESIDENT MEIER: Senator Leibell.

SENATOR LEIBELL: Mr. President, may I rise at this time to speak on the reappointment of Edward Cunningham?

ACTING PRESIDENT MEIER: Yes.

SENATOR LEIBELL: I don't believe Van is here today, and my colleague Senator Saland is out of the chamber at the moment. But I did not wish to miss the opportunity to

speak on behalf of Van Cunningham, whom I have known for a great many years and know of his devotion to Cornell University. He has served long and well for that university in a variety of capacities.

I can tell you within my own district how hard he works, how hard he works at recruiting youngsters, how hard he works as making sure that all of our educational institutions throughout New York State provide the very finest in education.

So I'm very pleased to rise and support and move the nomination of Van Cunningham and thank him once again for the fine job he has done for all of New York State and particularly for Cornell University.

ACTING PRESIDENT MEIER: The question is on the confirmation of the nominees. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The

nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the State Liquor Authority, Joseph Zarriello, of Colonie.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of Joseph Zarriello, of Colonie, as a member of the New York State Liquor Authority. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Zarriello is with us today in the gallery. And, sir, we congratulate you and again wish you well with your duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Trustees of the City University of New York, Hugo M. Morales, M.D., of Yonkers.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: I was very impressed with the nominee when he appeared before both the Higher Education and when he appeared also at the Finance Committee. His background in psychiatry might even be of help to him once he joins the CUNY Board of Trustees have.

However, I've always stood up and said that what CUNY lacks, and I hope that Dr. Morales understands this, is that it lacks a faculty, a full-time faculty that is sufficient for a great university. In fact, Vice Chancellor Hershenson said that, unequivocally, the 50 to 60 percent full-time faculty that CUNY has is a tremendous, tremendous detriment to the future of the university and is much lower than SUNY and the

private colleges.

Now, I have looked at two CUNY campuses that Dr. Morales might want to look into as well. One is a campus composed primarily of a minority population; the other is an outer-borough population. And their full-time faculty equivalencies, and the money they receive, is far less than other college campuses within CUNY. I'm referring specifically to the City College of New York, CCNY, and the College of Staten Island.

The undergraduate full-time students in spring 2002 were 6,000 at the College of Staten Island and about 4,500 at City. Now, their full-time faculty at City College was 487 and the College of Staten Island, 290.

The expenditures and financial resources were, at the College of Staten Island, $7,000 per student per year, and at City College was almost $10,000 per student per year.

In terms of their total instructional staff, CCNY had 750 full-time faculty, whereas the College of Staten Island

had only 444.

This is really unacceptable in terms of a major university. And since we all have a very high opinion of Dr. Morales, we all expect that he will be involved in changing this and improving this in the future.

Thank you kindly.

ACTING PRESIDENT MEIER: The question is on the confirmation of Dr. Hugo Morales as a member of the City University of New York Board of Trustees. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Dr. Morales is with us today in the gallery. And congratulations, Doctor, and we wish you well.

(Applause.)

ACTING PRESIDENT MEIER: Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of, Mr. President, Senator Meier, I wish to call up his bill, Senate Print 7135B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1251, by Senator Meier, Senate Print 7135B, an act to amend the Social Services Law.

SENATOR FARLEY: Mr. President, I now move to reconsider the vote by which this bill was passed, and I ask that it be restored to the order of third reading after the reconsideration.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MEIER: Senator

Farley.

SENATOR FARLEY: Yes, Mr. President. I now move to discharge, from the Committee on Rules, Assembly Print 10216A and substitute it for Senator Meier's identical bill.

ACTING PRESIDENT MEIER: Substitution ordered.

SENATOR FARLEY: The Senate Bill was first passed, voted, unanimously. I now move that the substituted Assembly bill have a third reading at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1251, by Member of the Assembly Ortiz, Assembly Print Number 10216A, an act to amend the Social Services Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR FARLEY: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: On behalf of Senator Maziarz, I wish to call up his bill, Senate Print 6877A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 665, by Senator Maziarz, Senate Print 6877A, an act to amend the Chapter 433 of the Laws of 1997.

SENATOR FARLEY: Mr. President, I now move to reconsider the vote by which this bill passed, and I ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Mr. President, I now move to discharge, from the Committee on Rules, Assembly Print Number 11104A and substitute it for Senator Maziarz's identical bill.

The Senate Bill on first passage was voted on unanimously. I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 665, by the Assembly Committee on Rules, Assembly Print Number 11104A, an act to amend Chapter 433 of the Laws of 1997.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Velella, Mr. President, I wish to call up his bill, Senate Print 7456A, which was recalled from the Assembly, and it is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1270, by Senator Velella, Senate Print 7456A, an act to amend the Education Law and others.

SENATOR FARLEY: Mr. President, I now move to reconsider the vote by which this bill passed, and I ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

SENATOR FARLEY: I now move to discharge, from the Committee on Rules, Assembly Print 11627, and substitute it for Senator Velella's identical bill, 7456B.

ACTING PRESIDENT MEIER: Substitution ordered.

SENATOR FARLEY: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President. I move to recommit Senate Print Number 7476, Calendar Number 1301 on the order of third reading, to the Committee on Rules, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT MEIER: So ordered.

SENATOR MARCELLINO: And, Mr. President, I wish to call up Senator Hoffmann's bill, Print Number 6511, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The

Secretary will read.

THE SECRETARY: Calendar Number 948, by Senator Hoffmann, Senate Print 6511, an act to amend the Agriculture and Markets Law.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator McGee.

SENATOR McGEE: Thank you. Mr. President, on behalf of Senator Larkin, on page number 36 I offer the following amendments to Calendar Number 831, Senate Print Number 6764, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the

bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Mr. President.

Mr. President, on behalf of Senator DeFrancisco, on page number 53 I offer the following amendments to Calendar Number 1106, Senate Print Number 6165, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: You're very welcome, Senator McGee.

SENATOR McGEE: Mr. President, on behalf of Senator Maltese, on page number 56 I offer the following amendments to Calendar Number 1143, Senate Print Number 5852B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The

amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Mr. President.

Mr. President, on behalf of Senator LaValle, on page number 60 I offer the following amendments to Calendar Number 1193, Senate Print Number 7147, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: You're very welcome, Senator McGee.

Senator Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions to be made?

ACTING PRESIDENT MEIER: Yes, there are. Should we do those now?

The Secretary will read the

substitutions.

THE SECRETARY: On page 6, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 3116E, and substitute it for the identical Senate Bill Number 2218C, Third Reading Calendar 99.

On page 7, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 9599B and substitute it for the identical Senate Bill Number 4730B, Third Reading Calendar 136.

On page 10, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 11197 and substitute it for the identical Senate Bill Number 5131B, Third Reading Calendar 245.

On page 12, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 9740 and substitute it for the identical Senate Bill Number 6158, Third Reading Calendar 305.

On page 13, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 1489A and substitute it

for the identical Senate Bill Number 370A, Third Reading Calendar 333.

On page 28, Senator Sampson moves to discharge, from the Committee on Rules, Assembly Bill Number 3672C and substitute it for the identical Senate Bill Number 1720B, Third Reading Calendar 674.

On page 29, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 4955A and substitute it for the identical Senate Bill Number 2586A, Third Reading Calendar 699.

On page 41, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 9990 and substitute it for the identical Senate Bill Number 1210A, Third Reading Calendar 928.

On page 43, Senator Hoffmann moves to discharge, from the Committee on Rules, Assembly Bill Number 9547 and substitute it for the identical Senate Bill Number 6915, Third Reading Calendar 950.

On page 44, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 6881C and

substitute it for the identical Senate Bill Number 4164B, Third Reading Calendar 964.

On page 50, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 5133B and substitute it for the identical Senate Bill Number 4132C, Third Reading Calendar 1064.

On page 54, Senator Trunzo moves to discharge, from the Committee on Rules, Assembly Bill Number 3387A and substitute it for the identical Senate Bill Number 2033A, Third Reading Calendar 1121.

On page 56, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 10494 and substitute it for the identical Senate Bill Number 5542A, Third Reading Calendar 1140.

On page 58, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 11107 and substitute it for the identical Senate Bill Number 6747, Third Reading Calendar 1169.

On page 60, Senator McGee moves to discharge, from the Committee on Rules, Assembly Bill Number 9865 and substitute it

for the identical Senate Bill Number 6284, Third Reading Calendar 1186.

On page 62, Senator McGee moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 5861 and substitute it for the identical Senate Bill Number 3078, Third Reading Calendar 1305.

On page 63, Senator Maltese moves to discharge, from the Committee on Veterans and Military Affairs, Assembly Bill Number 9629 and substitute it for the identical Senate Bill Number 6121, Third Reading Calendar 1313.

And on page 63, Senator Velella moves to discharge, from the Committee on Transportation, Assembly Bill Number 10667 and substitute it for the identical Senate Bill Number 6951, Third Reading Calendar 1315.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar in its entirety at this time.

ACTING PRESIDENT MEIER: The question is on the adoption of the Resolution Calendar in its entirety. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please recognize Senator Bonacic.

ACTING PRESIDENT MEIER: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I would like to just take a moment to report to this chamber the results of the Bowlerama for the Bone Marrow. I wanted to thank the senators in this chamber who participated. It was cochaired by myself and Assemblyman Jeff Aubry.

There were roughly 50 teams. There were spectators; there were people who donated

prizes. And we raised, that evening, $25,000.

I would just like to mention that I, for one, have never seen a 300 game being bowled. And that night we had three individuals that bowled a 300 game. And I think it's worth mentioning their names. It was Tom Shepard, who happened to be on my team; Mike Haverly, Jr., who just happened to be on my team; and Joseph Walton, who was on Senator Kuhl's team.

But the one gentleman I mentioned, this Mike Haverly, Jr., was a 16-year-old individual whose mother works for Senator McGee.

And in addition, there was one other team that finished first, a Mr. Speckhardt, Rick; Wendy Race; Michael Haverly, Jr., and Tony Impellizzeri.

We had about 300 people participating. And whether you bowled 300, whether you bowled under 100, whether you were there just as a spectator, I told the people at a luncheon today that what we did from this event will probably save a life, and that in itself should make everyone a winner and feel

good.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 39, by Senator LaValle, Senate Print 6043B, an act to amend the Education Law, in relation to reporting requirements.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 274, by Senator Marcellino, Senate Print 4754B, an act to amend the Navigation Law, in relation to the use of tow chains.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 283, by Senator McGee, Senate Print 3065A, an act to amend the Election Law, in relation to the declination of designations.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 315, by Senator Volker, Senate Print 3210C, an act to amend the -

SENATOR HEVESI: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 343, by Senator Saland, Senate Print 4893A, an act to amend the Domestic Relations Law and the Family Court Act, in relation to changing.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 359, by Senator Marcellino, Senate Print 6076, an act to amend the Public Health Law and the State Finance Law, in relation to body piercing and tattooing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as Chapter 562 of the Laws of 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 674, substituted earlier today by Member of the Assembly Perry, Assembly Print Number 3672C, an act authorizing the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 699, substituted earlier today by Member of the Assembly Sweeney, Assembly -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 753, by Senator Trunzo, Senate Print 1563, an act to amend the Education Law, in relation to payment of tuition and fees.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of August.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 759, by Senator Saland, Senate Print 6979A, an act to amend the Domestic Relations Law, the Family Court Act and the Social Services Law, in relation to the rights of grandparents.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1008, by Senator Velella, Senate Print 7330A, an act to amend the Labor Law and the State Finance Law, in relation to actions.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Rath recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1125, by Senator Leibell, Senate Print 3245A, an act to allow members of the New York State Teachers' Retirement System to obtain credit.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1158, by Senator Maltese, Senate Print 6855A, an act to amend the Retirement and Social Security Law, in relation to authorizing accidental disability retirement benefits.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1229, by Senator Velella, Senate Print 6761A, an act to amend the Real Property Tax Law, in relation to the payment of taxes.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1266, by the Assembly Committee -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1303, by Senator Skelos, Senate Print 417B, an act to amend the Criminal Procedure Law, in relation to the period of limitation.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

SENATOR LIZ KRUEGER: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1305, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 5861, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1306, by Senator Stafford, Senate Print 3920, an act to amend the Public Officers Law, in relation to gifts offered.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1307, by Senator Stafford, Senate Print 3927, an act to amend the Public Officers Law, in relation to allowing state officers and employees.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1308, by Senator Stafford, Senate Print 3928, an act to amend the Public Officers Law, in relation to business and professional activities.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1311, by Senator Wright, Senate Print 5206A, an act to amend the Public Service Law, in relation to protection of customers.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1312, by Senator Velella, Senate Print 5842A, an act to amend the Retirement and Social Security Law, in relation to providing accidental disability retirement benefits.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1313, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 9629, an act to amend the Education Law, in relation to the eligibility of Vietnam and Persian Gulf veterans for tuition awards.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1315, substituted earlier today by Member of the Assembly Cymbrowitz, Assembly Print Number 10667, an act to amend the Vehicle and Traffic Law and the Insurance Law, in relation to devoting.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the same date as Chapter 536 of the Laws of 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1316, by Senator Farley, Senate Print 6966A, an act to amend the Public Officers Law, in relation to relation to waiving the residency requirement.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1317, by Senator DeFrancisco, Senate Print

7157, an act to amend the Vehicle and Traffic Law, in relation to authorizing the City of Syracuse.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1318, by Senator Velella, Senate Print 7334B, an act to amend the Retirement and Social Security Law, in relation to certain impairments.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1319, by Senator Nozzolio, Senate Print 7445,

an act to amend the Town Law, in relation to the dissolution and diminishing area.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1320, by Senator Wright -

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

Senator Skelos, that completes the noncontroversial reading of the calendar.

SENATOR SKELOS: Thank you, Mr. President. If we could go to the controversial reading of the calendar.

ACTING PRESIDENT MEIER: The

Secretary will read the controversial calendar.

THE SECRETARY: On page 4, Calendar Number 39, by Senator LaValle, Senate Print 6043B, an act to amend the Education Law, in relation to reporting requirements of foreign students in the United States.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you Mr. President. On the bill very, very briefly.

The reason that I think this bill really is, although well-intentioned, misdirected, is that the reporting requirements that it addresses really are already handled by the federal government.

I'm concerned that we are requiring additional work from the State Police that is redundant. We're not providing them with resources. And quite frankly, I think that what this is going to lead to is a pile of information about nonresident alien students sitting in boxes at State Police headquarters.

The federal government is handling

this, and I think we should direct all of our efforts to seeing that they do a good job. I am going to be voting no.

ACTING PRESIDENT MEIER: Senator LaValle.

SENATOR LAVALLE: Mr. President, on the bill.

This bill certainly at any time, but today it is probably more important that we know and understand what foreign students are coming into the country that have enrolled in a program at one of our universities -- and by the way, there are 55,000 foreign students that are being educated within the state of New York at both our public and nonpublic postsecondary schools.

We equally must know when a student comes to this country on a visa and leaves during the year. We must also be able to have a reporting system that our State Police and local law enforcement personnel know and understand that there are people who were either going to come -- received a visa, were going to come to this country, never showed up, or came to this country, were being

educated and then disappeared.

In regard to the reporting, while working on this legislation, I asked various colleges and universities for just general and basic information, and we had a very difficult time receiving basic information, directory kinds of information, statistical information.

I think it is not an extraordinary burden on our colleges and universities, particularly at this juncture. Because we must, after 9/11, make sure that we are going the extra mile to have all the possible information that we can have on individuals who are coming into our country.

This bill does not target any group or any individual. It merely says, of those 55,000 students: Where are you? Are you here being educated? Have you left? What country do you come from, and when are you returning, and what is your degree? Very basic information.

I know that the universities and colleges, regardless of what legislation we have had -- whether it is reporting crime on the campus or other activities on the

campus -- of course find it's more paperwork and distracts them from the basic mission that they have. I think this legislation -- worked on it with staff and met with people from the universities to try and be as accommodating as we possibly could be.

Thank you very much, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 39 are Senators Andrews, Duane, Hassell-Thompson, Mendez, Montgomery, Paterson, Sampson, Schneiderman, M. Smith, and Stavisky. Also Senators L. Krueger, Santiago, and A. Smith. Ayes, 44. Nays, 13.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 315, by Senator Volker, Senate Print 3210C, an act to amend the Real Property Tax Law, in relation to providing a tax exemption.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Volker, Senator Paterson has requested an explanation.

SENATOR VOLKER: Mr. President, the story on this bill is it already -- it passed earlier this year, but what occurred was -- and the bill was limited to some local jurisdictions.

We've been advised that there have been several bills signed by the Governor that involve small counties. And therefore, what we did was to make some changes so this included the entire county of Wyoming.

And that's the difference, is that initially this included, I think, a village and maybe a town. The -- we've been apprised that that is virtually impossible to do. And that there is a possibility, however, that we might -- and I want to make this very clear because, Dan, when we were talking, that there

is a possibility that this bill could be signed and could become law, and I want you to understand that.

And so that was what was changed from the B print to the C print, that it includes all of the county of Wyoming, which is one of the smaller counties in the state, would be able to include their volunteer firefighters and ambulance workers, would be able to get the exemption.

Of course, it's all voluntary and so forth. But it is possible that this bill, should it pass the Assembly, would become law. I just want you to understand that.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MEIER: Senator Hevesi, on the bill.

SENATOR HEVESI: Thank you, Mr. President.

I don't know if I've mentioned this before, but I think we should do a statewide bill instead of the ten similar bills that

we've passed in this house. And so I'll be voting no on this.

But I do think we should do a statewide bill. And I hope other people share in that opinion.

ACTING PRESIDENT MEIER: Senator Liz Krueger.

SENATOR LIZ KRUEGER: On behalf of Dan Hevesi, please, let's do a statewide bill. We've heard this before.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Senator Duane.

SENATOR DUANE: I'm with Senator Hevesi as well. We should do a statewide bill. And I think it should be named for Senator Hevesi when it passes this chamber.

ACTING PRESIDENT MEIER: Maybe we'll call it Dan's Law.

Any other Senator wish to be heard on the bill?

Debate is closed, then.

Read the last section.

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

January.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Hevesi recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 343, by Senator Saland, Senate Print 4893A, an act to amend the Domestic Relations Law and the Family Court Act, in relation to changing.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Saland, Senator Paterson has requested an explanation of Calendar 343.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this bill is virtually identical to the original version, prior to the A print, that we did earlier this year. The difference in the bill effectively is a technical amendment which is the result of the Uniform Child Custody Jurisdiction Act, the UCCJA, having been amended to become the

UCCJEA, by adding the word "enforcement" in it.

The bill basically is a change which takes references to "visitation" in sections of the Family Court Act and the Domestic Relations Law and changes that to "parenting time."

And the basis for that is, very simply, that a parent is a parent and is visiting when he or she may be going to see someone in a hospital or in an institution of whatever nature, but when he or she may be spending time with a child or their children, that would more appropriately be connoted as parenting time.

And to do otherwise effectively makes a parent placed in the position - places the parent in the position where they are viewed as being almost something akin to third parties, not enjoying time as a parent but being privileged to have the opportunity to visit.

Senator Skelos.

SENATOR SKELOS: Mr. President, if I could just interrupt, there will be an

immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee in the Majority Conference Room.

Senator Paterson.

SENATOR PATERSON: Mr. President, if my friend Senator Saland would yield for a question.

ACTING PRESIDENT MEIER: Senator Saland, do you yield for a question?

SENATOR SALAND: Certainly, Senator Paterson.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: There's a concern that the use of the term "parenting time" might be interpreted in Family Court such that perhaps the noncustodial parent, particularly the noncustodial father, would try to assert that the parenting time is not really visitation, but it's parenting, and would then diminish from the child support payments that the noncustodial parent is making to the court.

Do you see that as a valid concern? Do you think that the passage of this bill would in any way even present a risk in this type of fashion?

SENATOR SALAND: Senator Paterson, I do not.

If you could advise me as to where that concern is coming from, because I have not received any memos to that effect other than one back in March from the New York State chapter of NOW.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, I think Senator Saland has answered the question quite sufficiently, but I would point out that I have in my hand Exhibit A, the same document that Senator Saland is referring to from March of this year.

SENATOR SALAND: Suffice it to say, in my humble opinion, that that memo paints with certainly far too broad of a brush, is rather territorial and judgmental, to say the least.

We have not heard from anybody else

other than NOW on this issue. This bill is not intended to be anything but a change in terms from "visitation" to "parenting time."

As you know, Senator Paterson, because we've joined in these efforts, we've done some pretty substantial things over the course of the past half a dozen or so years to improve support collections in New York State. I've had a very active role in a number of those endeavors and initiatives.

And I can assure you, if I had a slightest concern that this would in any way, shape or form impair support collections or in any way, shape or form reduce the obligation constituted under court order or by way of agreement, I would never consider bringing this bill before this body.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed, then.

Read the last section.

THE SECRETARY: Section 29. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 343 are Senators Balboni, Duane, Hassell-Thompson, Hevesi, Meier, Montgomery, Santiago, and A. Smith. Ayes, 50. Nays, 8.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 699, substituted earlier today by Member of Assembly Sweeney, Assembly Print Number 4955A, an act to authorize the North Amityville Housing Rehabilitation Association, Incorporated.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, I laid this bill aside earlier for Senator Dollinger, who is currently in the Rules Committee. And I wondered if we might lay it aside temporarily and await the return of the Rules Committee, the Rules report, and Senator Dollinger.

SENATOR MORAHAN: No objections, Mr. President.

ACTING PRESIDENT MEIER: Without objection, the bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1266, by the Assembly Committee on Rules, Assembly Print Number 11231, an act to amend Chapter 557 of the Laws of 2001.

SENATOR PATERSON: Explanation, please.

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1303, by Senator Skelos, Senate Print 417B, an act to amend the Criminal Procedure Law, in relation to the period of limitation.

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1318, by Senator Velella, Senate Print 7334B, an act to amend the -

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

SENATOR MORAHAN: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not, Senator.

SENATOR MORAHAN: We'll stand at ease for a few moments.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:14 p.m.)

(Whereupon, the Senate reconvened at 4:17 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 1303.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1303.

THE SECRETARY: Calendar Number 1303, by Senator Skelos, Senate Print 417B, an act to amend the Criminal Procedure Law, in relation to the period of limitation.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, I was wondering if Senator Skelos would tell us about the period of limitation and perhaps might explain the entire bill.

SENATOR SKELOS: Mr. President, this would amend the Criminal Procedure Law to extend the statute of limitations in a prosecution for a sex offense against a child less than 18, from five years after the child has reached 18, to 15 years.

SENATOR LIZ KRUEGER: Mr. President, if the sponsor would yield to a question.

ACTING PRESIDENT MEIER: Senator Skelos, do you yield for question from Senator Liz Krueger?

SENATOR SKELOS: Absolutely.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you, Senator.

I understand this bill has been dealt with in previous years, and I'm new this year. And I think I support this bill. I was wondering, does this bill apply -

ACTING PRESIDENT MEIER: Could we have the doors to the chambers closed. Could we have the doors to the chambers closed.

Could we have order in the chambers, some courtesy to the members trying to debate the bill.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President, Senator Skelos.

This would apply to and override any other bill we deal with in sexual abuse. So when we passed a bill in this house not that long ago that applied to clergy and sexual abuse and mandatory reporting, this bill would in fact extend the statute of limitations in any scenario including that?

SENATOR SKELOS: This would expand the statute of limitations in these cases from five to 15 years after the child reaches the age of majority, which is 18.

SENATOR LIZ KRUEGER: Thank you. That was actually my only question.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. I know there are concerns about extending statutes of limitations. But I think, again, as we see year after year, as we get more evidence that we can use, as we have more DNA evidence that becomes available, particularly in situations of sexual abuse, and we have more data and ways to ensure that even later on, beyond traditional statute of limitations, we have the opportunity to prosecute and find guilty people who are guilty of crimes on solid evidence, that I think the time is ripe to extend the statute of limitations, particularly in situations of sexual abuse and harassment.

So I am glad to learn of this bill and the opportunity to vote for it today, and hope that my colleagues will also.

Thank you very much.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MEIER: Senator

Hevesi, on the bill.

SENATOR HEVESI: I spoke on this bill last year. This is, in my opinion, not a good bill, this is a great bill.

And we -- I don't know what to do to get the Assembly to pass this. But in between the time when Senator Skelos brought this to the floor last year and this year, you really could have no more strong argument for extending the statute of limitations to 15 years than the clergy scandal which has exploded.

Irrespective of that, this bill was a great bill last year also, and it should have been passed by the Assembly and signed into law last year too, for some of the reasons that Senator Krueger has spoken about and of course Senator Skelos, that particularly with DNA evidence and rape kits sitting dormant in warehouses, not having been tested, where if you, six years after an offense has been committed, can then convict somebody, not only is it unjust for the victim, but it is actually unjust for everybody else out there in society who now is

a potential victim of somebody who we could have taken off the streets.

And the same argument applies for all of the offenders in the church. To suggest right now that at age -- five years after 18, or at age 23, somebody who was abused when they were a minor can no longer seek criminal redress, is just -- it flies in the face of all kinds of logic of what we know about the psychology of somebody who has been victimized as a youngster, particularly by somebody in a position of authority, and the shame that goes along with it, which precludes them, most oftentimes, from having the maturity or the courage or what have you - and I don't mean that in the pejorative -- to come forward.

It may be a little more easy now for people to come forward because it is - we've seen so many more cases of people coming forward. It makes it easier for victims to do so. But still, it's much better public policy to allow until the age of 33, which is what Senator Skelos's bill does, an individual to come forward, to say: When I was or 10 or 15

or whatever age, I was abused, it was horrible, I'm only coming to terms with it now. But I want justice. I want justice.

And we should give these individuals who have been so horribly victimized, a crime for which the victim will suffer forever -- it's not as if their suffering will cease at some point, even if justice is meted out to the perpetrators. But in addition to that, all the other individuals who would be victimized and who have been victimized -- we have seen, Mr. President, case after case after case, which I have said repeatedly on this floor is only a small example, if we extrapolate outwards, the number of individuals that we don't know about yet who have been victimized repeatedly by the same individuals.

That not to extend the statute of limitations which would put somebody potentially in jail who has victimized somebody, that simply says the following. It says we are going to expose -- and this is in a proactive thing, so I guess let me speak in the passive voice -- we are not going to

prevent as a Legislature people from being victimized by recalcitrant sexual offenders by extending the statute of limitations.

We've got to do this. We've got to do this. It's essential, absolutely essential. I don't know what the problem is in the other house. The only argument that I've heard against extending the statute of limitations -- and this one is only for sexual offenses, I would support it for all violent felony offenses, completely eliminating it.

But the only argument that I've heard against it is that memories fade it and it's potentially unfair to somebody who's been accused. To which I've always responded that the burden of proof is on the prosecution to prove in a criminal matter beyond a reasonable doubt. And it seems to me that the passage of time is a hindrance to the prosecution and an asset to the defense. And if that's true, that argument against extending the statute of limitations doesn't hold water.

It's time for us to pass this legislation. And incidentally, while we're on the subject, we've got a week and a half left.

We passed some months ago the clergy notification bill, which I didn't love that bill, and I know the Assembly has some problems with it. I would have done things differently, as very often many of us would draft legislation differently. But we've got to pass something before this session is done. I mean, we've got to. I would take an imperfect bill over nothing any day of the week, particularly on this issue that's so critical.

I believe it was Senator Saland's bill that requires notification to a child abuse hotline. I believe, since any allegation of sexual abuse by a member of the clergy is by definition a criminal offense, it should go to a district attorney. But short of that, I'll take notification to a child-abuse hotline. Let's do something on this.

These are pressing, critical, critical issues. In many ways, these issues are more pressing and critical than the school governance bill, which is also very, very important. Because we're dealing with

life-and-death issues here. We're dealing with individuals who may be victimized, be sexually abused or worse in the future if we don't take action.

This is not hyperbole. I'm not trying to be dramatic for effect here. This is serious stuff. And the fact that we have not acted on this, though we acted on Senator Skelos's bill a year ago, have seen the terrible abuses that have taken place within the Catholic Church -- and now we have an another opportunity this year. If we don't seize it, we will have failed, Mr. President, miserably, on behalf of everybody in this state.

And it cuts across gender lines. This is boys and girls who have been victimized. This is for adults, this is for children, this is for everybody. Let's do the right thing and pass this bill today, tell the Assembly to please pass this, and let's come to terms on a notification bill of sexual offenders amongst clergy to mandate the reporting in those instances.

This is life-and-death stuff. It's

time to act.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed, then.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 699, by Member of the Assembly Sweeney, Assembly Print Number 4955A, an act to authorize the North Amityville Housing Rehabilitation Association, Incorporated.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just on the bill very briefly. I'm going to vote against this bill, and I'll ask for unanimous consent to vote against the other partial property tax exemption bill

that's in the stack.

I just informed my good friend Senator Fuschillo that it appears as though you have taken the lead in the sweepstakes of who can have the most -- Senator Skelos was the proud leader, with eight properties. This is a sextuplet bill, it's got six properties that we're going to grant retroactive partial property tax exemptions for.

So, Senator Fuschillo, the title is yours: Grand assessor of Nassau County. You've wrested the title away from Senator Skelos. Although I quite frankly have to admit I expect that Senator Skelos will produce at least a couple more bills before the end of the session.

Senator Balboni, who is running far behind, will be there with a number of them. And we'll continue to do the property tax exemption work for Nassau County.

A statewide bill would again be -

SENATOR SKELOS: Mr. President, would Senator Dollinger yield for a question?

SENATOR DOLLINGER: I'd be glad to, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger yields.

SENATOR SKELOS: Did you sit on the Task Force on Reapportionment and Redistricting?

SENATOR DOLLINGER: I did indeed, Senator.

SENATOR SKELOS: Did we have hearings throughout the state?

SENATOR DOLLINGER: Yes, we did.

If he's asking me to yield, Mr. President, for another question, I will yield and answer yes.

SENATOR SKELOS: Senator Dollinger, shouldn't you know that Babylon is in the county of Suffolk, not in the county of Nassau?

SENATOR DOLLINGER: You know, you're absolutely right. Mr. President, Senator Skelos has once again come upon an idiosyncrasy that it's also -- the contagion that has been inflicting Nassau County has moved silently into Suffolk. I find from Senator Sampson's bill that it's moved its way into Queens.

In some ways it's like West Nile virus, or what do they called those horned toads or the horned beetles that are eating up the tree in the Central Park? Senator Montgomery and Senator Krueger know all about it.

But this is the new contagion. It's moved from Nassau, it's spread into Suffolk, it's on its way to Queens, it's going to go to Brooklyn. Before you know it, it might even come upstate.

Now, mind you, it will probably never come to the 54th Senate District, because of course that district is represented by a Democrat named yours truly, and the chance that this house would actually pass a bill that had my name on it probably would make it somewhat remote that the disease will actually come to Monroe County.

But I agree with you, Senator Skelos. I regard this as a greater tragedy that it's now spread to Suffolk County. It seems to me that we ought to put this contagion to an end. We've got the perfect inoculation, Mr. President. It's called the

statewide vaccine against partial property tax exemptions. The easy way to do it is just to pass a statewide bill that will allow assessors to do that.

Make it a both-ways bill. If it's tax-exempt for part of the year or if it's tax-exempt and then bought by someone for for-profit uses, flip it to the other side. Do a both-ways bill.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: I would like to ask my colleagues from Monroe County to search far and wide for a tax exemption bill in the 54th Senate District so that we could put Senator Dollinger's name on the bill, record it, and pass it with his objection.

(Laughter.)

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, consistent with my remarks earlier, could I have also have -- and again, worried about the spread of contagion to Brooklyn, I'd like unanimous consent to be recorded in the negative on Senator Sampson's bill, Calendar Number 674.

ACTING PRESIDENT MEIER: Without objection, Senator Dollinger will be recorded in the negative on Calendar 674.

SENATOR DOLLINGER: Thank you.

THE SECRETARY: Calendar Number 1266, by the Assembly Committee on Rules, Assembly Print Number 11231, an act to amend Chapter 557 of the Laws of 2001 amending the General Business Law.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Velella, Senator Paterson has requested an explanation of Calendar 1266.

SENATOR VELELLA: Senator, this is a sunset provision which is going to be added to Chapter 557 of the Laws of 2001, which increased consumer protection for monies used toward funeral goods and services. These are the monies that would be set aside, prearrangement contracts.

This is part of an agreement last year that was reached between the two houses and the Governor to put a sunset provision into the law so that we could reevaluate the effectiveness of the law. It requires all money used to purchase funeral merchandise to be held in trust in an interest-bearing account, prohibits funeral directors from accepting any consideration from an insurance company for the promotion of an insurance policy that is payable at the death of the insured for burial or funeral expenses, and prohibits any company from giving any consideration to a funeral firm for the purpose of inducing the sale of any contract

or policy.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would yield to a question.

ACTING PRESIDENT MEIER: Senator Velella, do you yield?

SENATOR VELELLA: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

Senator Velella, in your explanation you stated that this legislation was passed with an agreement with the Governor to have a sunset provision. I'm new up here. Why would we pass a consumer protection bill in one year only to at that time agree to sunset it the following year.

SENATOR VELELLA: At the time there was some question as to whether or not this was the most effective way for New York State to provide for prearrangements.

There are -- there is a group of legislators and some individuals who think that we ought to be doing a different type of system where we can allow insurance companies to sell insurance policies for preneed -- for predeath arrangements.

So that that bill that we passed, which basically mirrored the Gottfried law - and Assemblymen Gottfried and Grannis were very, very instrumental in passing these original bills, where you have these separate trusts set up by funeral directors -- by continuing that and not allowing companies to sell insurance, there are people who feel that this may not be the way to go.

What we decided to do, with the Governor when he signed that into law, continuing it, was give us a few years to look at it and evaluate it again, and this is the extender that would come back. The alternative would have been to veto the bill, come back and again and try to repass it.

So when we ended session, we agreed with the Governor and the Assembly that we would do a sunset provision. This is

basically a chapter amendment, although the interceding year took place.

SENATOR LIZ KRUEGER: Mr. President, if the sponsor would yield to an additional question.

ACTING PRESIDENT MEIER: Senator Velella, do you continue to yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you, Senator Velella.

What are we doing to study this issue? Because I was reading about it, and I have my own concerns from a consumer perspective what it would mean to offer this insurance. Some of the numbers that I saw led me to believe it wasn't a very good deal.

SENATOR VELELLA: What are we doing?

SENATOR LIZ KRUEGER: Well, yes.

And I'm on the Consumer Protection Committee, although, again, I've only been here 15 weeks. When are we scheduling open public hearings so that people can come in -

SENATOR VELELLA: Well, Senator -

SENATOR LIZ KRUEGER: -- to share their concerns and for us to study the issue?

SENATOR VELELLA: If we had to schedule public hearings for every sunset provision in all of the laws that we have, I don't think any of us would have enough time.

That depends on whether the chairman would like to set hearings on that. Many times the Minority sets up Minority task forces to have hearings on issues. If you choose to do that, you may do that.

We can do anything we want to reevaluate those provisions in the law that we have set. So if you decide to have Minority task force hearings or Senator Krueger hearings, you can do it. We don't stop you. We're not binding you in any way. We're giving you the opportunity by passing this sunset to say: I'm going to look at this issue.

And everyone in this chamber has the right to look at it in any way they see fit. And when we decide to either extend it

or replace it with something different, I'm sure you will take the floor and tell us what you have done to evaluate whether or not it's an effective or ineffective law.

SENATOR LIZ KRUEGER: Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT MEIER: Senator Velella, do you continue to yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you, Senator.

So you've explained to me that you don't necessarily support my idea of an open public hearing of both houses to study the bill. But you did reference in your explanation that the intention of the sunset clause was to give the Legislature an opportunity to study the issues.

If not open hearings, how will the Legislature be studying the issue further?

SENATOR VELELLA: Any way each individual legislator or the chairman of the

Consumer Affairs Committee or the chairman of the Insurance Committee or any other committee that thinks they may have jurisdiction deems it proper for them to look at the bill.

We're going to be passing shortly a school board governance bill which has a seven-year sunset, and we're going to supposedly be looking at whether or not that's going to be a good idea seven years from now.

Now, seven years from now, the only thing we're guaranteed is that Senator Marchi and I will be here. We may have a new Senate, we may have a new Assembly, we may have a new governor. We'll probably have new majority and minority leaders, a new speaker. But Marchi and Velella will be here. So have faith that the system works. We will protect the interests in the future.

SENATOR LIZ KRUEGER: Mr. President, if I might speak on the bill.

ACTING PRESIDENT MEIER: Of course. Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you very much.

I've been thrown by the seven-year

analysis. Excuse me, I thought we were only talking about the sunsetting of one year on this bill.

My reading of this was that the Governor recognizes these are complex issues relating to the sale of preneed funeral insurance that require further study. I am not on the Insurance Committee; I am on the Consumer Protection Committee.

I do hope and urge this house to approach this study by having open public hearings, perhaps a joint hearing of Consumer Affairs and the Insurance Committee. I would be happy to work on that. I think it is critical on an issue that in fact of course affects every New Yorker at some point, their death and planning for their death, that we give serious consideration to the realities of consumer concerns as well as industry concerns, both insurance and funeral industry concerns.

So while I am still not sure how I will vote on this bill and look forward to more information, I think it is one of the issues, unlike perhaps any number of other

sunsetted bills, that is critical that we bring in public participation, that we hear from people not only in our own state but do homework as to the other states that have had prepaid funeral insurance, how much money is going into those policies versus the return for people, the advantages and disadvantages.

In fact, the little research I've been able to do so far leads me to believe that there are extraordinary cost differences between the model we have in place where you can prepay for a funeral through a trust versus paying for funeral insurance in advance. And I worry that people will be confused and misled about these differences and we will end up going down the road with the repeal of this good consumer protection bill from a year ago resulting, in a year from now, finding ourselves in a situation where very often older people are being exploited unfairly and lose money on a proposition.

So I am still waiting to make my decision on this bill, appreciate the Senator's comments, but do believe this is a bill that is critical for open hearings and

public participation.

Thank you.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Will the Senator yield for a question?

ACTING PRESIDENT MEIER: Senator Krueger, will you yield for a question from Senator Duane?

SENATOR LIZ KRUEGER: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: Thank you. Through you, Mr. President.

Are you aware -- is the Senator aware that I served on a legislative body before coming here to the Senate chamber?

SENATOR LIZ KRUEGER: Yes, I knew you were in the New York City Council before you came to the New York State Senate.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Well, it's Senator Krueger you want.

SENATOR DUANE: Would the Senator continue to yield.

SENATOR LIZ KRUEGER: Yes, I do, Senator Duane.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: And during the time that I served on the New York City Council, did there come many, many, many times when we had public hearings on legislation?

SENATOR LIZ KRUEGER: Yes, I am very familiar with large numbers of City Council hearings. I in fact testified at large numbers of open public City Council hearings.

SENATOR DUANE: And through you, Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR LIZ KRUEGER: Yes, I do, Mr. President.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: And at those

hearings, in addition to advocates in social policy and academics, the New York City administration would also testify at those hearings?

SENATOR LIZ KRUEGER: Mr. President, yes, it is my experience that we would call in -- excuse me, that the City Council would call into their hearings government agency representatives from throughout the government, including the mayor's administration, to discuss important issues with the public.

SENATOR DUANE: And through you, Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Senator, do you yield?

SENATOR LIZ KRUEGER: Yes, Mr. President, I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: And I'm wondering if you believe that in fact we council members often ended up crafting better legislation as a result of listening to the administration

and its agencies, as well as advocates and people from the academic fields, as well as, say, if we were doing a bill similar to this, people from the industry?

SENATOR LIZ KRUEGER: Mr. President, to respond to the Senator, not only do I think that that's a better model, as it related to the New York City Council process, but I would agree that it's a better model as it relates to how our Congress operates, both the U.S. House of Representatives and the U.S. Senate, and how, at least my understanding is, many state legislatures operate throughout this country.

SENATOR DUANE: And if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR LIZ KRUEGER: Yes, Mr. President, I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: And if the Senator could just tell us again how long she's been here in the New York State Senate.

SENATOR LIZ KRUEGER: I believe, Senator Duane, that this is my 15th week in the chambers.

SENATOR DUANE: And through you, Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR LIZ KRUEGER: Yes, Mr. President, I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: And do you know how many public hearings there have been on legislation since you've been here, from the committees you serve on?

SENATOR LIZ KRUEGER: Mr. President, I do not believe there have been any public hearings scheduled on any committee that I sit on during the time that I've been here.

SENATOR DUANE: Thank you, Mr. President. Thank you.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Libous, to explain his vote.

SENATOR LIBOUS: Mr. President, thank you. I want to applaud Senator Velella for putting this sunset provision in the bill.

I am quite familiar with this. And I think what this allows us to do is to examine the bill after a certain period of time to see what its effectiveness is. I think there are a number of people in New York State who, while they think that the original legislation was probably good legislation, I for one will be very interested in seeing the performance.

So, Senator Velella, I want to say thank you for putting the sunset provision in. I think it's the right thing to do. And I think by doing that it provides all of the answers to what my colleagues on the other side of the aisle were kind of requesting.

Because if there was no sunset provision, there would be no opportunity for us to review the bill.

So I think it's the right thing to do, and I vote aye.

ACTING PRESIDENT MEIER: Senator Libous will be recorded in the affirmative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you very much.

I appreciate the Senator's comments, because it's reaffirmed my decision to vote no on the bill. Of course we can study the bill even if we don't repeal it today, sunset the bill. We can repeal the bill at any time that we've done our study and found that it was not an effective bill.

And I'd argue that since the bill is less than a year old, the need to sunset it at this point in time is not called for. But rather, to continue my argument before, we should be studying the issue, we should be investigating the pros and cons. And if we in fact discover that this was not a good bill,

we should at that time repeal the bill.

So I do vote no, because I don't think we need to have a sunset provision. So thank you for the clarification.

ACTING PRESIDENT MEIER: Senator Liz Krueger will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1266 are Senators Andrews, Duane, Gentile, Hassell-Thompson, Hevesi, L. Krueger, Maziarz, Morahan, and Stavisky. Ayes, 49. Nays, 9.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1270.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1270.

THE SECRETARY: Calendar Number 1270, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11627, an act to amend the Education

Law, in relation to reorganization.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR BRUNO: I would move that we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues.

The bill before us, as you know, changes the way schools in New York City will be governed. And we've been referring to it as the governance bill. We passed a bill, I believe about two weeks ago here in this

chamber, and at that time we observed and commented that this was historic. For decades people have talked about changing the way schools are managed in the city. Never has the Legislature been able to get together with the Executive and with the Mayor of the city to accomplish such a dramatic change.

The Assembly passed this bill last night. They made some revisions, in agreement with the Governor, with the Mayor, and with us. So we are passing and giving final passage to this bill.

And I want to applaud the members here from the city that have been involved in this issue, from the time Senator Marchi started the school system in New York -- oh, no.

(Laughter.)

SENATOR BRUNO: That came a little bit after the Senator's time.

But in 1994, I believe Senator Marchi did the Marchi Commission and talked about the schools and what might be done to improve the quality of the education that takes place there.

And here we are today, with Senator Padavan having been very, very involved, and Senator Maltese, and so many others -- Senator Espada. But Senator Velella, who is now the sponsor of this legislation that is before us, will take his place in the history books as the sponsor of this legislation and as the only Senator, to my knowledge, that served as a school board president for several years. So that he knows, firsthand, secondhand, third-hand, what needed to get done.

So we commend him, we applaud him for your diligence, for your persistence, and for all of your good deeds on behalf of not just your constituency but the entire constituency of New York City and, consequently, in the state.

Mayor Bloomberg said last night, as we joined he and the Governor and President Randi Weingarten of the United Federation of Teachers, announcing their agreement, there isn't a greater or better investment that we can make in that city or in this state than investing in our young people to give them the very best education to allow them to go out

and meet the challenging world that they must face.

So we're proud of this work that we're doing here today. We're proud that we were able to take a leadership position, pass this bill two weeks ago, and that we can partner with the Speaker and with the Assembly in getting it done together.

So this is an important moment in our lives, the lives of the people in New York, the people in this state. So I want to commend you, my colleagues, whom I'm sure will be supportive, and welcome your comments and your observations as we continue to discuss this critically important issue to all of us.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Velella.

SENATOR VELELLA: Thank you, Mr. President. I'm going to be brief and explain what the basic differences are between this bill and the bill which we passed last week.

I think, as Senator Bruno indicated, this is a historic time. I have

been in the Legislature for almost 30 years, and I have been supportive of this concept and sponsored this legislation when I was in the Assembly, and throughout all the mayors that I have served under, going back to Beame, Koch, Dinkins, Giuliani, and now Mayor Bloomberg.

I think that the time has come when, as I said on the last bill, the buck has to stop somewhere when we blame people for the problems of education in the City of New York. Now, we can take this bill and nitpick it apart -- because I don't like everything in this bill that I'm sponsoring. I have some problems with some of the things in this bill. And last week the members of the Minority did an excellent job at nitpicking apart certain parts of the bill that they did not like.

But I think the difference is, while I don't like some of the things in this bill, I say that we have to get started doing something. It's better to light that candle than to curse the darkness. We need to get started to reform and revise the system of education in the City of New York which has failed. It is not doing the job it should be

doing.

And there are parts to this, as I outline them, that I'm not happy with. But let us start with the differences. And there are five basic differences. There may be a couple of technical things, and if you have a question, feel free to ask them.

But first we put into this bill a maintenance of effort. And last week many of you pointed out that there was no maintenance of effort in that bill that we proposed, but we talked about doing one for the five big cities. So the Speaker wanted to put it in this bill, and we put into this bill what we would have done for the five cities in a separate bill. And I think we'll be seeing very shortly a bill for the other four cities.

So while we didn't differ on it in terms of the need for maintenance of effort, we certainly feel that that is what was needed. It is in this bill rather than in another bill. And if that made the Assembly happy, so be it. It gets the bill done.

One part that I don't agree with is the seven-year sunset. As I said to Senator

Krueger in the prior bill, the only thing I can be sure about happening seven years from now as far as leadership in this state is that Senator Marchi will be here and I will be here. Other than that, I don't know what senators, what assemblymen, what governor will be here. But we are leaving ourselves at the mercy of those people who will be here seven years from now.

Now, I don't think that that's sound policy. I think that that's really a bad policy. And I hope within the next seven years we're going to have the intestinal fortitude to stand up and address that. Because I don't think we ought to have a system where our kids are being educated and in seven years, if we should have a governor, a majority leader, or a speaker who wants to be stubborn, they can just sit there and say: We're not renewing your system of education. And all of a sudden, the old system that didn't work comes back into existence.

It's putting a chip on the table to politicize the education of our young people. I don't think we should have it. But I'm not

going to throw the bill out to just say we can't do anything, we need to repeal it, we need to take out that section that has a seven-year sunset clause in it. This is better than nothing.

And while I don't agree with that, I'm going to work very hard in the future to try and eliminate that, it's part that the Speaker insisted.

Now, there are some that say there were more political motives to this bill and to the sunset provision. And it gives an opportunity to put the next mayor of the City of New York, assuming that Mayor Bloomberg might be reelected, the next one to come in will have to come up here and beg us to try and extend the system that we're putting in place now. I don't think we should start any mayor off at that level. So I don't particularly agree with that sunset provision.

But in order to get the main part of this bill done, to start reforming the governance of schools in the city of New York, we're going along with it. And that's the basic difference between the Minority position

of the other day and our position. We're willing to compromise and accept something to get something started, to get it done, rather than to just nitpick and say "If it isn't my way, I don't want it."

Additionally, the third difference is the chancellor will need a waiver if his qualifications aren't up to the qualifications of the statute. We had a different provision in the law where he could have a deputy chancellor fill the need for those provisions. Under this bill, the chancellor will need a waiver, very much as the present chancellor is operating with an existing waiver.

There will be a two-year extension of the Wicks Law, which wasn't touched in the prior bill. And school boards will stay in existence to June 30, 2003, with a task force established with 10 members from the Senate and 10 members from the Assembly to come up with an idea and make recommendations to us on what we should do to replace the school boards.

That will be the basic provisions of the bill, in addition to all the other

things that we had in the bill that we passed last week.

As I said, there are some parts to this bill I don't like. But to get started, we need to pass this bill today. And I would hope that with the help of all of you in this house, you will put some nitpicking, partisan differences aside, and let's get this bill into law. Let's give the Mayor an opportunity to reform the system.

We won't have to worry about a school board system where everybody is pointing to everybody else. The mayor says: "I'm not responsible, it's the chancellor's job." The chancellor says: "I'm not responsible, it's the school board, members of the Board of Education that are my bosses that give me the problem." And the board members turn around and say: "It's the mayor's job, because he's the guy who has the money."

We're going to stop that. We're going to say the buck stops at the mayor's office.

I commend Mayor Bloomberg for standing up, like other mayors before him, and

saying "I want to reform the system, I want to take the burden on my back, I want to stand before the voters for reelection and show them what I can do." Let's give him the chance. Let's support this bill.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

I appreciate very much and applaud Senator Velella and his explanation of some of the salient issues contained in this legislation. And without repeating everything he said, because it doesn't really require repetition, I think it is important to emphasize that we have now an opportunity - and I emphasize the word "opportunity" -- for a mayor to be totally engaged with this system of education, engaged and responsible and accountable, unlike mayors prior to this date. To select a chancellor to wrap his arms around that system and obviously to have an incentive, heretofore nonexistent, to provide the resources to make that system work as well as it can.

Now, on that point, if I lived far removed from the City of New York and read the many things that are printed and heard some of the words that are articulated by legislators, I would have the impression that the system in the City of New York that educates 1.1 million children is in total disarray and no child gets educated and every school board is corrupt.

I assure you who might have gotten that impression, that is not the case. As I look around this chamber, I see many legislators who are a product of that public school system, myself included. Someone might debate the issue, but I don't think we did that badly. My children attended the public school system in my district, and I'm proud to say they did extremely well, as I'm sure many of your children.

Many of the school boards in Queens, in my area, and Bay Ridge, Brooklyn, and Staten Island and the Bronx, Manhattan, have done an outstanding job of being advocates on behalf of the children in the system. And it all boils down to educating

kids. And that's what this should all be about. So to blanket the entire system and to say no child is being educated, no school board works well, everybody should be replaced, words to that effect, is wrong. It's simply not the case.

Having said that, however, there are many children who are not having their potential maximized within the framework of the system, largely due to resources that are not available. We know, all of us certainly from the city know that many of our children come from dysfunctional families, socioeconomic backgrounds, foreign countries, where there is no support at home, where there is no parent to make sure that the homework is done and that problems are addressed in the school and elsewhere if necessary. It's just not there.

So how do you deal with that? Longer school days, summer school, after-school programs? A system that is more engaged in terms of dealing with that youngster?

Addressing needs. Needs. And that

was the essence of the Campaign for Fiscal Equity court case and the decision rendered by Judge DeGrasse, 98 pages in length.

And how do you do that? By getting those resources in there. And how do you do that? By getting a mayor who is accountable who will have to provide those resources because, he says -- and I believe him -- "my tenure as mayor will be evaluated and rated based on how well I do to improve the education of those children who are not getting a proper education."

So he's going to have to put in the resources to do it, because you and I know without them it's just not going to happen.

Now, Senator Velella mentioned this seven-year sunset. It came as a surprise to me yesterday, as it did to everybody else.

We did a degree, and I think a significant degree, of governance reform in 1996. We took away patronage from the school boards. We provided more accountability between the superintendents and principals. We did a whole host of things. Many of those things have produced some positive results, I

might add. But we didn't have a sunset provision. We said if we have to make more changes or evolve into something even better, we will do it. And we are doing it.

We did custodian reform. You remember the days when the principal reported to the custodian, in effect. We changed that. We didn't have a sunset provision in there. We did away with principal tenure, to make them more accountable. We didn't have a sunset in there.

Why this is here is beyond my ability to understand. And it has a problem. If for some reason, as Senator Velella pointed out, nothing is done at the end of those years, everything we're going to do today implodes and we revert back to the system currently in effect.

Now, I ask you this rhetorical question. How do 32 elected school boards all of a sudden reappear? Impossible. Or a central board of education reappear? It's ludicrous.

But the Assembly insisted upon it. And we don't want to stand in the way of

progress by refusing to do the bill because of that reason.

One of the other things Senator Velella mentioned is maintenance of effort. Maintenance of effort can be defined in many different ways. We have defined it in terms of legislation that has been before this house, and passed by this house in prior years, as saying that the City of New York and the other four cities, the dependent school districts, shall maintain a level of education funding on a percentage basis commensurate with that, over an average of three years. And when the state, as it has repetitively, year after year, increases aid to education, that those localities, those cities must do likewise. That's what maintenance of effort means.

And again referring back to Judge DeGrasse's decision, he pointed out that in the City of New York, over a specific time frame, the city's portion of the education budget went from 41 percent down to 37 percent. And as he said, the city has not maintained its effort.

Now, what's in this bill? What's in this bill is a maintenance of effort provision -- and I call it that with quotes - which says that there is a base year, and it's this fiscal year, and the city shall not provide funding any less than that.

Well, that's something. It's better than nothing. It means they can't cut next year when we add, unless there's something catastrophic. And there's a safeguard in there, if you will, to allow that to happen.

But generally speaking, in future years the city could not have an education budget less than the current fiscal year 2003. Which means, again, if we add money, it will be on top of. Unless, getting back to what I said before, the mayor, who will be accountable for the productivity associated with this new venture, continues to add resources, as we certainly hope he will.

Now, the other issue relates to the community school boards. I said earlier that there are many community school boards -- and I certainly could point to those in my

district -- who as advocates are very, very effective in giving an opportunity for parents' associations and others interested in the education of their children to coalesce behind an initiative to draw attention to problems that exist in individual schools or districtwide. They might be space problems, they may be a variety of issues of working with the school-based leadership councils that we mandated in 1996.

They do an effective job. There are many -- there are 32 school districts - I'm in no doubt don't do an effective job.

Now, it seems to me that a better approach was one engendered in our bill that we passed a week ago, where we said we keep the school boards but between now and a fixed point in time we will evaluate their efficacy and determine whether or not we want to eliminate them, change them, keep them, or whatever we think, through the public hearing process, is the most appropriate thing to do.

But what the Assembly insisted upon is that we sunset them now and then have a task force to evaluate not what to do with

them, but what to replace them with. That is a debatable proposal.

I think our original way made more sense. I think this is the cart before the horse. We're prejudging, and I don't think that's, if I had my choice, the right way to go.

The other issue relevant to that is something called the Justice Department. Many of you will recall several years ago we passed a bill changing the method by which school board members were elected. We went from an archaic system of paper ballots and cascading votes that nobody understood, myself included, to a machine.

SENATOR CONNOR: I understood it.

SENATOR PADAVAN: Yes, Senator Connor understood it.

But nevertheless, the average person didn't. And I think it was a detriment to people voting. But nevertheless, we went to a machine voting system, one that was more efficient and I think far better.

In any event, the Justice Department had to review that. Guess what?

They said no. In the three counties, you can't do it.

When they get a copy of this bill -- and I can assure you they will -- and they see that we not only changed the election process, we eliminated this elected body, I think you can guess what their reaction is going to be. They're going to say: No, no, no, no, you are dealing with minority voting rights and you can't do that, not without some very careful review.

Why we are holding ourselves up to that particular result I find somewhat disturbing, because we need not do it that way. We can keep them, have public hearings, and present to the Justice Department a case for making a change, whatever that change turns out to be. Not to prejudge it and present them with a fait accompli, because I think their reaction is going to be quite negative.

Having said all of that, obviously I intend to vote for this bill, for the reasons I articulated at the very beginning. It's a major step forward in terms of ensuring

that there will be additional resources in the system, there will be more accountability, there will be a committed mayor, whomever he or she may be, there will be some cost savings certainly from the transfer of nonpedagogical functions to other city agencies.

The School Construction Authority will be revamped in terms of its governance, which I think will make it more effective in terms of building schools and maintaining schools at less cost, more rapidly.

There are many other good things in this bill. And so for that reason, I will be voting for it. But I do want the record to show the concerns that I and hopefully many others have with regard to some of these provisions that are herein contained.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Last week I opposed the bill that we considered then, and nearly every Democrat in this chamber opposed it. The objections we

articulated were that that bill lacked a maintenance of effort provision, which this bill has, that that bill seemed to have a whole section dealing with the possibility of vouchers. This bill does not have that. There was a nepotism provision or an elimination of an antinepotism provision, which we objected to, which has been taken care of in this bill.

There was a fourth point which Senator Velella mentioned that we objected to, and -- the waiver. That bill did not require a waiver for someone who didn't have academic credentials, and we raised that issue.

So I'm happy to say this bill addresses those major concerns. I want to congratulate the Majority here. But more so, even, I want the congratulate the Assembly Majority and the Speaker for hanging tough on those very, very important issues and, together with our colleagues here, getting those matters addressed.

Let me say, though, Mr. President, we had mayoral control. Until 1969, the mayor controlled the school board in New York City.

And legislators stood on this floor and on the floor of the Assembly in the late '60s, announced the system was broken, and they for the first time in decades were going to do major changes in the governance of New York City's schools.

They were going to have a new form of Board of Education, appointed a different way, not just by the mayor. They were going to have elected community school boards and community districts to give communities and parents a role.

And they hailed this in the late '60s as the birth of a new era for New York City's public schools. And indeed, the leaders of the day said: This is the first time -- and forget decades, Mr. President, it was the first time since in the 19th century that there had been a change in governance of New York City's public school system.

What went wrong? Well, some of the problems in New York City's schools can't be managed away. As Senator Padavan pointed out, both last week, from the DeGrasse decision, and today, resources matter, and resources

that address special needs. And New York City does have a lot of children, a lot of schoolchildren who have very special needs. Language needs, support kind of needs because of the absence of parent thing.

One thing, though, I would disagree with Senator Padavan about is he mentioned that we have a lot of children whose parents are foreigners. Yes, and some of the best-performing children in New York City's public schools are the children of immigrants. I see that in my son's own school. You look around New York City and you see that certainly in all of the schools. Whether they be Hispanic immigrants or Russian immigrants or Asian immigrants, certainly some of the highest achievers come from homes where the parents' use of English is very limited but where there is a real tradition of the parents encouraging their children to study, to read, to achieve.

That said, there are many, many needs. And it's a huge system, Mr. President. So let me say this. I am not overly sanguine that we have solved all the problems by doing

this, any more than the Legislature in the late '60s, when they departed from mayoral control -- which had been in place since, I believe, the 1880s -- when they departed from that and hailed a new era seemed to have gotten it right.

One of the problems is really our neglect of some salient governmental and budget principles got us here. Why, in 1969, did they come up with a Board of Education of two mayoral appointees and five appointees, one each from the borough presidents?

That wasn't an accident, Mr. President. That reflected where the real budgetary power in New York City was at the time. We had a relatively weak mayor, budgetarily, and a very strong -- remember? - Board of Estimate. And it made sense to make the borough presidents partners in the Board of Ed because they controlled the pursestrings, together with the mayor, through the Board of Estimate.

It's not that those legislators in the late '60s got it wrong, came up with, whoa, a Board of Ed with five borough

president appointees and only two mayoral appointees. At the time, those borough presidents had clout. There was no budget, no city contract that could be entered into, no project done in New York City that cost money without the concurrence of the Board of Estimate. So it made a lot of sense to have the Board of Ed reflect the people who held the pursestrings at the time; namely, the Board of Estimate.

The Board of Estimate got abolished through court decisions some 12, 14 years ago. We never changed the governance system in the schools. We never changed the governance systems. Now we had a dissonance. The mayor was suddenly, under the new city charter, a strong mayor with strong budgetary powers. No more need he or she answer to the Board of Estimate; i.e., the borough presidents.

Yet we left in place a school governance system that placed power in the hands of the appointees of the borough presidents, who were no longer fiscal partners with the mayor.

So for that reason, Mr. President,

while I don't think changing governance is going to solve the problems -- I think resources will -- I think it makes eminently good sense for us now for reflect the real political reality when it comes to budgetary powers in New York City. The mayor has it. The borough presidents don't have it. We need to change that structure. We need to reflect the real strength, the real power to provide resources to the schools.

The maintenance of effort provision is good. What's more important, Mr. President, is no longer can a mayor stand up at a town hall meeting -- and they all have them. At least certainly Mayor Giuliani, Mayor Koch, Mayor Dinkins. I think -- I'm sure this mayor will have them as he gets going, the so-called town hall meetings where parents and others stand up and say: "Look at this. You call this a textbook? It's 30 years old, missing half its pages."

No longer will a mayor be able to say: "Listen, the city gives billions of dollars to the Board of Ed, but I don't have any power over what they do with it. I have

no power. Talk to the Board of Ed and their appointee, the chancellor. I just give them the money. They decide what they do with it." No longer can mayors duck.

I say to Mayor Bloomberg: I wish you well in managing the school system. I also say you got what you wished for. I hope it works out for you. Because there's nowhere to run, nowhere to hide. Put up the money, manage it, and be accountable to the residents in New York City, to our schoolchildren and parents. There's no more pointing the finger at the Board of Ed. It's your Board of Ed now. It's your chancellor, Mayor. Deliver the goods, no excuses.

I'm voting aye, Mr. President.

ACTING PRESIDENT MEIER: Senator Malcolm Smith.

SENATOR MALCOLM SMITH: Thank you very much, Mr. President.

And let me thank, obviously, my leader, Senator Connor, Senator Bruno, both leaders of this house, Assemblyman Silver, also Padavan, Velella, and some of those other members on the task force for probably

tackling what is the number-one concern and issue around the state today.

Some will ask, how did we get here? Was it simply because the Mayor pressed his way forward on this issue? Was it simply a matter of timing? Mr. President, I would challenge many of those thoughts to hopefully get to the point where we recognize we got here today because of each and every person sitting in this chamber.

I believe everyone has begun to realize, as they have begun to realize the same with the Rockefeller Drug Laws, that things have clearly come to a point where there was a need for change.

If you look at each and every one of us in terms of why we're in this chamber and why we are here and what we believe we are supposed to do, and some of that reflects in a very benevolent sense. And that is we are here to do the right thing, we are here to do what we think is the good thing in terms of how other people's lives are shaped and formed.

Today we are passing a bill that

will probably change the course of this particular state. Because we are now giving every single child in at least the city of New York -- and perhaps in the five cities, subsequent to this -- the opportunity to dream their dream and to basically accomplish their dream by being educated in a proper way.

Senator Connor raised the question of resources. And clearly while this bill gives the mayor the opportunity to control and manage the system by having the ability to reward and punish those who do not perform in the capacity in which they are hired to do so, there clearly needs to be some resources there as well.

This bill becomes interesting because, as I have moved through this particular chamber and other venues dealing with groups, it seems to me when you run into a particular piece of legislation or agreement where not everybody is happy, as in most negotiations, that means that something was done right.

Clearly, there is one side that has problems with the sunset, they have problems

with the removal of the school boards. There is the other side that is happy about the maintenance of effort, along with some other particular details that are in the bill.

But what becomes I think critically important to everyone in this chamber, Mr. President, is that we don't fall into that particular verbal disease that we tend to run to every now and then as the future becomes apparent to us, and that is the verbal disease of "I told you so" or "I was right." What I hope is that we don't get to the point where we want to be proud to say "I told you so" or "I told you I was right."

If in fact there comes a time when we can talk to the mayor or his superintendents or the principals and we see there is something that might need to be corrected in the system, I hope we take the time to speak to the mayor or speak to the chancellor. Because, in speaking to them, we then will allow ourselves to be a part of correcting something that we tried to correct here today.

We will have the opportunity,

assuming there is less bureaucracy than is in play right now -- and I believe that will be so with this bill. But we will have the opportunity as individuals who can relate to and speak to the superintendents or the principals or the mayor. We will have the opportunity to provide correction to something that might be wrong or something that we might see in the system that may be wrong.

What I'm hoping that we don't do is just sit back and say "Well, I told you so. I was right. Let's just let the system run off the track, as it is now running, and let's do nothing to correct it. Let's just wait for the seven years to pass, or let's just wait till we have the opportunity to sit back and make some changes in school governance again."

What my challenge is to all of my colleagues here, those that are downstate and upstate, is when that time comes, let's please not fall into that particular situation. Let's not run in the other direction and just say: Well, you wanted it, you got it, now it's up to you. Let's just remember that this is bigger than all of us. This particular

bill, this particular need, the particular void that we're trying to fill has really nothing to do with each and every one of us individually.

What it really has to do with is Mrs. Jones and her two kids who she is trying to make sure get a decent education. She's working two jobs. She wants her children to be educated so they have the opportunity to go out there to become productive citizens. She wants to make sure that her child who is in special ed seems to have the opportunity to still become educated and go forward with his life and to be productive.

The young lady who is now working two jobs, who is no longer married, has a son who is running amuck in the system, now you have a system hopefully that will be able to monitor this particular child's behavior and correct it.

Remember, those are the issues and the concerns that we need to rest in our minds, and not so much about our intellectual ability as legislators to come up with some corrective measures or some finger-pointing

moments when this bill or certain things in the bill may need to be addressed. Whether it is the 13 members on the board or it's the way the trustees have dealt with the School Construction Authority, whether it is the way the teachers perform, the bottom line is it's about those individuals who are on the bottom of the food chain. And those individuals represent John and Mary and Susan and Alice and Michael and all those individual children who are now saying: I hope that I will be able to stand before this body one day and say that I was educated, I was educated well in a system that is extremely large.

So, Mr. President, I will be voting aye today. But I will be voting aye with the understanding that I am also going to monitor this particular process as it is going forward. And I will continue to stay as micro-ly involved in this process. It may not be a perfect bill. It may be a bill that we think there needs to be some corrective measures after today.

But the bottom line is after today we need to make sure that we are still there

so when the time comes and we need to have some input as to how some things can be made differently, we take the time to do that. And we do not get to the point where we just simply say "I told you so, I thought I was right."

I will be voting aye.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: While my distinguished colleagues were talking, I was writing two setting of remarks down.

This is a very difficult bill to work on and a very difficult bill to vote on. But there have been, as my colleagues have mentioned, major positive improvements on the bill that this chamber voted on just a week ago.

It gives the mayor great powers in education, powers that the mayor had between 1896 and 1969. It took us over thirty years to change those powers. I'm not certain, as I said last week, that governance is the key to the issue. But certainly, as I think Senator Connor had mentioned, and others before,

mayors will no longer have the privilege and distinction of blaming the school system on either 32 community school boards or the Central Board of Education.

Now, I differ with my learned colleague Senator Velella. I think it's good that we have the seven-year sunset law in this. I think one of the problems we had in the past is we had 30 years and 40 years and 50 years of centralization, decentralization six times since 1805, and we didn't have a sunset provision built into it.

After sunset, there is sunrise. And I believe in the next seven years if we find there are problems in this bill, there will be an opportunity to change it.

And for the record, I want it to be stated that the Mayor has gone even further. The Mayor has said publicly again and again that if after three years there is not marked improvement in the educational achievement of the children of the city of New York, then not only has the bill failed, but the Mayor has failed.

The Mayor has to be commended

because he has taken a major, major issue of controversy and has made it the signal issue of his administration -- as Ed Koch did with housing, as Rudy Giuliani did with crime. This is probably going to be even more controversial than the decision of those two previous mayors.

Now, everyone has mentioned their agreement that the maintenance of effort is a very, very important change to the City of New York.

I feel that of the 13 members of the Board of Education, the five appointed by the boroughs, the borough representatives, must be parents of children. Today you have a seven-member board; only one of those members has a child in the public schools. At least we will have a 13-member board where five will have children in the public schools. And when these children graduate or leave the public schools, there will have to be change. And I think that's a very, very important issue.

I also think it's very important that this bill have what last week's bill lacked, and that is that no member of this

governance board, which I believe is now called the Board of Education, shall work for the City of New York in any capacity or shall work for the Board of Education in any capacity.

Unlike the CUNY Board of Trustees, where members of that board have jobs in the city administration. And unlike the current situation where the Central Board of Education and community school board members have family members who work for the Board of Education if they themselves do not work for the Board of Education.

So those are some of the major provisions of improvement. But there are others as well that I think can be mentioned and should be mentioned before we actually vote on this measure today.

Basically, basically I'm concerned about the sunset provisions dealing with the community school boards. I share Senator Padavan's reservations. There are community school boards that are good, there are community school boards that are fair, and there are community school boards that are

poor and not doing their job.

I would hope that next year when this committee of 20, composed of 10 representatives by the Speaker and 10 by the Majority Leader of this chamber, when they get together really analyze and discuss what to do with community school boards. Perhaps even continuing voting in members of community school boards, with changes.

Or, if that is not done, appointing community school board members who represent the parents of the children, the consumers of the New York public school system. I would hope that we will be as open-minded as that next year. And I have a major concern about that.

Another concern that I have, which really has not been discussed in this chamber, is that there is no educational vision, there is no educational philosophy behind this bill. We have come to believe, because of our frustrations and the failures of the children, that there can be a quick fix, and that quick fix is a change in governance. Even though in almost 200 years we have gone from

centralization to decentralization to centralization to decentralization and now back to centralization.

What I'm hoping is that before this legislation sunsets, before the three years the Mayor says his administration will be responsible for the success or failure of the school system, that we do develop a vision of education, a philosophy of education, that will not only serve the city well but will lead to the achievement of the public schoolchildren throughout the City of New York.

The waiver, the power of the waiver which the Commissioner of Education has received, is also an important change from the previous bill that we discussed in this chamber. Harold Levy received the waiver. Barbie Wagner did not receive the waiver. The mayor is not absolute in this. He has to coordinate now with the State Education Department and the Commissioner of Education in terms of who would be appointed chancellor.

Also, I am led to believe that the Board of Education will now have certain

though limited roles in executing the decisions made by the board, both financial and fiduciary decisions as well as areas in terms of chief operating officers.

These are all improvements as to what we voted on last week. So the question is, how am I going to vote? I'm going to vote yes on this imperfect bill. And I'm going to vote yes on this imperfect bill because I discovered this weekend, when I spoke to parents of children in the public schools and parents of children in the nonpublic school and children themselves, that people are fed up and they want change. I'm not certain this is the correct change. But I do know if we don't accept this change, we're not going to have change for many years more in the future.

So relying upon, relying upon the collective wisdom of this chamber and the Assembly and their leadership, I hope and I pray this bill in governance will become an improvement over the past bill and enable us to develop a vision of education that allows for the education of every single child in the city, regardless of income, regardless of

race, regardless of ethnicity, regardless of where they came from.

I am therefore voting yes.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President. On the bill.

Last week, Mr. President, I stood up and spoke for about 15 or 20 minutes in support of the earlier version of Senator Velella's bill. In fact, I was surprised to find that I was the only Democrat who supported it. So I'm not going to get into a whole long discussion about why mayoral control is so terribly important. I've done that already.

This bill that's before us I think is even better than last week's bill. There are three fundamental changes. I believe - well, let me -- I'm not sure if I've heard another Democrat pass judgment opposed to the seven-year sunset provision. I know Senator Lachman thought it was a good idea. So I don't want anybody to think this is a direct partisan issue. I think the seven-year sunset

is a bad idea. I agree with some of my colleagues on the other side of the aisle.

Having said that, this bill is better. It does away with the local school boards. Which, you know, they're good in some areas, a couple of areas, but they're absolutely horrible, dysfunctional, and an incredible distraction to true educational reform. Not to mention the lost money that we poured down the administrative drain on the local school boards. We've got to get rid of them. This bill does it. So it's better than last week's bill.

And finally, I stood on the floor last week as all my Democratic colleagues were calling for maintenance of effort and I said I really have mixed feelings about it. Because while it's good in theory, if the City of New York gets into a fiscal crisis, you could theoretically have a situation where the mayor is forced, because of a state legislative action that requires a maintenance of effort, to cut police and fire and increase spending for education. That's bad public policy.

So I said ah, I'm not really sure

about a maintenance of effort. But this bill has a maintenance of effort that absolutely takes into consideration that one concern I had about it, which is yes, maintenance of effort, additional spending in each successive year, with the one very intelligent exception being that if the city is in fiscal crisis that provision doesn't apply.

So this is a good bill. I'm going to stop there and do one other thing, because Senator Connor was very clear in communicating very loudly to Mayor Bloomberg -- and I know a lot of us share this opinion. And some of my colleagues are reticent about supporting this change because they have not, they feel -- and I don't know if I agree with this -- they feel that they have not heard a clearly articulated educational -- aside from governance reform, a clearly articulated educational reform plan.

So let me say the following, because I touched on this two weeks ago. And I'm going to go in a direction here that I have not really heard before. I'm going to give some specifics on where I think we should go educationally in a detailed way. Okay?

And this is more important, this one factor that I think we have to focus on is more important than pumping money into the system, it is more important than getting the most qualified teacher in the classroom, it's more important than having lower class size, it's more important than universal pre-K, more important than having adequate supplies in the school building -- than everything else. And sometimes people pay lip service to it, but never really go after it. So I'm going to do that today.

What we have to do in this system is get parents -- not involved in running the school system. I really -- you know, it's - I don't think it's necessarily a bad thing. But that seems to be everybody's priority. I am much less concerned with parents running public schools, passing judgment over million-dollar budgets and curriculum decisions than I am in them getting involved in their own child's education. Which that simple fact will improve performance more than any of the other issues that I mentioned here. More than money. More than teacher quality.

More than everything else.

Here's what I think we need to do, Mr. President. I and I hope that Mayor Bloomberg, who now has -- will have, as a result of this bill, free rein to do what he wants to, will hear what I'm saying here and really go after this. I think there should be a deputy chancellor for parental involvement -- you know, I'd love to do it statutorily. If I was involved in this process, I might have suggested it -- whose job is to get parents involved in their own child's education. That is his mission, that is his function.

Now, Mr. President, about a month ago I went to a Met game with two underprivileged African-American kids from Nassau County, one of whom had been essentially adopted, was being mentored by a 30-year-old woman who went to Brown undergrad, Columbia Law School, and is, you know, a tremendously successful attorney with a white-shoe firm in Manhattan. She had adopted this kid, essentially.

And while we're sitting there

watching the Met game, she explained to me how one of the children came from a family that's not ideal where the father was never around and where the mother was not involved in the child's education. For whatever reason. I'm not casting aspersions on her. I don't know the reasons. It could be she was not prepared to do that educationally, it could be that she didn't have the time to do it because she was working hard, or it could be that she was apathetic, as some parents unfortunately are.

But the point of this story is that my friend, the attorney, told me that she, in the process of mentoring this child, sat down with the kid and started to do homework with the child, who had never, outside of the school, had anyone show an interest in the schoolwork. And she said, without exaggeration, that his eyes lit up and he got excited and he was into it. Now that somebody cared about the work, he cared about it. It's absolutely essential.

Here's what we need to do. Here's my specific plan for parental involvement, after we appoint a deputy chancellor for

parental involvement. Number one, since so many kids in the New York City public school system are the children of immigrants, we need to replicate, on a massive scale, a program that exists as I know it in one school in my Senate district, P.S. 220, where, if you go, go to any one of the graduations coming up, in New York City public schools, 80 to 90 percent of the kids, if you look at them amongst the faces, are immigrant kids or minority kids. They're essentially a majority; there's no minority there. Okay?

P.S. 220 has a program where the parents of the immigrant children and anyone else who is interested come into the school after hours and are taught by the most dedicated teachers (a) in English instruction and (b) how to teach their children. I mean, it's brilliant in its simplicity. It's absolutely brilliant. And the parents love it, because they want to get involved.

And in fact, sometimes what happens are the people who are running this program target some immigrant families where the culture is that the parents should not get

involved in the child's education and they try and break that down, very sympathetically and very wisely. They do that.

And so that's what we need to do, number one, on that massive level. Okay? Get the parents involved by giving them the skills.

Number two, number two, create a program where you say to parents: Here's the program. You come in every Monday night for two hours, you come in every Wednesday night for two hours, or you do on it on the weekend, and you actually work with your own child under the direct supervision of the people in the school. You do it and we monitor it.

Not even as -- and you don't present it as an option. Present it as something that is essentially mandatory and watch it be infectious. Okay?

And if that doesn't work, what you then do -- and this is the only way I would shore support a tax increase that New York City. I would suggest a temporary tax surcharge, income tax surcharge, analogous with the "Safe Streets, Safe City" surcharge,

and put into what I will call a parental involvement incentive fund where, if a parent completes this program where they are, through this program, directly involved with their child's education consistently from one semester to the next, which will show results, that that parent of that child who is involved will be offered a tax incentive.

Incentivize it. That's the way to go it about it. For any family out there where the parent cannot get involved because the parent is -- there's only one parent in the household, they're too busy working or they don't have the skills or what have you, have the high schools in that same district take the honor students and require of those honor students to adopt kids in the elementary schools as a Big Brother academic mentoring program. And we'll find the money to finance it.

And if you start to do these things, Mr. President, if you get the parents involved every single day in their child's education, you will produce results more dramatic than if you had all the resources

that we are always here clamoring for. And now that Mayor Bloomberg is going to have control of the system, I strongly suggest that he make parental involvement the primary focus, even more than all the other very worthy educational reforms that we need. Make it for once -- don't just pay lip service to it, make it for once the primary focus of our system. That way we can start to achieve real reform.

I'll be voting aye.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

Last week I too spoke on this bill, and I am very happy to see that three of the four issues that I raised concerns about have been addressed in this bill.

But one of the concerns that I continue to have is the sunset on school boards. Many people here feel that they should prescribe what roles parents should and should not play in the school system. But I know that in many of the schools in my

district, one of the most successful schools, most of the successful schools, are those schools where there's true parent participation.

Now, whether or not that should - whether or not there are models that could be used in other districts to help to support that, we may not ever know. But one of the things I certainly intend to do is to lobby every member of this 20-member board that you will choose today to make sure that in the restructuring that there is some way in which we will have advisory committees that will allow some participation on the part of parents to continue to be involved with their children.

We don't have the kinds of attendance, perhaps, in many schools in terms of how parents participate. There's no real consistency from district to district. Not even in my own district from school to school is there -- could I be able to give you statistics that say I have certain percentages.

But to a school where we have good

involvement -- we even have a program called "Building Bridges." And it's a program that was designed by parents, in cooperation with teachers who are committed and dedicated to helping our children to learn, to create workshops on weekends for parents. And they're not paid to come into the school. But twice a month they come and give all-day workshops to work with parents to assist them in the kinds of curriculum that are being offered to their children, so that they have a sense of what is happening.

Too often what we fail to realize is that many of the schools in our districts are the products of parents who did not themselves finish their own education. And there is still an intimidation on the part of many parents going into school systems. They're not made to feel comfortable. And there was a wave when parents used to go and volunteer. And schools became intimidated by parents and made to impossible for parents to come.

And so when you do that and you expect parents that then respond, it is very

difficult to get them to come back into what is considered a hostile environment. Because parents are under siege in most school systems. And we can pretend that we don't know that, but they are.

And so because of that, we have not generated the kind of support that parents need to feel when they come to advocate on behalf of their children. And I certainly know and I certainly have had experience with parents who come and behave totally inappropriately to teachers and to administrators. But they are in the minority in terms of number.

The majority of parents who is take the time to come to school and to be involved with their children do so because they care. And many times they are dependent upon an education system to give their children many things that they are not themselves able to give. Culturally, education is not the same from culture to culture. And how families feel about it and have their participation, there is not the kind of training ground that I believe that should happen.

I believe that many of our school districts are a disaster. I think that all the superintendents that we have, I think that that's a disaster. Every burg, every hamlet doesn't need their own superintendent. We don't need to be paying that kind of money.

So there are a lot of reforms that we certainly could impose in terms of how we reform the system. But certainly while I cannot readily say that I would allow myself to vote against this bill if all of the efforts have been put into it to really improve the system -- we're not there. But I could not vote with it without declaring that I think that our desire to dissolve our school boards is going to prove to be a very disastrous thing for many of our communities.

Our school boards are the basis for the relationship between children and parents that exist. And in those schools where they work, they work well. And in those districts where they do not, I believe that we should be taking remedial kinds of measures to improve them or to dismiss them.

But I certainly do not think that

we should be throwing out the bathwater with the baby, particularly because many of them are the major support base, culturally, for families in our communities.

So I will, certainly with a tremendous amount of reluctance, I will vote in favor. But I certainly will continue to work between now and the sunset of the school boards to make my voice heard and to make sure that what we put in place has some replication that allows for true and full participation of parents and community in what happens in our school system. Because believe it or not, they are their tax dollars that are going to pay for this experiment that we're about to do.

ACTING PRESIDENT MEIER: Senator Stavisky.

SENATOR STAVISKY: Mr. President, I remember the 1969 school wars, so to speak. And I remember the fiscal crisis of the 1970s. And history seems to be coming back in the same kind of cycle that some of the historians describe.

I had grave misgivings about

mayoral control. And I think the reason I have such misgivings was that it was taught to me by my husband. He used to say that mayoral control is wrong. He used to talk about how mayoral agencies will be fighting amongst each other for control of the education dollar, particularly when the dollar becomes scarce.

And as a result of his concern back in the '70s when he chaired the Education Committee in the Assembly, we passed a measure known commonly as the Stavisky-Goodman Law. And as I read this bill, I believe that the Stavisky-Goodman provision, which is currently in the law and has been for twenty years or so, will be repealed.

I often say to myself when I look at these bills, using not only my own background and judgment, but I say to myself: What would Leonard say? And I think Leonard would say that what we really need is a fiscally independent school district of New York. That was his position. But that's not one of the choices. Unfortunately, that is not one of the choices.

He was a believer in school boards,

as I am. And I think we do indeed have a problem with the Voting Rights Act in eliminating school boards, as we seem to be doing, in effect.

Having said that, last week's bill I thought was an atrocity. And I still believe that the real issue here is proper funding, fair funding, equitable funding for our schools. And the true solution is implementation of Judge DeGrasse's decision, as well as forcing the city to maintain its fair, its proper contribution to the education dollar.

Now, having said that, I'm going to vote for this bill, with misgivings, particularly with the sunset provision. But I say to myself that things sunset, but very often when you see a sun you don't know if it's a rising sun or a setting sun. And I hope that this legislation will be a rising sun and will provide the kind of accountability that is lacking currently.

And, Mr. Chairman, I vote aye.

ACTING PRESIDENT MEIER: Senator Gentile.

SENATOR GENTILE: Thank you, Mr. President. On the bill.

I, much like Senator Connor, applaud the Mayor for his desire to have mayoral control of the school system. Certainly more accountability, as Senator Connor said, is a good thing, something that -- accountability -- no one can defuse that responsibility if there is mayoral control. So I applaud this bill for the aspects of mayoral control.

However, I believe that the aspect of mayoral control didn't -- this bill didn't have to make mayoral control mutually exclusive with community and parental involvement. Unfortunately, that's what this bill does in making the mayoral control and community and parental input mutually exclusive.

This school governance plan effectively hands the control of my Brooklyn schools over to the Mayor while providing only symbolic input for local communities and parents. Now, I've long championed reform in the New York City school system. But really

my first priority is to do the right thing for the schoolchildren in the Brooklyn public schools that I represent. And this bill unfortunately fails to consider the school districts that work well.

You know, I hear a lot, when we talk about mayoral control -- and I heard a lot in the debate here today. One thing I haven't heard that much about is talk about the schoolchildren. We hear about governance and control, but we haven't heard much about the schoolchildren themselves.

That's what I talk about when I speak to the parents and school board members in my district. And I talk to them about smaller class sizes, about knowing about the buildings and the conditions of the buildings that the schools in my district are in, about the types of new equipment that they need, about the new books and the new technologies that my local schools need to have.

That's the kind of things we need to know. Those are the kinds of things that we need to talk about. And the parents and the educators in the districts that I

represent -- District 21, District 20 -- are overwhelmingly in support of the continued involvement, the local involvement of the community school boards.

And why is that? Why is that? That is so because, because as a result of the local community involvement of parents and community members in the school board we have in District 20, District 21, particularly, we have good schools, we have good teachers, we have good principals, we have good superintendents, and we have involved and responsible parents. And that has resulted in some of the highest test scores and achievements in the City of New York in the district -- the schools that I represent in my district.

So given that situation, why would it be reasonable for any school in my district or any parent in my district, any community member of my district to want to transfer that local control, which has been so successful in my area, why would we want to transfer that control now to either the chancellor, in downtown Brooklyn, or ultimately the mayor at

City Hall? It doesn't make reasonable sense for the people in my district.

In fact, on February 20th of 2002, a resolution was unanimously passed by Community School Board District 20 in Brooklyn calling for the continued support of community boards and parental participation in public schools. It talks about -- and I have a copy of it here -- it talks about school boards being that important link between parents, schools, and the community at large.

This resolution by Community School Board District 20 was passed unanimously by the entire board. And I know these individuals personally, so I know that some of these individuals are Democrats, some of these individuals are Republicans, and they span the spectrum.

So this is not a partisan issue. This is an issue about community. And these members, both Democrat and Republicans on this board, unanimously passed this resolution calling on the Legislature to maintain that community parental input into the public schools.

There's a reason, my friends, my colleagues, that two of the five Assembly members yesterday who voted against school governance in this bill in the Assembly, both Assembly members Peter Abbate and William Colton, both represent school districts within my Senate district.

Now, that is significant, because I think they realize what I realize about this community and the schools that I represent. The simple fact is that the schools in my district perform well. Our teachers, our administrators, our principals are hardworking and they're professional. They're supported by active and involved community parents and school board members.

We don't need to light a candle - that's what I heard said here. We don't need to light a candle. Our flame is burning brightly in Districts 20 and 21. The bottom line is performance, and our children are receiving a high-quality education. And so therefore I ask if that system is not broke, why do we need to fix it? Why are we forced to change the system that is working for us?

Now, I truly understand the Mayor's desire to directly control those poorly performing schools. I applaud those efforts, I really do. But the governance bill that we will pass -- or hopefully not pass here -- but if passed by the Legislature today, indirectly punishes the schools in my Brooklyn district that are performing well.

And people say, well, you have parents on the central board under this bill. Well, parents on the central board are somewhat illusory in the sense that they are not given any support staff under this bill to serve on that central board. There's only one from the entire borough.

And certainly without support staff services and no input to really be a full-fledged member of that board, they will not certainly be able to compete or participate in any meaningful way with the members appointed by the mayor, who have complete support staffs available to them.

Certainly the mayor's appointments also are not appointed for a term of office, they're appointed to serve at the pleasure of

the mayor. So that if there should be a controversial issue, I'm afraid that those members appointed by the mayor will do and vote as a bloc for the mayor rather than vote in their own stead, because of the fact that they are not serving a term, they are serving at the pleasure of the mayor. That concerns me.

Even with the maintenance of effort provisions that are now put into this bill, there is still no guarantee, absolutely no guarantee in this bill that my Brooklyn schools will continue to receive the resources they need to continue to excel. There's nothing in this bill that guarantees that those resources will continue.

Certainly I would much rather see the mayor of the City of New York use his political clout and his political capital spent on closing the $300 million gap in school aid that the cities are being shortchanged, as we all know about. That money that we can use to hire new teachers, new administrators, rebuild crumbling schools, reduce class sizes, and invest in new

technologies.

That not being the case before us here today, unfortunately, I will be joining my colleagues in the Assembly, Assemblyman Abbate and Assemblyman Colton, in making a statement here on the floor today that this bill need not be mutually exclusive, mayoral control and community input. That not being the case before me here today, I will vote no.

ACTING PRESIDENT MEIER: Senator Andrews.

SENATOR ANDREWS: Thank you, Mr. President. On the bill.

Today I stand before you as a former school board member, as a graduate of the New York City school system. And as a student in New York City school system in 1969, I remember the struggle for decentralization and the strike, because I was a student in the school system at that time. And today I happen to represent the school district where I was a student, and am now also a professor at a local college in that community.

This bill for school governance is

needed because there needs to be changes in the educational system in New York City. However, there are some problems that I have with this bill as relates to community school boards and their involvement and the community involvement and, even more important, parent involvement in the education of their children. Because the parents are the taxpayers, and their children are the commodity that we are here to educate.

But still, despite those concerns, I will vote yes on this bill. Because as we know historically and as we see today, the education of our children has not taken place for all of our children in the city of New York. And I hope that this task force that's established to look at school boards or the school boards, and also look at parent involvement and the involvement of parents in the education of their children, that it really takes a hard look and makes some revisions to this bill to include parent involvement and community involvement.

So with those two concerns and some other concerns that I will not belabor the

body with this evening because they have been touched on by other colleagues, I will vote yes on this bill, Mr. Speaker.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 34. This act shall take effect July 1.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Ada Smith, to explain her vote.

SENATOR ADA SMITH: Thank you, Mr. President.

I have great concerns about the lack of parent involvement and the deletion of the school boards. But I put forth a challenge to the Mayor of the City of New York, to find a means of having more parent involvement, whether it be by his appointments to the school board or through his influence with this task force that is being established.

We must have the parent involvement, and we must have people who can

bring back the information to our communities. With all of the faults, I'm willing to vote yes, because there must be change.

Thank you.

ACTING PRESIDENT MEIER: Senator Ada Smith will be recorded in the affirmative.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I'm going to join my colleague Senator Gentile who I believe is also voting no on this legislation. And I want to be on record why I'm voting no.

I have said from the beginning of any discussion about governance reform that we should not by any means eliminate the Board of Ed as at least a quasi-independent group of people who are solely responsible to the children and education.

With this bill, we have given absolute authority to the Mayor for every possible decision. Eight out of the 13 members of the board, including the chancellor, will be responsible solely to the Mayor. And since we have four people who are appointed by the borough presidents, who we

say are supposed to be parents of the children, they're supposed to be parents of public schoolchildren -- we, however, give them absolutely nothing to support them in their work.

And this board has basically no authority, as I read the legislation, to make any decisions as it relates to education and the system. So it is just window dressing. There is no parent involvement here.

And we know that the Mayor's decisions will be governed by the power of the union, the power of people who support him with their money, and the corporations in the city of New York and possibly across this country. So who will we go to when we want to talk about what is happening in a school? And I have a son in school now. And who will we be able to speak with when we find that a school is absolutely not functioning? Do we now have to go to the Mayor, as a PTA, and talk about that? Obviously, that's where we have to go.

And Senator Hevesi I understand has talked about parents and their necessary

involvement. I'm a parent, and I will not accept the blame for a system failing as a parent. And I think we are heading in that direction when we say we want parent involvement and we want to enforce it in any way, whatever.

So I'm voting again against this. And I hope that it doesn't wreck the system. But I can say in no uncertain terms that when we give up, we are reversing entirely any involvement of community or parents, any power that we may have. And when we give up the possibility of influencing the system entirely, we I think, I believe, there is a good possibility that we will impede the system's being able to be responsible to our children.

So, Mr. President, for those reasons I'm voting no.

ACTING PRESIDENT MEIER: Senator Montgomery will be recorded in the negative.

Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

This has probably been the most educational debate that I have listened to on the floor of the Senate in my short period here. And I appreciated that, and I appreciated so many of the comments that people made.

Senators Velella and Padavan gave excellent background arguments for the bill, which is a superior bill by leaps and bounds from the bill that we passed here just a week ago.

Senator Connor and Senator Lachman gave a fascinating history of the changes of the pendulum swing of government, governance responsibility for the education system in New York City.

I think it's clear to me, and I think it should be clear to all of us that there aren't any poison pills in this bill, but there's also no magic bullets. If we think that we solve the issue in public education in New York City by passing this bill today -- and I will support passage of this bill today -- we are wrong. But what I am glad to see through this bill and a closing

of this process is the fact that now that we will move forward, we'll support mayoral accountability and control of the New York City school system. And I for one do support more mayoral control and holding that mayor accountable through the voting box for addressing the issues of our schools.

We still clearly have many issues to address. The concerns about people both originally brought up by Senator Padavan and extolled upon by any number of other senators here is even if the community school board model has not worked -- and I think I come from an interesting district for this, because I'm in School District 2. We perhaps are one of the best school districts in the City of New York. But it was the first school district who called for the closing of the community school district process. They felt that they didn't serve an effective role.

But I don't think anyone in this chamber argues: we need to come up with a model that assures parental participation in the school system. One size does not fit all. There are all kinds of needs out there and

different and unique communities in our city, in response to different needs of schools.

And for parents who have special needs and issues that they need to address on the New York school system, no one really believes -- and I'm sure the mayor would be the first to agree with me -- that we're going to start a line up the front steps of City Hall where each individual parent -

ACTING PRESIDENT MEIER: Senator Krueger, the rules provide two minutes.

SENATOR LIZ KRUEGER: I'm sorry. Thank you very much, Mr. President.

But we need a model. And so the twenty people who will be deciding what happens post-school boards play a critical role.

I think perhaps the most important thing that was said here on the floor tonight, since so many people have spoken before -

ACTING PRESIDENT MEIER: Senator Krueger, how do you vote?

SENATOR LIZ KRUEGER: Thank you.

-- is there's no more excuses -

ACTING PRESIDENT MEIER: Senator.

Senator.

SENATOR LIZ KRUEGER: -- now we can deal with the real issues -

THE WITNESS: Senator, you're now -- please don't make me rule you out of order.

SENATOR LIZ KRUEGER: I'm sorry.

ACTING PRESIDENT MEIER: How do you vote, Senator?

SENATOR LIZ KRUEGER: I will vote for this bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Liz Krueger will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1270 are Senators Gentile, Montgomery, and Santiago. Ayes, 55. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. Would you please lay aside for the day Calendar 1318.

ACTING PRESIDENT MEIER: Calendar 1318 will be laid aside for the day.

SENATOR MORAHAN: Can we return to reports of standing committees.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 2736, by Senator Padavan, an act to amend the Education Law;

4670, by Senator Trunzo, an act to amend the Highway Law;

6155A, by Senator Marchi, an act to amend the General Municipal Law;

6776, by Senator Leibell, an act in relation;

7171, by Senator DeFrancisco, an act to amend the Economic Development Law;

7253, by Senator Leibell, an act to amend the General Municipal Law;

7263A, by Senator Leibell, an act to amend the General Municipal Law;

7268A, by Senator Morahan, an act

to authorize;

7292, by Senator LaValle, an act to amend the Executive Law;

7297, by Senator Bruno, an act to amend the Tax Law;

7301, by Senator Morahan, an act authorizing;

7315, by Senator Nozzolio, an act to amendment the Parks, Recreation and Historic Preservation Law;

7338, by Senator Padavan, an act to amend the Parks, Recreation and Historic Preservation Law;

7358, by Senator LaValle, an act to amend Chapter 534 of the Laws of 1993;

7429A, by Senator Andrews, an act to authorize;

7462, by Senator Balboni, an act to amend the Vehicle and Traffic Law;

7465, by Senator Leibell, an act to amend the Retirement and Social Security Law;

7479, by Senator Saland, an act to amend the Criminal Procedure Law;

7486, by Senator Rath, an act to amend Chapter 537 of the Laws of 1997;

7493, by Senator Leibell, an act to amend the Retirement and Social Security Law;

7497, by Senator Skelos, an act to authorize;

7509, by Senator Volker, an act to amend the Criminal Procedure Law;

7514, by Senator Saland, an act to amend the Social Services Law;

7515, by Senator Saland, an act to amend the Social Services Law;

7519, by Senator Velella, an act to amend Chapter 19 of the Laws of 1994;

7528, by Senator Leibell, an act to amend the Retirement and Social Security Law;

7529, by Senator Padavan, an act to amend the Local Finance Law;

7530, by Senator Padavan, an act to amend Chapter 130 of the Laws of 1998;

7542, by the Senate Committee on Rules, an act to amend the Tax Law;

And Senate Print 7583, by Senator Spano, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator

Morahan.

SENATOR MORAHAN: Move to accept the report, Mr. President.

ACTING PRESIDENT MEIER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Morahan.

SENATOR MORAHAN: Is there my housekeeping at the desk, Mr. President?

ACTING PRESIDENT MEIER: Senator Alesi wants to be recognized, Senator.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

I would ask unanimous consent to be recorded in the negative on Calendar 1266, Senate Bill 7428.

ACTING PRESIDENT MEIER: Without objection, Senator Alesi will be so recorded.

Senator Paterson.

SENATOR PATERSON: Mr. President, I'd like to announce a conference of the Minority tomorrow morning at 10:15 a.m. in the Minority Conference Room.

ACTING PRESIDENT MEIER: Conference of the Minority tomorrow morning, 10:15 a.m.

Senator McGee.

SENATOR McGEE: Mr. President, on behalf of Senator Hannon, on page 50 I offer the following amendments to Calendar 1060, Senate Print Number 7289, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: On behalf of Senator Morahan, Mr. President, on page number 51 I offer the following amendments to Calendar Number 1066, Senate Print Number 4735, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Mr. President.

Mr. President, on behalf of Senator Maltese, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Number 7538 and Senate Number 7539.

ACTING PRESIDENT MEIER: So ordered.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Morahan.

SENATOR MORAHAN: Mr. President, there being no other business in front of the Senate, I move that we adjourn until June 12th at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until June 12th at 11:00 a.m.

(Whereupon, at 6:19 p.m., the Senate adjourned.)