ALBANY, NEW YORK

March 2, 1993

10:00 a.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

Today, in the absence of clergy, if we will bow our heads in a moment of silent prayer.

(Whereupon, there was a moment of silence. )

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Monday, March 1. The Senate met pursuant to adjournment. Senator Mega in the Chair upon designation of the Temporary President. Prayer by the Reverend Finley Schaef of Brooklyn, New York. The Journal of Friday, February 26, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing

no objection, the Journal will stand approved as read.

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

We have a report of a standing committee. Secretary will read it.

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

Member of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission, Francis J. Quinlan of Cortland.

Member of the Mental Health Services Council, John M. Morihisa, M.D., of Albany; James L. Stone of Webster; Steven B. Warren of Brooklyn.

Member of the Board of Visitors of the J. N. Adam Developmental Disabilities Services Office, Pamela D. Burgoon of

Forestville.

Member of the Board of Visitors of the Central Islip Psychiatric Center, Yetta Cherry of Central Islip; and Maria T. Re-Kilmartin of Middle Island.

Member of the Board of Visitors of Broome Developmental Disabilities Services Office, Vincent A. DeMaio of Binghamton; and Kathryn M. Paddock of Binghamton.

Member of the Board of Visitors of the Capital District Psychiatric Center, Florence Frazier of Albany.

Member of the Board of Visitors of the Wilton Developmental Disabilities Services Office, George C. Frost of South Glens Falls.

Member of the Board of Visitors of the Newark Developmental Disabilities Services Office, Thomas F. Healy of Newark.

Member of the Board of Visitors of the Sagamore Children's Psychiatric Center, Edward Hernandez of Farmingville.

Member of the Board of Visitors

of the Manhattan Children's Psychiatric Center, Verna O. Hobson of New York City; and Marlin R. Mattson, M.D., of New York City.

Member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office, Colleen D. McNerney of Saranac Lake.

Member of the Board of Visitors of the Oswald D. Heck Developmental Disabilities Services Office, Alice Mose of Scotia.

Member of the Board of Visitors of the St. Lawrence Psychiatric Center, Nancy L. Reich of Paul Smiths.

Member of the Board of Visitors of the Monroe Developmental Disabilities Services Offices, Marion Wakes of Rochester.

ACTING PRESIDENT FARLEY: On the nominations. All those in favor, aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The nominees are confirmed.

We have a report from the

Committee on Finance. The Secretary will read it.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill directly for third reading:

Budget Bill, Senate Bill Number 2437, an act to amend Chapters 50, 52, 53 and 54 of the Laws of 1992, making appropriations for the support of government and to amend the Education Law.

ACTING PRESIDENT FARLEY: Without objection, third reading.

THE SECRETARY: Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 4052 and substitute it for the identical Senate Bill Number 2437.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Present, would you like to have its third reading at this time?

SENATOR PRESENT: No, Mr. President. I move that we adopt the resolutions calendar.

ACTING PRESIDENT FARLEY: Okay. Secretary will read the resolution calendar. All in favor of adopting the resolution calendar, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The resolution calendar is adopted.

Senator Leichter.

SENATOR LEICHTER: Mr. President. On behalf of Senator Solomon, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Print Number 2443.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR LEICHTER: And on behalf of Senator Waldon, I move that the following bill be discharged from its respective committee and be recommitted with instruction to strike the in acting clause: Senate Print Number 1889.

ACTING PRESIDENT FARLEY: Without objection, Senator Leichter.

We have some more reports of standing committees. Senator Present, would you like us to do those now?

SENATOR PRESENT: Please.

ACTING PRESIDENT FARLEY: All right.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills directly for third reading:

Senate Bill Number 1208, by Senator Padavan, an act to amend the State Finance Law and the General Municipal Law.

Also Senate Bill Number 1333, by Senator Bruno, an act to re-distribute 1993 bond volume allocations.

Senator Tully, from the Committee on Health, reports the following bills directly for third reading:

Senate Bill Number 263, by Senator Holland, Public Health Law, in relation to Medicare distinct parts in nursing

facilities.

Also, Senate Bill Number 961, by Senator Tully, Public Health Law, in relation to the establishment of a special care program for long-term care.

Senator Larkin, from the Committee on Local Government, reports the following bills directly for third reading:

Senate Bill Number 219, by Senator Farley, an act to amend the County Law, in relation to county office hours of work.

Senate Bill Number 342, by Senator Farley and others, Real Property Tax Law.

Senate 371, by Senator Bruno and others, Real Property Tax Law.

Senate Bill Number 434, by Senator Stafford, General Municipal Law, authorizing participation for public benefit corporations.

438, by Senator Stafford and others, Real Property Tax Law.

574, by Senators Cook and

DeFrancisco, General Municipal Law, New York Planning Federation.

Senate bill 909, by Senators Johnson and others, Real Property Tax Law, capital improvements in certain counties.

Senate Bill Number 1153, by Senator Larkin, Real Property Tax Law, certain state lands, Orange County.

Senator Cook, from the Committee on Education, reports the following bills directly for third reading:

Senate Bill Number 125, by Senator Padavan, Education Law, in relation to empowering community boards of community school districts.

1181, by Senator Farley and others, Education Law, the funding of certain libraries.

1652, by Senator Cook and others, Education Law.

1654, by Senator Cook and others, Education Law.

2014, by Senator Farley and

others, Education Law.

Senator Skelos, from the Committee on Aging, reports the following bills directly for third reading: Senate Bill Number 1605, by Senator Skelos and others, Public Health Law and the Correction Law.

1861, by Senator Padavan, Real Property Tax Law, property occupied by senior citizens.

1984, by Senator Skelos and others, Real Property Tax Law.

1986, by Senator Skelos and others, Real Property Tax Law.

2191, by Senator Farley, Education Law, university trustees.

Senator Mega, from the Committee on Judiciary, reports the following bills directly for third reading:

Senate bill 1198, by Senator Mega, an act to amend the debtor and creditor law.

1244, by Senators Johnson and Daly, proposing amendments to the constitution.

1552, by Senator Saland, Family Court Act and the Criminal Procedure Law.

1664, by Senator Farley and others, Judiciary Law.

1938, by Senator Mega, Judiciary Law, the Not-for-Profit Corporation Law.

Senate bill 1939, by Senator Mega, Court of Claims Act.

Senator Saland, from the Committee on Children and Families, reports the following bills directly for third reading:

Senate Bill Number 950, by Senator Skelos and others, Family Court Act and the Criminal Procedure Law.

983, by Senator Mega and others, an act to amend the Executive Law.

2242, by Senator Saland, Domestic Relations Law.

2245, by Senator Saland, Executive Law.

2363, by Senator Saland, an act to amend the Social Services Law.

Senator Lack, from the Committee

on Labor, reports the following bills directly for third reading:

Senate Bill Number 2179, by Senator Lack, Workers' Compensation Law.

2184, by Senator Lack, an act to amend the Labor Law.

2387, by Senator Lack, an act to amend the Labor Law.

Senator Levy, from the Committee on Transportation, reports the following bills directly for third reading:

Senate Bill Number 533, by Senator Johnson and others, Vehicle and Traffic Law.

785, by Senator Levy, Vehicle and Traffic Law.

1897, by Senator Sheffer, an act to amend the Highway Law.

1942, by Senator Larkin and others, Vehicle and Traffic Law.

2135, by Senator Padavan, an act to amend the Vehicle and Traffic Law.

Senator Volker, from the

Committee on Codes, reports the following bills directly for third reading:

234, by Senator Tully and others, an act to amend the Penal Law.

1055, by Senator Mega and others, Criminal Procedure Law.

1138, by Senator Volker, an act to amend the Penal Law.

1305, by Senator Levy and others, Criminal Procedure Law.

1554, by Senator Saland, Criminal Procedure Law.

2025, by Senator Volker, Civil Practice Law and Rules.

2063, by Senator Present and others, Criminal Procedure Law.

2153, by Senators Johnson and Levy, Criminal Procedure Law.

2157, by Senator Mega and others, an act to amend the Penal Law.

2173, by Senators Volker and others, an act to amend the Penal Law.

Senator Johnson, from the

Committee on Environmental Conservation, reports the following bills directly for third reading:

Senate Bill Number 661, by Senator Johnson and others, Environmental Conservation Law.

783, by Senator Johnson and others, Environmental Conservation Law.

955, by Senator Stafford, Environmental Conservation Law.

1303, by Senator Johnson and others, Environmental Conservation Law.

1326, by Senator Johnson and others, Environmental Conservation Law.

1795, by Senator Johnson and others, Environmental Conservation Law.

Senator Maltese, from the Committee on Crime Victims, Crime and Correction, reports the following bills directly for third reading:

Senate 245, by Senator Padavan, Executive Law.

2112, by Senator Maltese, an act to amend the Correction Law.

And, 2114, by Senator Maltese, to repeal Section 114A of the Correction Law.

All bills reported directly for third reading.

ACTING PRESIDENT FARLEY: All bills are reported directly to third reading.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Mr. President. On behalf of Senator Mendez, could I offer up this privileged resolution, just ask that the title be read and have it acted on.

ACTING PRESIDENT FARLEY: Secretary will read Senator Mendez' privileged resolution.

THE SECRETARY: By Senator Mendez, Legislative Resolution honoring Mrs. Sandra Ruiz and Mr. Cerefino Narvaez-Ortiz upon the occasion of their designation for special recognition on Saturday, March 6, 1993.

SENATOR GOLD: May we act upon that.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: May we act upon the resolution?

ACTING PRESIDENT FARLEY: Yes. All those in favor of the resolution, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The resolution is unanimously adopted.

Any other motions on the floor?

Hearing none, Senator Present, I guess we're ready for the calendar if you are.

SENATOR PRESENT: I'm ready. Let's take it up.

ACTING PRESIDENT FARLEY: Okay. Secretary will start, noncontroversial.

THE SECRETARY: On page 6, Calendar Number 93.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it

aside for today.

THE SECRETARY: Calendar Number 94, by Senator Levy, Senate Bill Number 68, an act to amend the Vehicle and Traffic Law, in relation to require certain information on disabled children.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 95, by Senator Levy, Senate Bill Number 75, an act to amend the Railroad Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 96, by Senator Levy, Senate Bill Number 79, an act to amend the Vehicle and Traffic Law and the Education Law.

ACTING PRESIDENT FARLEY: There is a local fiscal impact note here at the desk.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Those recorded in the negative on Calendar Number 96 are Senators Daly, DeFrancisco, Farley, Johnson, Kuhl, Larkin, Libous, Maltese, Nozzolio, Present, Seward and Wright, also Senator Cook, also

Senator Bruno. Ayes 36. Nays 14.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 97, by Senator Levy, Senate Bill Number 190, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 98, by Senator Johnson, Senate Bill Number 1189, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 99, by Senator Levy, Senate Bill Number 1308, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: May I be voted in

the negative on Calendar Number 94, Print Number 68.

ACTING PRESIDENT FARLEY: Senator Daly will be in the negative on Senator Levy's bill, Calendar Number 94.

Senator Hoffmann.

SENATOR HOFFMANN: I would request unanimous consent to be recorded in the negative on Calendar 94, also.

ACTING PRESIDENT FARLEY: Senator Hoffmann is in the negative on Calendar Number 94.

SENATOR SEWARD: Mr. President. I also would like to be recorded in the negative on Calendar Number 94.

ACTING PRESIDENT FARLEY: Senator Seward in the negative on Calendar Number 94.

SENATOR SEARS: Mr. President.

ACTING PRESIDENT FARLEY: Senator Sears.

SENATOR SEARS: I would like to be recorded in the negative on Calendar Number 94.

ACTING PRESIDENT FARLEY: 94.

THE SECRETARY: Calendar Number 100, by Senator Sears, Senate Bill Number 1911, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 103, by Senator Wright, Senate Bill Number 238, State Administrative Procedure Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 104, by Senator Wright, Senate Bill Number 2389, State Administrative Procedure Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

Congratulations, Senator Wright. It's his first bill.

THE SECRETARY: Calendar Number 105, substituted earlier today, Assembly Budget Bill, Assembly Bill Number 4052, amends Chapter 50, 52, 53 and 54 of the Laws of 1992, making

appropriations for the support of government.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Holland.

SENATOR HOLLAND: With unanimous consent, I would like to be recorded in the negative on Calendars 94 and 96.

ACTING PRESIDENT FARLEY: Senator Holland will be in the negative on Calendar 94 and 96.

Senator Sears.

SENATOR SEARS: On Calendar Number 96, would you record me in the negative, please.

ACTING PRESIDENT FARLEY: Senator

Sears will be in the negative.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: Would you star Calendar Number 93, Print Number Calendar Number 1106 for amendment, please.

ACTING PRESIDENT FARLEY: Calendar Number 93 is starred at the request of the sponsor. Senator Hoffmann.

SENATOR HOFFMANN: Mr. President. How am I recorded on Calendar 96?

ACTING PRESIDENT FARLEY: I think you are in the affirmative, but we'll check it.

SENATOR HOFFMANN: I believe I wanted to be recorded in the negative.

ACTING PRESIDENT FARLEY: Senator Hoffmann will be in the negative on Calendar Number 96.

SENATOR HOFFMANN: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, I would ask that we stand at ease for a few minutes.

ACTING PRESIDENT FARLEY: Senate will stand at ease.

(Whereupon, at 4:16 p.m., Senate was at ease. )

(Whereupon, at 5:35 p.m., Senate reconvened.)

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, can we return to the reports of standing committees.

ACTING PRESIDENT FARLEY: Secretary will read a report of a standing committee.

THE SECRETARY: Senator Goodman, from the Committee on Investigations, Taxation and Government Operations, reports the following bills directly for third reading:

Senate Bill Number 34, by Senator Holland, authorize the Broad Acres Golf Course

to have a right of first refusal on a lease of lands.

Senate Bill Number 372, by Senator Farley and others, Alcoholic Beverage Control Law, in relation to brewers' licenses.

441, by Senator Stafford and others, an act to amend the Tax Law.

1257, by Senator Goodman, Alcoholic Beverage Control Law, in relation to information required in license or permit applications.

And also, Senate Bill Number 1958, by Senator Goodman, an act to amend the Tax Law and the Penal Law, in relation to taxing controlled substances.

All bills reported directly for third reading.

ACTING PRESIDENT FARLEY: All bills directly for third reading.

Senator Montgomery.

SENATOR MONTGOMERY: Mr. President. Pursuant to Section 202 of the Education Law, I would like to offer the

resolution for Regent Adelaide Luvenia Sanford.

ACTING PRESIDENT FARLEY: Secretary will read the resolution.

THE SECRETARY: Concurrent Resolution, by Senator Montgomery and others, Concurrent Resolution of the Senate and Assembly providing for the reelection of Adelaide L. Sanford as Regent-at-Large of the University of the state of New York.

ACTING PRESIDENT FARLEY: We will substitute the resolution from the Assembly now.

THE SECRETARY: The Assembly sent for concurrence the following resolution:

Assembly Resolution Number 405, Concurrent Resolution of the Senate and Assembly, providing for the reelection of Adelaide L. Sanford, a Regent-at-Large.

ACTING PRESIDENT FARLEY: The Assembly resolution is substituted.

Senator Montgomery, do you wish to speak to it?

SENATOR MONTGOMERY: Yes. Thank you, Mr. President. It is an honor and indeed a

pleasure to be able to stand here to speak on this most significant occasion, and that is to have this Legislature vote on the reappointment of Regent Sanford. She has, without question, been such a star, such a resource, a person with vision, a person with courage and understanding and sensitivity to the needs of children in the state of New York across the entire state.

While she hails from downstate, quote, unquote, or New York City specifically, and though she has spent most of her, if not all of her professional career working with children in the inner city, she nonetheless has traveled throughout the state visiting schools in rural areas, visiting schools in small towns and villages in upstate and has expressed as much concern and interest and caring about the problem and the children in situations in those places as she has in her own city of New York.

So I am very honored to have been one of the people to propose her nomination initially seven years ago, and I am indeed honored to be able to stand here today and speak

on her behalf after she has shown, without question, proven to us, that our trust in her was very wise. She is capable. She is committed. She is courageous. And I think that it's one of the best things that has happened to education in the state of New York, the initial appointment by this body and now as we prepare to reappoint her to the Board of Regents.

So, Mr. President, I thank you for this opportunity and I hope that all of my colleagues will be as enthusiastic in voting for her as I certainly will be.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Thank you, Mr. President. It is with great pleasure that I rise to second the nomination of Adelaide Sanford. I regret that when she was first appointed I was not a member of this august body, and now that I have moved into the county of Queens and Adelaide Sanford hails from the county of Queens, it is more of a pleasure to be able to do so.

I don't need to stand here and tell you about all that she's done as a Regent. Her history precedes her as an educator, and she has brought dignity to the position of Regent and has made information available to communities such as the one that I represent. I hail her for that, and I look forward to seeing her in that role for many more years to come.

Thank you.

ACTING PRESIDENT FARLEY: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much. I just want to share both the opinion of Senator Smith and Senator Montgomery. I have known Adelaide Sanford for some time, as well.

And I have to tell you that she brings an extraordinary sense of passion to her mission in terms of providing the finest quality of education, especially for lower income and more moderate income students of New York State and, in particular -- I know I have been to many workshops and seminars with her, and her passion

and concern in advancing the education of all the children in the state with a particular devotion, I believe, and we're not ashamed of saying -- we're proud of saying -- to African American children who are a very large part of the public education system in the city and state of New York.

Secondly, you should know that when I get phone calls, many from the leading church ministers in our districts, I must tell you that she has an enormous popularity with the organized church. I can think of Reverend Jones of Bethany Baptist that I wish was in my district but is in Senator Montgomery's district, but we know when Reverend Jones and his colleagues get on the case, we better follow.

So I'm delighted to enthusiastically endorse this nominee.

ACTING PRESIDENT FARLEY: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. I want to lend my voice to those who

are supporting a new term for Regent Adelaide Sanford, who has expanded the meaning of what a member of the New York State Board of Regents responsibilities are.

She has been an architect in the field of multi-cultural education. She has been a protagonist for the idea of historical preservation. Just recently, I went to the opening of a house that she and two friends of hers renovated at 286 Convent Avenue and 141st Street in my district which they want to use as a historic center for the children of that particular neighborhood.

And so it is the wide range of areas that her role as a Regent has carried her -- she has worked with the New York State National Historic Trust. And I think that from her speeches, one that was made in the Assembly chamber on the week end of Black and Puerto Rican Legislative Caucus activities at the women's luncheon and also a speech that she made before a parent teachers organization in Suffolk County that was aired on ABC television,

demonstrate how dynamic and articulate and perceptive she is.

She's an innovator, a person who looks at the world through an entirely different prism, one that I'm sure some who will vote for her confirmation may not always agree with, but will always have respect for the articulate, the courageous way that she takes stands on particular issues. There is no better person that we could be nominating today.

And I'd like to thank Senator Velmanette Montgomery, who introduced me to Adelaide Sanford before she was a Regent in 1986. I think she is one of the most outstanding individuals I have ever worked with and truly a hero of our time, somebody who we will confirm today but I think will be remembered for many years as the catalyst for a whole new way of thinking in terms of educating children; the perception that education's derivative means to "lead out", and that children need to be led away from the menaces such as teen-age pregnancy, substance abuse and

the dropout rate into productive training and into a quality of life far superior than it may have been before Regent Adelaide Sanford entered their lives.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. I'll be brief.

Adelaide Sanford is a constituent, a neighbor and friend, and I'm proud to second the nomination of the proposal of Senator Velmanette Montgomery.

I'm most proud simply because this lady has a dignity that I have not often seen in life. We know when someone has charisma, and we know when someone has presence; and when you are in the presence of Adelaide Sanford you can truly understand dignity.

She causes all of us, whether we be black or white, Jew Or gentile, in this state to be proud of that calling called education. She approaches it with seriousness. She approaches it with commitment. And she is truly

loving and caring regarding the children of this state no matter who they are.

And I will remember her for her gifts to the children, for her achievements on behalf of the children, but also because, through the fact that she is such a dignified lady, she causes all of us to be more dignified once we've gotten to know her and have had the opportunity to be in her presence.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: On the confirmation of Adelaide Sanford for reelection as Regent-at-Large.

All in favor, say aye.

We got to call the roll on this. I'm sorry.

(Whereupon, the Secretary called the roll. )

THE SECRETARY: Ayes 57. Nays 2. Senators Pataki and Saland voting in the negative.

ACTING PRESIDENT FARLEY: The resolution is adopted.

Secretary will read.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President. It's my pleasure to present before this body a resolution on behalf of the election of Dr. Saul Cohen as Regent-at-Large -- for Regent-at-Large, University of the state of New York.

ACTING PRESIDENT FARLEY: Secretary will read the resolution.

THE SECRETARY: Concurrent Resolution, by Senator Padavan and others, Concurrent Resolution of the Senate and Assembly providing for the election of Saul Cohen as a Regent-at-Large of the University of the state of New York.

The Assembly sent for concurrence the following resolution: Assembly Resolution Number 407, Concurrent Resolution of the Senate and Assembly, providing for the election of Saul Cohen as Regent-at-Large for the University of the state of New York.

ACTING PRESIDENT FARLEY: The

Assembly substitution is ordered.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President. I would like to share with this body a little bit of the background of the individual whom we have before us as the nominee for this at-large position on the Board of Regents.

I first met Dr. Cohen in 1978 when he was made president -- he assumed the presidency of the Queens College and also at that point in time became a resident of my district in Douglaston. And over the following eight years, had the honor and pleasure of working with him as did all of my colleagues from Queens County on many, many projects involving not only the City University, not only Queens College, but many other aspects of activity and areas of concern involving both the city and the state.

Briefly, I would like to just give you a synopsis of his background. After serving several years in World War II in the United States Army, he pursued an academic

career which, to say the least, is impressive. His undergraduate work at Harvard, two degrees, graduate studies at Columbia and his Ph.D. at Harvard University. I have in front of me five pages of publications, books and articles, that he has written, authored and published in wide ranging subjects, particularly in the area of geographic concern, geographic physics, geographic interests that are not only national in scope but international.

But beyond his academic achievements, his leadership in Queens College particularly advancing curriculums in the field of science, the development of a biophysics curriculum, the beginnings of a capital improvement program which provides today on the campus of Queens College a very impressive program and a new building dealings with biology and the sciences, he also was involved in many other activities important to those of us who live in New York City and certainly those of us in the state. He served, for instance, on the commission dealing with decentralization.

Appointed to that in 1989 and worked very hard in developing some very solid recommendations.

In the area of commercial industrial development, he served on the advisory board and on the commercial industrial incentive board which we created a number of years ago to provide incentives for businesses to locate, relocate and expand in New York City.

His honors are extensive from universities and colleges all over the world, Tel Aviv to, of course, Queens College with many honorary degrees as well as honors on behalf of those in his chosen fields of academic endeavor.

This is certainly a learned man. Certainly an individual whose credentials are the kind that we look toward when we look for someone to develop and to provide a stewardship in the educational system in this state. But beyond all of that, beyond his very impressive academic background, his leadership in the field of education, my sense of the man was that he was a very human being -- he was the kind of human being we would all like to see dealing

with the education of our children. A concerned individual, an outgoing individual, welcomed you to his home, welcomed the community to his house in a fashion that made you feel that this person truly cared about the community in which he lived, the area in which he labored, and the people of this state.

And for that reason, in addition to all the other things that I have said and I'm sure others will want to say who have known him, this is truly an outstanding individual that we are about to elect to this body.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator LaValle.

SENATOR LAVALLE: Yes. Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Then Senator Gold, Senator Galiber.

SENATOR LAVALLE: Mr. President. I rise to second this nomination.

And certainly Senator Padavan, I think, set the foundation in his remarks in

talking about Dr. Cohen. I got to meet Dr. Cohen when he was president at Queens College. But if you look through his resume, you will find that he was a member of the advisory committee of the Senate Higher Education Committee and a participating member of that advisory committee.

Senator Padavan pointed out that he is both a learned individual, was the president of Queens College and did just an outstanding job as its chief administrator. But there are so many other qualities about Dr. Cohen in that he will bring to the Board of Regents, I think, an air of practicality, one that ties him from the halls of decision making at the Board of Regents back to the local communities. Because he has just wonderful communication skills and he enjoys sitting down and talking to people and can cull out what is important to people.

He, I think, understands that children go to school to receive an education and that basic skills are important to that

education. And so at a time when we in the Legislature have -- and I would remind you - questioned many of the decisions that the Board of Regents have made, I think Saul Cohen will be a breath of fresh air. I think will question, will add to the quality of the deliberations, and I think will make just a wonderful member of the Board of Regents.

So it's with great pleasure that I rise to support the nomination.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Mr. President. Senator LaValle just said something, and I think it just really hits it. Many of us over the years have questioned the Board of Regents, what do they do, and I certainly have never been enamored of that group. But this is a breath of fresh air. It's much, much more than that. I mean we have some new people coming in today. We have reelected somebody, but I think this is an opportunity to find out whether this board really can mean something and do something.

Saul Cohen is a giant in the educational community. He is just a phenomenal human being. I have known the goings on, if I can put it that way, in Queens College for years. It is in my community, and I have seen the various presidents. Joe Murphy was a president there, a very distinguished president who went on to be the chancellor of the City University, and then Saul Cohen came in to fill those shoes. And I saw Queens College grow during the Saul Cohen presidency in amazing ways. In a very soft-spoken, beautifully human elegant way, he would deal with people, handle people, and manage to accomplish things that other people with more bravado and, unfortunately for them, less intellect were able to do. And, in fact, the campus of Queens College grew beautifully and expanded during that presidency.

But I don't think anybody would suggest that Saul Cohen would be a great member of the Board of Regents just because he was able to negotiate to have buildings built, because he

was also a builder of human beings. I knew the student body intimately when he was the president. I knew the way he treated them and the way they reacted to him. The man is unquestionably dedicated and driven by the needs of young people and their education. He is inspired by youth and indeed he inspires youth.

To read his resume -- and, of course, if he ever reads these remarks, he is going to laugh because, certainly, no one in the educational community calls these "resume's" any more. Shows my age, too; right, Senator Galiber?

The background, the professional experience, the people who have sought him out as an expert, as pointed out by Senator LaValle, the involvement that he's had in the educational community, in governmental work, in his teaching experience -- I mean it just goes on and on. And there is certainly no one in this chamber that hasn't seen these vitaes over and over and over. And we know -- you know, there are professional groups that do this, and they say,

"Well, you know, gee, we need a few more pages. Did you ever buy Girl Scout cookies? Put that on page 4." These pages are filled with really significant contribution and significant accomplishment. The work that he's done, his public service is just amazing.

So I can say in all honesty in the twenty-some-odd years that I have been around here, this is the greatest delight that I have ever had in supporting a member of the Board of Regents. And, certainly, I think that there isn't a doubt that as we look back a few years from now, we are going to have the greatest amount of pride in the fact that we all partook in this venture in making Saul Cohen a Regent-at-Large in the state of New York.

And I very delightfully second that nomination.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: Thank you, Mr. President. This is a rare day in this body that we are sending people of quality to the

Regents. The Regents, historically, has been a sort of mysterious place that we hear about from time to time, and they send down their 606 report every year, and none of us spend the time to look it through. Most of them have done an excellent job. But every now and then in life a rare occasion comes about where we have the opportunity to put into our educational system qualified persons.

My colleagues said all that could possibly be said in a given span of time about Adelaide Sanford, who brings the same kind of integrity and commitment to our educational systems as Saul Cohen will bring.

Rarely in the course of events do we have an opportunity to look upon a person of Saul Cohen's quality and commitment. I had the rare occasion to be selected for the Marchi Committee, as it's referred to, school grievance committee, where I met Saul Cohen for the first time. I have heard of him, historically, because any of us who are concerned about the education of the state of New York clearly have

heard of Saul Cohen.

He is one from the old, old school where educators were committed, and educators carried with them that commitment and transferred it over to the quality of education for our youngsters. Nowhere in the history of this great country is our educational system under attack, nowhere before has it been so seriously attacked as it is now, and Saul Cohen brought to the committee and those of us who have been around, and what he brought was this. That those of us who are appointed to committees very seldom keep their span of attention on that committee, that we start skipping meetings, and we rely on staff to give us reports. Saul Cohen inspired, in my judgment, that entire body of persons who gave so much of their time and their energy to give back to this legislative branch of government a sense of quality in terms of the report that we submitted. He is bright. He is articulate. He is giving. He is deserving of this nomination.

So I am proud, Mr. President, to

put his name -- second the nomination of Saul Cohen, who I was privileged to serve with. He believes in the basic things that educators should believe in. He believes that in order for us to have a quality of education which is needed to save another generation -- one generation of youngsters have been lost to us - that we need to be concerned about the very core of our educational system.

We have to be concerned about who makes the decisions and how they are made and how can this best serve the youngsters of our great state. He brings that breath of fresh air, if you will, to that entity which is the Regents, which is a quiet body of persons with more excellent people there than we give them credit for having. Ken Clark passed us by, bright and articulate.

Now there are, and there were, and I'm glad we moved away from that notion of every now and then putting campaign managers or someone from the political party because we owe them something from the club to put them in that

position. It is too crucial an area.

So the two we have nominated today, Saul Cohen and Sanford, bring to this body, the Regents which ultimately is ours, the kind of integrity, the type of quality that is needed in our educational system today.

So I am proud, Mr. President, to second the nomination of a good friend -- a recent friend, but a good friend of mine -- Saul Cohen.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President.

I met Dr. Cohen when I was in the Assembly. We had to negotiate some issues regarding not only the university system but the high school situation surrounding the re-establishment of Townsend House High School. The one thing that I learned about him during those meetings and negotiations was his commitment to excellence.

And when we live in a time where

young men who weigh 300 pounds and are 6'9" and can do certain extraordinary things on the field of football or people who can jump 42 inches in the air are the objects of our adulation, it is good to know that someone appreciates excellence in the classroom, that someone wants to motivate our children to realize their greatest potential in terms of their ability to think and to reason.

And I'm proud to say that I am absolutely certain that Dr. Cohen has been, is, and will always be someone who exudes this kind of example for those of us who want our children to be the best that they can be.

So out of respect for his intellect, out of respect for what he has done for the students in Queens County and, in fact, the city and state of New York, I rise to second his nomination.

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: Mr. President. Much has been said and all of it true and I have

the feeling that even after we have taken this action, we will feel that we understated the case. I have known Saul Cohen for over 25 years, over a quarter of a century. And as Senator Galiber pointed out, it was a joyous experience, a learning experience, to work with him on the commission that we served together in. And I knew him many years before then.

In this great effort that goes on in this state, the University of the state of New York -- I believe it was within the last ten years that we celebrated a milestone in terms of historical origin the Regents of the state of New York and the University of the state of New York -- not the State University, but the University -- embodying as it does everything that is within the ken of learning, within the ken of education, calling, vocation, all of the distinguished attributions of humanity at their highest and best manifestation, and Saul Cohen exemplifies these qualities in such rich measure, a kind of Renaissance person.

If you, just in sharing moments

with him and discussing a variety -- and I believe you mentioned, Senator Gold, international -- international dimensions of the human family, just sharing some moments with him was to share a wealth of experience.

So in terms of high intellectual capacity, in terms of great commitment, in terms of experience and a sensitive feeling, for the members of our society, he does indeed engender the respect that the University of the state of New York enjoys throughout the country, and I know that our educational system is under attack. But this system has been preeminent. It has not achieved all of its goals because it has had the most severe challenges, but it is an entity that can provide many of those answers.

And I join with my colleagues in expressing the anticipation that the University of the state of New York and the Board of Regents will have a decided lift, and we anticipate the feeling that he engenders, one that will encourage us also to make commensurate efforts to realize those objectives which the

board has so eloquently and so magnificently exemplified throughout its entire history.

So we can not overstate this individual because to know him is to say things that are expansive and really are an effort to find the dimensions of a very, very fine selection.

ACTING PRESIDENT FARLEY: On the confirmation of Dr. Saul Cohen as Regent-at Large for the state of New York. The Secretary will call the roll.

(Whereupon, the Secretary called the roll. )

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The resolution is adopted.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I just rise to introduce a resolution to support James C. Dawson, Ph.D., Dr. Dawson, as the final Regent for the Board of Regents appointments. And' although I don't know Dr. Dawson -- didn't participate in the

interviews and do not know him, I think what has been said today about the others who have been nominated and who have been confirmed by this body for a position on the Regents demonstrates the commitment of this state to the concept of diversity among the members of the board.

I heard the eloquent testimony from my colleagues to Regent Sanford and her perspective; the eloquent commentary from a number of my colleagues about President Cohen.

I just point out with respect to Dr. Dawson that he brings another perspective to the Board of Regents as one of the 60 best educators in the state of New York as a Distinguished Service Professor at the University at Plattsburgh, and I would just add as another comment in reviewing his resume, anyone who can write at length about the following topic, "An Archaeological Survey of Bloomery Forage in the Adirondacks," and write about it coherently, it seems to me brings a unique perspective that ought to be joined on the Board of Regents.

I would welcome his perspective and his addition to the board along with that of President Cohen and Regent Sanford that have been confirmed here before.

With that, I move the nomination.

ACTING PRESIDENT FARLEY: Senator Dollinger, we have a bit of a procedural glitch here that this resolution has not been handed up as yet. We had it for Senator Ohrenstein.

Would the Secretary please read the resolution.

Your remarks are in the record.

THE SECRETARY: Concurrent Resolution, by Senator Ohrenstein, Concurrent Resolution of the Senate and Assembly providing for the election of James C. Dawson, county of Clinton, Fourth Judicial District, as a Regent of the University of the state of New York.

ACTING PRESIDENT FARLEY: Do you wish to substitute?

THE SECRETARY: The Assembly sent for concurrence the following resolution:

Assembly Resolution Number 406, Concurrent Resolution of the Senate and Assembly, providing for the election of James C. Dawson, county of Clinton, Fourth Judicial District, as a Regent of the University of the state of New York.

ACTING PRESIDENT FARLEY: Senator Dollinger wishes to -- substitution is ordered. Senator Dollinger, you have offered this resolution. Anybody else on the resolution? Call the roll.

(Whereupon, the Secretary called the roll. )

ACTING PRESIDENT FARLEY: Negatives raise your hands, please.

THE SECRETARY: Those recorded in the negative on the substituted resolution, Assembly Resolution Number 406, are Senators Bruno, Farley, Lack, Larkin, LaValle, Libous, Marino, Pataki, Saland, Sears, Seward, Skelos, Spano, Stafford, Tully, Velella, Volker and Wright.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Gold.

SENATOR GOLD: I think Senator Kuhl voted in the negative before he walked out a moment ago.

ACTING PRESIDENT FARLEY: Senator Kuhl is in the negative also.

THE SECRETARY: Ayes 40. Nays 19.

ACTING PRESIDENT FARLEY: The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we adjourn until tomorrow at 11:30 a.m.

ACTING PRESIDENT FARLEY: The Senate stands adjourned until tomorrow at 11:00. That's 11:00 o'clock sharp -- 11:30. I'm sorry. 11:30 a.m.

(Whereupon, at 6:18 p.m., the Senate adjourned. )