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ALBANY, NEW YORK

June 7, 1993

2:52 p.m.

REGULAR SESSION

SENATOR JAMES J. LACK, Acting President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT LACK: Senate will come to order. Please rise for the Pledge of Allegiance.

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

In the absence of clergy, may we please bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Friday, June 4th. The Senate met pursuant to adjournment, Senator Bruno in the Chair upon designation of the Temporary President. The Journal of Thursday, June 3rd, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT LACK: Hearing no objection, the Journal stands approved as read.

Senator Present.

SENATOR PRESENT: Mr. President, I'd like to announce an immediate meeting of the

1 Rules Committee in Room 332.

2 ACTING PRESIDENT LACK: There
3 will be an immediate meeting of the Rules
4 Committee in Room 332.

5 Senator Present.

6 SENATOR PRESENT: The Senate will
7 stand at ease.

8 ACTING PRESIDENT LACK: The
9 Senate will stand at ease.

10 (The Senate stood at ease from
11 2:53 until 3:14 p.m.)

12 ACTING PRESIDENT VOLKER: Motions
13 and resolutions. Senator Present.

14 Senators take their seats. We
15 are here to proceed. We've already read the
16 early part of the agenda, and we're now going to
17 go to motions and resolutions.

18 Senator Cook.

19 SENATOR COOK: I'd like to offer
20 up the following privileged resolution, waive
21 its reading and ask its adoption.

22 ACTING PRESIDENT VOLKER: Read
23 the title.

1 THE SECRETARY: Legislative
2 Resolution, by Senator Cook, commending the
3 Color Guard representing Council 82 and the New
4 York State Department of Corrections.

5 ACTING PRESIDENT VOLKER: On the
6 res... on the resolution, all in favor signify
7 by saying aye.

8 (Response of "Aye.")

9 Opposed nay.

10 (There was no response.)

11 The resolution is adopted.

12 Senator Saland.

13 SENATOR SALAND: Mr. President,
14 on behalf of Senator Johnson, I wish to call up
15 print -- Senate Print Number 4563, recalled from
16 the Assembly and is now at the desk.

17 ACTING PRESIDENT VOLKER:
18 Secretary will read.

19 THE SECRETARY: By Senator
20 Johnson, Senate Bill Number 4653, an act to
21 amend the Agriculture and Markets Law.

22 SENATOR SALAND: Mr. President, I
23 now move to reconsider the vote by which the

1 bill passed the house.

2 ACTING PRESIDENT VOLKER: Call
3 the roll on reconsideration.

4 (The Secretary called the roll on
5 reconsideration.)

6 THE SECRETARY: Ayes 36.

7 ACTING PRESIDENT VOLKER: The
8 bill is before the house.

9 SENATOR SALAND: Mr. President,
10 on behalf of Senator Johnson, I offer the
11 following amendments.

12 ACTING PRESIDENT VOLKER:
13 Amendments are received and adopted.

14 SENATOR SALAND: Mr. President.

15 ACTING PRESIDENT VOLKER: Senator
16 Saland.

17 SENATOR SALAND: Mr. President,
18 on behalf of Senator Spano, I wish to call up
19 Print Number 1987, recalled from the Governor
20 which is now at the desk.

21 ACTING PRESIDENT VOLKER:
22 Secretary will read.

23 THE SECRETARY: By Senator Spano,

1 Senate Bill Number 1987, an act to amend the
2 Civil Service Law, in relation to providing New
3 York State public employees with the right to
4 have a union representative.

5 SENATOR SALAND: Mr. President,
6 on behalf of Senator Spano, I'd move to
7 reconsider the vote by which this bill was
8 passed.

9 ACTING PRESIDENT VOLKER: Call
10 the roll on reconsideration.

11 (The Secretary called the roll on
12 reconsideration.)

13 THE SECRETARY: Ayes 40.

14 ACTING PRESIDENT VOLKER: Bill is
15 before the house.

16 SENATOR SALAND: Mr. President, I
17 would offer the following amendments on behalf
18 of Senator Spano.

19 ACTING PRESIDENT VOLKER:
20 Amendments received and adopted.

21 Senator Larkin.

22 SENATOR LARKIN: Mr. President,
23 on behalf of Senator Stafford, would you please

1 place a sponsor's star on Calendar 682, Senate
2 Print 2399.

3 ACTING PRESIDENT VOLKER: Without
4 objection, bill is starred.

5 Senator Larkin.

6 SENATOR LARKIN: On behalf of
7 Senator Volker, Mr. President, on page 27, I
8 offer the following amendments to Calendar
9 Number 941, Print 3950-B, and ask that said bill
10 retain its place on third reading.

11 ACTING PRESIDENT VOLKER:
12 Amendments received.

13 Senator Stachowski. Oh, I'm
14 sorry. Senator Larkin.

15 SENATOR LARKIN: Mr. President,
16 on behalf of Senator Volker, on page 24, I offer
17 the following amendments to Calendar 862, Senate
18 Print Number 4244, and ask that said bill retain
19 its place on Third Reading Calendar.

20 ACTING PRESIDENT VOLKER:
21 Amendments received and adopted. Thank you,
22 Senator Larkin.

23 Senator Stachowski.

1 SENATOR STACHOWSKI: Mr.
2 President, I wish to call up my bill, Print
3 1766-A, recalled from the Assembly, which is now
4 at the desk.

5 ACTING PRESIDENT VOLKER:
6 Secretary will read.

7 THE SECRETARY: By Senator
8 Stachowski, Senate Bill Number 1766-A,
9 authorizing the town of Cheektowaga, county of
10 Erie, to lease certain park lands.

11 SENATOR STACHOWSKI: Mr.
12 President, I now move to reconsider the vote by
13 which this bill was passed.

14 ACTING PRESIDENT VOLKER: Call
15 the roll on reconsideration.

16 (The Secretary called the roll on
17 reconsideration.)

18 THE SECRETARY: Ayes 40.

19 ACTING PRESIDENT VOLKER: The
20 bill is before the house.

21 SENATOR STACHOWSKI: Mr.
22 President, I now offer the following amendments.

23 ACTING PRESIDENT VOLKER:

1 Amendments received and adopted. Bill -

2 Senator Stachowski.

3 SENATOR STACHOWSKI: Mr.

4 President, on behalf of Senator Halperin, I wish
5 to call up bill, Print 32-A, recalled from the
6 Assembly which is now at the desk.

7 ACTING PRESIDENT VOLKER:

8 Secretary will read.

9 THE SECRETARY: By Senator
10 Halperin, Senate Bill Number 32-A, an act to
11 amend the Executive Law, in relation to
12 publication of certain notices.

13 SENATOR STACHOWSKI: Mr.

14 President, I now move to reconsider the vote by
15 which this bill was passed.

16 ACTING PRESIDENT VOLKER: Call
17 the roll on reconsideration.

18 (The Secretary called the roll on
19 reconsideration.)

20 THE SECRETARY: Ayes 40.

21 ACTING PRESIDENT VOLKER: The
22 bill is before the house.

23 SENATOR STACHOWSKI: Mr.

1 President, I now offer the following amendments.

2 ACTING PRESIDENT VOLKER:

3 Amendments received and adopted.

4 Senator Wright.

5 SENATOR WRIGHT: Mr. President,
6 on behalf of Senator Sears, I wish to call up
7 Print Number 3471, recalled from the Assembly,
8 which is now at the desk.

9 ACTING PRESIDENT VOLKER:

10 Secretary will read.

11 THE SECRETARY: By Senator Sears,
12 Senate Bill Number 3471, an act to amend the
13 Public Health Law and the Executive Law.

14 SENATOR WRIGHT: Mr. President, I
15 now move to reconsider vote by which this bill
16 was passed.

17 ACTING PRESIDENT VOLKER: Call
18 the roll on reconsideration.

19 (The Secretary called the roll on
20 reconsideration.)

21 THE SECRETARY: Ayes 40.

22 ACTING PRESIDENT VOLKER: The
23 bill is before the house.

1 SENATOR WRIGHT: Mr. President, I
2 now offer the following amendments.

3 ACTING PRESIDENT VOLKER:
4 Amendments received and adopted.

5 Senator Wright.

6 SENATOR WRIGHT: Mr. President,
7 on behalf of Senator Libous, I wish to call up
8 Print Number 3517-B, recalled from the Assembly
9 which is now at the desk.

10 ACTING PRESIDENT VOLKER:
11 Secretary will read.

12 THE SECRETARY: By Senator
13 Libous, Senate Bill Number 3517-B, an act to
14 amend the Insurance Law.

15 SENATOR WRIGHT: Mr. President, I
16 now move to reconsider the vote by which this
17 bill was passed.

18 ACTING PRESIDENT VOLKER: Call
19 the roll on reconsideration.

20 (The Secretary called the roll on
21 reconsideration.)

22 THE SECRETARY: Ayes 40.

23 ACTING PRESIDENT VOLKER: The

1 bill is before the house.

2 SENATOR WRIGHT: Mr. President, I
3 now offer the following amendments.

4 ACTING PRESIDENT VOLKER:
5 Amendments received and adopted.

6 Senator Wright.

7 SENATOR WRIGHT: Mr. President,
8 on behalf of Senator Sears, would you please
9 place a sponsor's star on Calendar 939, Senate
10 Print 3352.

11 ACTING PRESIDENT VOLKER: Bill is
12 starred at the request of the sponsor.

13 SENATOR WRIGHT: Thank you.

14 Senator Present, shall we proceed
15 with the non-controversial calendar?

16 SENATOR PRESENT: Mr. President,
17 do you have a report of a standing committee
18 there? May we read it?

19 ACTING PRESIDENT VOLKER: Yes,
20 there is a report of the standing Committee on
21 Rules. Secretary will read.

22 THE SECRETARY: Senator Marino,
23 from the Committee on Rules, reports the

1 following bills directly for third reading:

2 Senate Bill Number 1072-A, by

3 Senator Volker, an act to amend the Tax Law;

4 1127, by Senator Present, an act

5 to amend the Public Lands Law;

6 1587, by Senator Marchi,

7 authorizing the city of New York to reconvey its

8 interest in certain real property;

9 2068, by Senator Kuhl, an act to

10 amend -- to authorize the county of Yates to

11 convey certain lands;

12 2094, by Senator Skelos, an act

13 to amend the Executive Law;

14 2222, by Senator Present, amends

15 Chapter 263 of the Laws of 1981;

16 2223-A, by Senator Present, an

17 act to amend Chapter 574 of the Laws of 1986

18 amending the Tax Law;

19 2840, by Senator Larkin,

20 authorize the town of Wallkill, Orange County,

21 to impose a fee of charge;

22 2955-A, by Senator Pataki,

23 authorizing the towns of Dover and Beekman in

1 Dutchess County to establish a joint street
2 improvement;

3 3876, by Senator Kuhl, an act to
4 amend the Tax Law;

5 3921-B, by Senator Seward, an act
6 to amend the Tax Law, extending the
7 authorization to the county of Cortland;

8 3935, by Senator Present, an act
9 to amend the Town Law and the Public Officers
10 Law;

11 4017, by Senator LaValle, an act
12 to amend the Executive Law;

13 4140, by Senator Kuhl, an act
14 providing to Thomas Kennedy credit for past
15 service, extraordinary budgetary problems;

16 4141, by Senator Kuhl, New York
17 State and local employees retirement system;

18 4147, by Senator Pataki, allowing
19 the payment of certain retirement benefits to
20 the widow of John McKenzie;

21 4236-A, by Senator Pataki,
22 allowing Rosina Romano to transfer certain
23 service credits to obtain Tier I status;

1 4277, by Senator Wright,
2 authorize the sale of certain state land in the
3 town of Ellisburg, Jefferson County;

4 4329, by Senator Larkin, transfer
5 retirement service credit for Joseph Sabo;

6 4743, by Senator DeFrancisco, to
7 reopen the optional 20-year retirement plan;

8 4822, by Senator Stafford, an act
9 to amend the Town Law;

10 4882, by Senator DeFrancisco,
11 conveyance of state lands in the town of
12 Onondaga;

13 5545-A, by Senator Lack, an act
14 to amend the Public Health Law;

15 5729, by Senator Mega, an act to
16 amend Chapter 502 of the Laws of 1992;

17 5758, by Senator DeFrancisco,
18 amends Chapter 741 of the Laws of 1981, relating
19 to the sale of abandoned canal reservoir lands;

20 All bills reported directly for
21 third reading.

22 ACTING PRESIDENT VOLKER: Without
23 objection, third reading for tomorrow.

1 Senator Present.

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

4 ACTING PRESIDENT VOLKER: Clerk
5 will read.

6 THE SECRETARY: On page 6 of
7 today's calendar, Calendar Number 200, by
8 Senator Saland, Senate Bill Number 766.

9 ACTING PRESIDENT VOLKER: Lay the
10 bill aside.

11 SENATOR PRESENT: For the day.

12 ACTING PRESIDENT VOLKER: For the
13 day.

14 THE SECRETARY: Calendar Number
15 262, by Senator Velella, Senate Bill Number
16 3163, an act to amend the Insurance Law.

17 ACTING PRESIDENT VOLKER: Read
18 the last section.

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

21 ACTING PRESIDENT VOLKER: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 41.

2 ACTING PRESIDENT VOLKER: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 493, by member of the Assembly Grannis, Assembly
6 Bill Number 6187, an act to amend the Insurance
7 Law, in relation to the protection of purchasing
8 group policies.

9 ACTING PRESIDENT VOLKER: Read
10 the last section.

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

13 ACTING PRESIDENT VOLKER: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 41.

17 ACTING PRESIDENT VOLKER: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 503, by Senator Skelos, Senate Bill Number
21 4309-A, an act to amend the Judiciary Law, in
22 relation to lawyer assistance committees.

23 ACTING PRESIDENT VOLKER: Read

1 the last section.

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

4 ACTING PRESIDENT VOLKER: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 41.

8 ACTING PRESIDENT VOLKER: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 593, by Senator Kuhl, Senate Bill Number 4431,
12 Agriculture and Markets Law.

13 ACTING PRESIDENT VOLKER: Read
14 the last section.

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

17 ACTING PRESIDENT VOLKER: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 41.

21 ACTING PRESIDENT VOLKER: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 599, by Senator Velella, Senate Bill Number
2 2603, an act to amend the Insurance Law.

3 ACTING PRESIDENT VOLKER: Read
4 the last section.

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

7 ACTING PRESIDENT VOLKER: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 41.

11 ACTING PRESIDENT VOLKER: The
12 bill is passed.

13 We have to reconsider a bill that
14 just passed. The sub' from the Assembly is on
15 its way, so the Secretary will read for
16 reconsideration.

17 THE SECRETARY: Calendar Number
18 593, by Senator Kuhl, Senate Bill Number 4431,
19 Agriculture and Markets Law.

20 ACTING PRESIDENT VOLKER: Call
21 the roll on reconsideration.

22 (The Secretary called the roll on
23 reconsideration.)

1 THE SECRETARY: Ayes 41.

2 ACTING PRESIDENT VOLKER: The
3 bill is before the house and laid aside.

4 THE SECRETARY: Calendar Number
5 685, by Senator Lack.

6 SENATOR GOLD: Lay aside, please.

7 ACTING PRESIDENT VOLKER: Lay the
8 bill aside.

9 THE SECRETARY: Calendar Number
10 724, by Senator Daly, Senate Bill Number 3782,
11 an act to amend the Public Authorities Law.

12 ACTING PRESIDENT VOLKER: Read
13 the last section.

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

16 ACTING PRESIDENT VOLKER: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 41.

20 ACTING PRESIDENT VOLKER: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 726, by Senator DeFrancisco, Senate -

1 SENATOR GOLD: Can we have one
2 day on that, please?

3 SENATOR DeFRANCISCO: Certainly.

4 ACTING PRESIDENT VOLKER: Bill is
5 laid aside for one day.

6 THE SECRETARY: Calendar Number
7 781, by Senator Lack, Senate Bill Number 4760,
8 Workers' Compensation Law.

9 ACTING PRESIDENT VOLKER: Read
10 the last section.

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

13 ACTING PRESIDENT VOLKER: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 41.

17 ACTING PRESIDENT VOLKER: The
18 bill is passed.

19 THE SECRETARY: I'm sorry, excuse
20 me. Ayes 40, nays one, Senator DeFrancisco
21 recorded in the negative.

22 ACTING PRESIDENT VOLKER: The
23 bill is still passed.

1 THE SECRETARY: Calendar Number
2 795, by Senator Pataki.

3 SENATOR GOLD: Lay aside.

4 ACTING PRESIDENT VOLKER: Lay the
5 bill aside.

6 THE SECRETARY: Calendar Number
7 887, by Senator Farley, Senate Bill Number 4951,
8 an act to amend the Banking Law, in relation to
9 empowering the Superintendent of Banks to issue
10 check cashing licenses.

11 ACTING PRESIDENT VOLKER: Read
12 the last section.

13 SENATOR GOLD: Lay the bill aside
14 for Senator Solomon.

15 ACTING PRESIDENT VOLKER: Lay the
16 bill aside at the request of the Minority
17 Leader.

18 THE SECRETARY: Calendar Number
19 908, by Senator Velella, Senate Bill Number
20 5299, the Education Law, in relation to
21 establishing the John D. Calandra Italian
22 American Institute.

23 ACTING PRESIDENT VOLKER: Read

1 the last section.

2 SENATOR LEICHTER: Lay aside.

3 ACTING PRESIDENT VOLKER: Pardon?

4 Lay it aside? I'm sorry. Lay it aside.

5 THE SECRETARY: Calendar Number

6 923, by Senator Saland, Senate Bill Number

7 5372-A, an act to amend the Town Law, in

8 relation to authorizing fire district

9 commissioners to establish user fees.

10 ACTING PRESIDENT VOLKER: Read

11 the last section.

12 THE SECRETARY: Section 2. This

13 act shall take effect immediately.

14 ACTING PRESIDENT VOLKER: Call

15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 41.

18 ACTING PRESIDENT VOLKER: The

19 bill is passed.

20 THE SECRETARY: Calendar Number

21 944, by Senator Larkin, Senate Bill Number 4402.

22 SENATOR GOLD: Can we have one

23 day on this, please? Senator Larkin says O.K.

1 ACTING PRESIDENT VOLKER: Lay
2 aside until tomorrow.

3 SENATOR PRESENT: Lay aside.

4 THE SECRETARY: Calendar Number
5 945, by Senator Maltese, Senate Bill Number
6 4474-A, Retirement and Social Security Law, in
7 relation to establishment of 20-year retirement
8 program for correction officers.

9 ACTING PRESIDENT VOLKER: Home
10 rule message is at the desk. Read the last
11 section.

12 SENATOR LEICHTER: Lay aside.

13 ACTING PRESIDENT VOLKER: Lay the
14 bill aside. Lay the bill aside at the request
15 of Senator Leichter.

16 THE SECRETARY: Calendar Number
17 957, by Senator Levy.

18 SENATOR GOLD: Lay aside for
19 Senator Connor, please.

20 ACTING PRESIDENT VOLKER: Lay the
21 bill aside.

22 THE SECRETARY: Calendar Number
23 960, by Senator Stavisky, Senate Bill Number

1 511, Vehicle and Traffic Law, in relation to
2 inspection of safety belts.

3 ACTING PRESIDENT VOLKER: Read
4 the last section.

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

7 ACTING PRESIDENT VOLKER: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 43.

11 ACTING PRESIDENT VOLKER: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 961, by Senator Levy, Senate Bill Number 999-A,
15 an act to amend the General Obligations Law.

16 ACTING PRESIDENT VOLKER: Read
17 the last section.

18 THE SECRETARY: Section 2. This
19 act -

20 SENATOR GOLD: Lay aside.

21 ACTING PRESIDENT VOLKER: Lay the
22 bill aside.

23 THE SECRETARY: Calendar Number

1 962, by Senator Daly.

2 SENATOR GOLD: Lay aside.

3 ACTING PRESIDENT VOLKER: Lay
4 that bill aside.

5 THE SECRETARY: Calendar Number
6 963, by Senator -

7 SENATOR GOLD: Lay aside, please.

8 ACTING PRESIDENT VOLKER: Lay
9 that one aside also.

10 THE SECRETARY: Calendar Number
11 964, by Senator Larkin, Senate Bill Number
12 1946-B, Administrative Code of the city of New
13 York.

14 ACTING PRESIDENT VOLKER: Read
15 the last section.

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

18 ACTING PRESIDENT VOLKER: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 44.

22 ACTING PRESIDENT VOLKER: The
23 bill is passed.

1 THE SECRETARY: 965, by Senator
2 Marchi, Senate Bill Number 2456, an act to
3 require the Department of Environmental
4 Conservation to study the period of probable
5 usefulness of landfills.

6 ACTING PRESIDENT VOLKER: Read
7 the last section.

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

10 ACTING PRESIDENT VOLKER: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 44.

14 ACTING PRESIDENT VOLKER: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 966, by Senator Daly, Senate Bill Number 3137,
18 an act to amend the Public Health Law, in
19 relation to imitation controlled substances.

20 ACTING PRESIDENT VOLKER: Read
21 the last section.

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

1 ACTING PRESIDENT VOLKER: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 44.

5 ACTING PRESIDENT VOLKER: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 967, by Senator Maltese, Senate Bill Number -

9 SENATOR LEICHTER: Lay aside,
10 please.

11 ACTING PRESIDENT VOLKER: Lay the
12 bill aside.

13 THE SECRETARY: Calendar Number
14 968, by Senator Daly, Senate Bill Number 4794-A,
15 an act to amend the Education Law, in relation
16 to required instructions in humane treatment -

17 SENATOR GOLD: Lay aside, please.

18 ACTING PRESIDENT VOLKER: Lay the
19 bill aside.

20 THE SECRETARY: Calendar Number
21 967 -- 969, by Senator Volker, Senate Bill
22 Number 5693, an act to amend the Penal Law, in
23 relation to the definition of access device.

1 ACTING PRESIDENT VOLKER: Read
2 the last section.

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

5 ACTING PRESIDENT VOLKER: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 44.

9 ACTING PRESIDENT VOLKER: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 970, by the Senate Committee on Rules, Senate
13 Bill Number 5703, an act to amend the Public
14 Authorities Law, in relation to trustees of the
15 Long Island Power Authority.

16 ACTING PRESIDENT VOLKER: Read
17 the last section.

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

20 ACTING PRESIDENT VOLKER: Lay
21 aside, Senator Leichter?

22 SENATOR LEICHTER: No.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 43, nays 1,
4 Senator Kuhl recorded in the negative.

5 ACTING PRESIDENT VOLKER: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 973, by Senator Masiello, Senate Bill Number
9 5720, authorizing the Commissioner of General -
10 Commissioner of the Office of General Services
11 to sell and convey real property to Sisters of
12 Charity.

13 ACTING PRESIDENT VOLKER: Read
14 the last section.

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

17 ACTING PRESIDENT VOLKER: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 44.

21 ACTING PRESIDENT VOLKER: The
22 bill is passed.

23 THE SECRETARY: On page 29,

1 Calendar Number 974, Senator Kuhl moves to
2 discharge the Committee on Rules from Assembly
3 Bill Number 3668 and substitute it for the
4 identical Third Reading 974.

5 ACTING PRESIDENT VOLKER: The
6 bill is substituted. Third reading. Last
7 section.

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

10 ACTING PRESIDENT VOLKER: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 44.

14 ACTING PRESIDENT VOLKER: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 975, by Senator Present, Senate Bill Number
18 5731, General Municipal Law, in relation to
19 appointment of a member of the county of
20 Chautauqua Industrial Development Agency.

21 ACTING PRESIDENT VOLKER: Home
22 rule message is at the desk.

23 SENATOR GOLD: Lay it aside,

1 please.

2 ACTING PRESIDENT VOLKER: Lay the
3 bill aside.

4 THE SECRETARY: Calendar Number
5 976, by Senator Mega, Senate Bill Number 5732,
6 Judiciary Law and the New York City Civil Court
7 Act.

8 ACTING PRESIDENT VOLKER: Read
9 the last section.

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

12 ACTING PRESIDENT VOLKER: Call
13 the roll.

14 SENATOR GOLD: Lay this aside.

15 ACTING PRESIDENT VOLKER: Lay
16 that bill aside at the request of -

17 SENATOR GOLD: Oh, hold on. Last
18 section.

19 ACTING PRESIDENT VOLKER: Read
20 the last section again.

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

23 ACTING PRESIDENT VOLKER: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes -

4 SENATOR LEICHTER: Would you lay
5 it aside, please.

6 ACTING PRESIDENT VOLKER: Suspend
7 the roll call, lay the bill aside.

8 THE SECRETARY: Calendar Number
9 977, by Senator Bruno, Senate Bill Number 5736,
10 an act to amend the Tax Law, in relation to the
11 inspection of tax returns.

12 ACTING PRESIDENT VOLKER: Read
13 the last section.

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

16 ACTING PRESIDENT VOLKER: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 44.

20 ACTING PRESIDENT VOLKER: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 978, by Senator Hannon, Senate Bill Number 5737,

1 authorize the Commissioner of General Services
2 to sell and convey to the village of Hempstead
3 the state armory located in such village.

4 ACTING PRESIDENT VOLKER: Read
5 the last section.

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

8 ACTING PRESIDENT VOLKER: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 45.

12 ACTING PRESIDENT VOLKER: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 981, by Senator Seward, Senate Bill Number 5748,
16 General City Law, in relation to plumbing
17 inspectors in the city of Cortland.

18 ACTING PRESIDENT VOLKER: Read
19 the last section.

20 THE SECRETARY: Section -

21 ACTING PRESIDENT VOLKER: Senator
22 Maltese.

23 SENATOR MALTESE: Mr. President,

1 I rise to explain my vote. Any bill proposed by
2 Senator Seward, I'm sure, is a fine bill
3 especially relating to the city of Cortland.
4 But I wish to also indicate that as all members
5 know, this week end is Italian-American
6 Legislators week end, and we are having a
7 function tonight in the city of Troy and present
8 with us today are dignitaries, Italian-American
9 dignitaries and dignitaries from Italian
10 American organizations throughout the state,
11 many of whom are here present in the balcony.

12 Mr. President, I vote aye.

13 ACTING PRESIDENT VOLKER: Senator
14 Maltese in the affirmative.

15 SENATOR SMITH: I was going to
16 find my seat and be a good Italian-American.

17 THE SECRETARY: Ayes 51.

18 ACTING PRESIDENT VOLKER: The
19 bill is passed. O.K. We return to report of
20 standing committees. We have four bills that
21 were still left over from the Rules Committee
22 report.

23 SENATOR PRESENT: Sure.

1 ACTING PRESIDENT VOLKER:

2 Secretary will read.

3 THE SECRETARY: Senator Marino,
4 from the Committee on Rules, reports the
5 following bills directly for third reading:

6 Senate Bill Number 5762, by
7 Senator Smith, an act authorizing the city of
8 New York to reconvey its interest in certain
9 real property;

10 5765, by Senator Saland,
11 authorizing the town of Wappinger, county of
12 Dutchess, to discontinue the use and convey
13 certain park lands;

14 5779, by Senator Montgomery,
15 authorizing the city of New York to reconvey its
16 interested in certain real property; and

17 5784, by Senator Pataki,
18 authorize the board of education of the Lake
19 land Central School District to convey certain
20 lands.

21 All bills reported directly for
22 third reading.

23 ACTING PRESIDENT VOLKER: Without

1 objection, third reading.

2 Senator Present, shall we proceed
3 with the second reading of the calendar?

4 SENATOR PRESENT: Mr. President,
5 let's proceed with controversial calendar,
6 please.

7 ACTING PRESIDENT VOLKER:
8 Controversial calendar. Clerk will read.

9 THE SECRETARY: On page 13,
10 Calendar Number 593, Senator Kuhl moves to
11 discharge the Committee on Rules, from Assembly
12 Bill Number 5879 and substitute it for the
13 identical Third Reading 593.

14 ACTING PRESIDENT VOLKER:
15 Substitution ordered. Bill is before the
16 house. Last section.

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

19 ACTING PRESIDENT VOLKER: Senator
20 Leichter, why do you rise?

21 SENATOR LEICHTER: I don't know,
22 is this something -

23 SENATOR GOLD: Last section.

1 ACTING PRESIDENT VOLKER: Read
2 the last section.

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

5 ACTING PRESIDENT VOLKER: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 52.

9 ACTING PRESIDENT VOLKER: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 685, by Senator Lack, Senate Bill Number 4044,
13 Public Authorities Law.

14 SENATOR GOLD: Lay aside, please.

15 SENATOR PRESENT: For the day.

16 ACTING PRESIDENT VOLKER: The
17 bill is laid aside.

18 SENATOR PRESENT: One day.

19 ACTING PRESIDENT VOLKER: For one
20 day.

21 THE SECRETARY: Calendar Number
22 795, by Senator Pataki, Senate Bill Number 2875,
23 Environmental Conservation Law, in relation to

1 notification by the Commissioner.

2 SENATOR GOLD: Hold on a minute.

3 ACTING PRESIDENT VOLKER: Yeah,
4 Senator Gold.

5 SENATOR GOLD: Mr. President.

6 ACTING PRESIDENT VOLKER: Senator
7 Gold.

8 SENATOR GOLD: Yeah. There is a
9 memorandum, actually it's a note, from the
10 Department of Environmental Conservation on this
11 which says they are strongly opposed to this
12 bill. Unfortunately, I think it was lunch hour
13 and they didn't have a chance to put a memo in
14 on it, so I have no idea why they're opposed.

15 ACTING PRESIDENT VOLKER: Read
16 the last section.

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

19 ACTING PRESIDENT VOLKER: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 52.

23 ACTING PRESIDENT VOLKER: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 887, by Senator Farley, Senate Bill Number 4951,
4 an act to amend the Banking Law.

5 ACTING PRESIDENT VOLKER: Read
6 the last section.

7 SENATOR GOLD: Yeah, Senator
8 Solomon wanted to ask some questions. Could I
9 get one day on this, Senator Farley?

10 SENATOR PRESENT: Lay aside for
11 one day.

12 ACTING PRESIDENT VOLKER: Laid
13 aside for one day.

14 THE SECRETARY: Calendar Number
15 908, by Senator Velella, Senate Bill Number
16 5299, Education Law, in relation to establishing
17 the John D. Calandra Italian-American
18 Institute.

19 SENATOR PRESENT: Lay it aside
20 temporarily.

21 ACTING PRESIDENT VOLKER: Lay the
22 bill aside.

23 THE SECRETARY: Calendar Number

1 945, by Senator Maltese, Senate Bill Number
2 4474-A, Retirement and Social Security Law.

3 ACTING PRESIDENT VOLKER: Read
4 the last section.

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

7 ACTING PRESIDENT VOLKER: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 52.

11 ACTING PRESIDENT VOLKER: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 957, by Senator Levy, Senate Bill Number 5552-B,
15 Election Law.

16 ACTING PRESIDENT VOLKER: Read
17 the last section.

18 THE SECRETARY: Section 2. This
19 act shall -

20 SENATOR CONNOR: Explanation.

21 SENATOR PRESENT: Lay aside.

22 ACTING PRESIDENT VOLKER:
23 Explanation requested by Senator Connor. Bill

1 is laid aside.

2 THE SECRETARY: Calendar Number
3 961, by Senator Levy, Senate Bill Number 999-A,
4 General Obligations Law.

5 ACTING PRESIDENT VOLKER: Read
6 the last section.

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

9 SENATOR PRESENT: Lay it aside
10 one day.

11 ACTING PRESIDENT VOLKER: Lay the
12 bill aside.

13 THE SECRETARY: Calendar Number
14 962, by Senator Daly, Senate Bill -

15 SENATOR GOLD: Explanation.

16 ACTING PRESIDENT VOLKER:
17 Explanation requested, Senator Gold by -- of
18 Senator Daly.

19 Senator Daly.

20 SENATOR DALY: Yes, Mr.
21 President. This bill requires the Department of
22 Environmental Conservation to include additional
23 financial information in its quarterly report

1 and its remedial plan update.

2 Specifically, DEC would be
3 required to list in the quarterly report some
4 site-specific expenditures and an estimate of
5 the cost to remediate each classified site.
6 Basically the purpose of this bill is to have
7 available information on how much money we're
8 using from the Superfund bond issue of \$1.1
9 billion.

10 We've been told by the Department
11 of Environmental Conservation that it "looks
12 like", quote/unquote, that we will have expended
13 all the monies from the Superfund by the year
14 1996 and will not have remediated all the
15 necessary -- all the sites that require
16 remediation.

17 This is a simple request, Mr.
18 President, because the information is there.
19 Actually, most of the information will come from
20 the contractors who are actually doing the work,
21 those who are remediating the site, and we're
22 asking for estimates. I believe that, if we are
23 to look ahead and properly plan what we have to

1 do financially to meet our obligations in
2 cleaning up the hazardous wastes in this state,
3 then DEC should make available this type of
4 information.

5 It's very easy to obtain. DEC
6 says we're putting an additional mandate on
7 them. Very frankly, this information is
8 available, and DEC can easily compile and
9 provide this information in both its quarterly
10 report and in the annual report.

11 SENATOR GOLD: Mr. President.

12 ACTING PRESIDENT VOLKER: Senator
13 Gold.

14 SENATOR GOLD: Yeah, Mr.
15 President.

16 There is a memorandum by the
17 Department on this bill which they strongly
18 oppose, and last year Senator Connor, myself,
19 and Senators Leichter, Ohrenstein, Smith and
20 Waldon voted in the negative.

21 But what I think is interesting
22 is that we get requests all the time from local
23 governments not to give them unfunded mandates

1 and in times when we are trying to cut back and
2 be economical in government, we, on the other
3 hand, take state departments and try to have
4 them duplicate functions; and the memorandum
5 clearly indicates that the material that is
6 being sought is information which is already
7 available for public and legislative review and
8 they believe that this bill is counterproductive
9 as it will require a shift in existing resources
10 to address the new reporting requirement
11 contained in the bill.

12 As I indicated, certain of us
13 voted with the Department last year. They have
14 a memorandum, and I would urge people to support
15 their request.

16 ACTING PRESIDENT VOLKER: Senator
17 Daly.

18 SENATOR DALY: Just one small
19 comment. What precipitated this bill was the
20 Commissioner, as chairman of the Joint
21 Legislation Commission on Toxic Wastes, just try
22 to obtain information from DEC. Try it some
23 time, and it takes forever and a day to get the

1 information and, even though the information is
2 easily accessible if they wanted to go after
3 it.

4 Very frankly, I believe this is a
5 legitimate request on the part of the -- I
6 should say this legislation is a legitimate
7 request that will make our planning easier.
8 Without knowing how much money we're spending,
9 how do we know when we're going to have to go
10 out and raise more money.

11 ACTING PRESIDENT VOLKER: Read
12 the last section.

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

15 ACTING PRESIDENT VOLKER: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Those recorded in
19 the negative on Calendar Number 962 are Senators
20 Connor, Espada, Galiber, Gold, Leichter,
21 Markowitz, Mendez, Ohrenstein, Paterson and
22 Smith. Ayes 43, nays 10.

23 ACTING PRESIDENT VOLKER: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 963, by Senator Daly, Senate Bill Number 1094,
4 Environmental Conservation Law.

5 SENATOR GOLD: Yeah, Mr.
6 President.

7 ACTING PRESIDENT VOLKER: Senator
8 Gold.

9 SENATOR GOLD: I'd like to point
10 out that the Department has a memorandum in
11 opposition, but there is a memorandum in support
12 by the Environmental Planning Lobby which all of
13 us seemed to follow last year when it passed
14 unanimously.

15 ACTING PRESIDENT VOLKER: Read
16 the last section.

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

19 ACTING PRESIDENT VOLKER: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 53.

23 ACTING PRESIDENT VOLKER: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 967, by Senator Maltese, Senate Bill Number
4 4508, an act to amend the Correction Law.

5 ACTING PRESIDENT VOLKER: Read
6 the last section.

7 SENATOR LEICHTER: Explanation.

8 ACTING PRESIDENT VOLKER: Senator
9 Leichter requests an explanation.

10 Senator Maltese.

11 SENATOR MALTESE: Mr. President,
12 this bill is at the request of the Commissioner
13 of Correction, and it provides for the inclusion
14 of a former correction officer to the Citizens
15 Policy and Complaint Review Council.

16 Now, you may ask what is the
17 Citizens' Policy and Complaint Review Council,
18 so if you do, I will advise you that it is a
19 council that advises and assists the commission
20 in developing policies, plans and programs for
21 improving the commission's performance of its
22 duties.

23 In addition, more importantly, it

1 investigates and reviews complaints and
2 grievances regarding any local correctional
3 facility; that includes local county jails,
4 police lock-ups, penitentiaries, city jails,
5 police stations, town or village jail or lock
6 ups and includes hospital prison wards.

7 This commission serves without
8 pay. They are appointed by the Governor with
9 the consent of the Senate. They can receive
10 \$100 a day for attendance at actual meetings
11 with a cap of \$5,000 and they are reimbursed for
12 actual expenses. More of our commissions and
13 councils should be in like position.

14 In addition, this council, the
15 make-up of council is very clearly spelled out
16 in the law, and that is the reason for this
17 legislation. It indicates that those members,
18 one shall be a former inmate, another shall be a
19 New York attorney, another shall be one who has
20 served in the armed forces in Vietnam, or a
21 licensed mental health professional with
22 experience or training regarding post-traumatic
23 stress syndrome, and four others not

1 designated.

2 In this unlikely group, Mr.
3 President, we wish to include a correction
4 officer since this group would evaluate, in many
5 cases, the performance of correction officers
6 within those local lock-ups, and it would seem
7 fair that at least one out of the seven should
8 be familiar with the duties, obligations and
9 responsibilities of a correction officer.

10 SENATOR LEICHTER: Mr. President.

11 ACTING PRESIDENT VOLKER: Senator
12 Leichter.

13 SENATOR LEICHTER: I thank my
14 good friend, Senator Maltese, for the
15 explanation. I think it was helpful for the
16 body because I think probably very few, if
17 anybody, knew what the council was, what it
18 does, and the fact is that the state Commission
19 on Correction has really become moribund. It's
20 invisible. I don't believe it does the job that
21 it was asked to do, that it needs to do, the job
22 that we thought it would do when it was first
23 established shortly after Attica.

1 I think it's a real problem that
2 there's been such a decline in its functions.
3 There certainly is a need to go into these penal
4 institutions and to have an independent body
5 that can respond to complaints, that can take a
6 look at what conditions are, not that they're
7 great abuses being committed by the
8 administration or by the officers, but it's a
9 safety valve, and there are instances where a
10 thorough investigation is needed and
11 particularly at times in some of the local
12 jails.

13 So while I have no problem at all
14 with this bill, I think it is pertinent to note
15 and to express on this floor at least my
16 disappointment on how inactive the commission
17 has become and what I think is really a very
18 poor job and poor service to the people of New
19 York.

20 ACTING PRESIDENT VOLKER: Read
21 the last section.

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

1 ACTING PRESIDENT VOLKER: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 53.

5 ACTING PRESIDENT VOLKER: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 968, by Senator Daly, Senate Bill Number 4794-A,
9 an act to amend the Education Law.

10 ACTING PRESIDENT VOLKER: Read
11 the last section.

12 SENATOR LEICHTER: Explanation,
13 please.

14 ACTING PRESIDENT VOLKER: Senator
15 Leichter requests an explanation.

16 Senator Daly.

17 SENATOR DALY: Yes, Mr.
18 President. This bill would give the school
19 districts more flexibility in the instruction of
20 humane treatment of animals and birds by
21 removing the mandate of weekly instruction.

22 Now, mainly the present language
23 in law certainly goes much too far. I'll read

1 some of the language we're deleting. Such
2 weekly instruction, weekly, may be divided into
3 two or more periods. What we're saying is
4 instead of mandating that this particular
5 instruction be given on a weekly basis, we allow
6 the school districts -

7 SENATOR GOLD: Last section.

8 ACTING PRESIDENT VOLKER: Read
9 the last section.

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

12 ACTING PRESIDENT VOLKER: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 54.

16 ACTING PRESIDENT VOLKER: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 975, by Senator Present, Senate Bill Number
20 5731, an act to amend the General Municipal Law.

21 ACTING PRESIDENT VOLKER: Home
22 rule message at the desk. Read the last
23 section.

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

3 ACTING PRESIDENT VOLKER: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 54.

7 ACTING PRESIDENT VOLKER: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 976, by Senator Mega, Senate Bill Number 5732,
11 an act to amend the Judiciary Law and the New
12 York City Civil Court Act.

13 ACTING PRESIDENT VOLKER: Read
14 the last section.

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

17 ACTING PRESIDENT VOLKER: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 976 are Senators
22 Daly, Dollinger, Jones, LaValle, Libous,
23 Padavan, Pataki, Seward and Stachowski and

1 Wright. Ayes 44, nays 10.

2 ACTING PRESIDENT VOLKER: The
3 bill is passed.

4 I believe Senator Trunzo has a
5 motion, Senator Present.

6 SENATOR PRESENT: Recognize
7 Senator Trunzo.

8 ACTING PRESIDENT VOLKER: Senator
9 Trunzo.

10 SENATOR TRUNZO: I wish to call
11 up my bill, Print Number 2964, recalled from the
12 Assembly, which is now at the desk.

13 ACTING PRESIDENT VOLKER:
14 Secretary will read.

15 THE SECRETARY: By Senator
16 Trunzo, Senate Bill Number 2964, Retirement and
17 Social Security Law, in relation to salary
18 reductions.

19 SENATOR TRUNZO: I now move to
20 reconsider the vote by which this bill was
21 passed.

22 ACTING PRESIDENT VOLKER: Call
23 the roll on reconsideration.

1 (The Secretary called the roll on
2 reconsideration.)

3 THE SECRETARY: Ayes 54.

4 ACTING PRESIDENT VOLKER: Bill is
5 before the house.

6 SENATOR TRUNZO: I now offer the
7 following amendments.

8 ACTING PRESIDENT VOLKER:
9 Amendments received and adopted.

10 Senator Present.

11 SENATOR PRESENT: Recognize
12 Senator Kuhl, please.

13 SENATOR KUHL: Yes, Mr.
14 President.

15 On behalf of Senator Levy would
16 you please place a sponsor's star on Calendar
17 961, Senate Bill 999-A.

18 ACTING PRESIDENT VOLKER: Without
19 objection, star on 999-A.

20 Senator Present.

21 SENATOR PRESENT: Would you call
22 up Calendar 908.

23 THE SECRETARY: Calendar 908,

1 Senate Print 5299, by Senator Velella, an act to
2 amend the Education Law, in relation to
3 establishing the John D. Calandra Italian
4 American Institute.

5 SENATOR LEICHTER: Explanation.

6 ACTING PRESIDENT VOLKER:

7 Explanation requested by Senator Leichter.

8 Senator Velella.

9 SENATOR VELELLA: Mr. President,
10 this bill is a reorganization of the John
11 Calandra Institute, which is presently operating
12 within City University.

13 It establishes it at the graduate
14 school, where it rightfully belongs, in my opin
15 ion and the opinion of many of the legislators
16 from both houses. It defines clearly the
17 intention of the Institute. It provides for the
18 establishment of research training, counseling,
19 offering of courses and establishment of a
20 library for Italian-American studies. It
21 establishes a chair for Italian-American studies
22 within the University and under the auspices of
23 the Institute; and basically that's what the

1 bill does, Senator.

2 SENATOR LEICHTER: Mr. President.

3 ACTING PRESIDENT VOLKER: Senator
4 Leichter.

5 SENATOR LEICHTER: Yeah. Would
6 Senator Velella yield for a series of
7 questions?

8 SENATOR VELELLA: I'll yield to
9 them one at a time, Senator.

10 ACTING PRESIDENT VOLKER: Senator
11 Velella yields, one at a time.

12 SENATOR LEICHTER: Senator, I
13 appreciated the explanation, and at least you
14 didn't refer to it as a technical amendment
15 because, as I read it, this seems to make some
16 very substantial changes in the Calandra
17 Institute. And let me say any institute that
18 bears the name of John Calandra is certainly one
19 that we have a great deal of respect for because
20 we cherish the memory of John Calandra, who was
21 a very valuable member of this body for many
22 years.

23 But putting the name aside, I

1 want to look at the Institute as it's changed by
2 your bill, and what I want to ask you is, does
3 the Institute presently have the power to grant
4 degrees?

5 SENATOR VELELLA: No, sir.

6 SENATOR LEICHTER: Under your
7 bill, would it have the power to grant degrees?

8 SENATOR VELELLA: Not my
9 understanding that it grants degrees, Senator.

10 SENATOR LEICHTER: Well -

11 SENATOR VELELLA: If you point to
12 the language that you're talking about, Senator,
13 maybe we can walk through it together so you'll
14 understand it.

15 SENATOR LEICHTER: Well, if you
16 look at page 2 under section 6292, lines 9 and
17 10, you say that "the Institute is hereby
18 empowered to conduct both credit and non-credit
19 classes."

20 SENATOR VELELLA: Senator, that's
21 conducting classes, not granting degrees.

22 SENATOR LEICHTER: Well, does the
23 Institute at the present time have the power to

1 grant classes that the Institute itself deter
2 mines are classes with -

3 SENATOR VELELLA: No, Senator,
4 but this would, of course, Senator, be subject
5 to the academic certifications of City
6 University and its board of trustees, as all
7 courses that are offered in the University would
8 be.

9 SENATOR LEICHTER: But, Senator,
10 isn't it a fact that, if you give -- if you give
11 classes for credit, the credit is towards
12 degrees, is it not?

13 SENATOR VELELLA: Correct, but to
14 give the credit, you still need the approval of
15 the board of trustees.

16 SENATOR LEICHTER: Senator.

17 SENATOR VELELLA: Other
18 institutes for other ethnic groups give such
19 courses and, as an example, Afro-American
20 studies and Hispanic studies, I believe there is
21 a Jewish, I don't know the exact title of the
22 institute that gives similar courses.

23 The uniqueness of this, Senator,

1 is probably what's confusing you a little bit is
2 that this particular institute, the John
3 Calandra Institute for Italian-American studies
4 is totally funded by the members of this
5 Legislature as an item outside of City
6 University. That's revenue that goes to the
7 University in addition to their normal aid that
8 they would get. Other institutes such as the
9 ones that I have mentioned are funded through
10 the City University's budget in and of itself.

11 There was a reluctance on the
12 part of City University to establish such an
13 Italian-American study institute and that's when
14 my predecessor, John Calandra, established the
15 Institute and provided funding with the
16 assistance of Senator Marchi and many of the
17 Senators on both sides of the aisle and
18 Assemblymen on both sides of the aisle over in
19 the other house, to provide a revenue stream for
20 an independent group that the University was not
21 able, was not willing, to set up. So that's why
22 there's a little bit of a difference. However,
23 the powers would basically coincide with those

1 that are given to other institutes.

2 SENATOR LEICHTER: Senator
3 Velella, if you'd be kind enough to continue to
4 yield.

5 There is a dispute, is there not,
6 between the Institute and the administration at
7 the City University?

8 SENATOR VELELLA: Well, there's
9 currently litigation pending where a temporary
10 restraining order and injunction has been issued
11 against City University for discriminating
12 against Italian-Americans within the University,
13 and Judge Motley had rendered that decision. I
14 believe the City University is appealing that at
15 this point. They have not been very success
16 ful in other cases of this nature, as you know,
17 and I think that we have to address very -- in
18 the very near future some of the actions by City
19 University in dealing with the rights of
20 professors. Whether or not we agree with what
21 they're saying, their right to say it is
22 something that we have to preserve.

23 SENATOR LEICHTER: Senator, I

1 assume you're talking about Dr. Jeffries and
2 expressing your views on that, and I understand
3 that. But, Senator, getting back to the
4 question of the Institute, one of the disputes
5 relating to the Institute was that Chancellor
6 Reynolds wanted to move the Institute, as I
7 understand it, to the College of Staten Island,
8 is that correct?

9 SENATOR VELELLA: That was part
10 of her proposal and part of Judge Motley's order
11 indicated that her actions in moving that were
12 actually, in and of itself, discriminatory and
13 were really retribution against those who had
14 been working within the Institute. That's not
15 my words. Those are the words of Judge Motley.

16 SENATOR LEICHTER: And, Senator,
17 is -

18 SENATOR VELELLA: She restrained
19 -- she restrained the chancellor from making
20 that change because it was discriminating
21 against Italian-Americans. We're codifying that
22 now.

23 SENATOR LEICHTER: And, Senator,

1 one of your purposes is to have the Institute
2 remain where it is which is, if not directly
3 associated with, at least in proximity of the
4 Graduate Center in the middle of Manhattan, is
5 that right?

6 SENATOR VELELLA: Yes, Senator.
7 You want to know the reasons or you just want to
8 know the fact?

9 SENATOR LEICHTER: No, I just
10 want to know the fact.

11 SENATOR VELELLA: Yes, Senator.

12 SENATOR LEICHTER: And I have no
13 problem with that. What I want to get back to
14 again, Senator, is why you felt it necessary to
15 completely change the character of the Calandra
16 Institute and make it almost an independent
17 institution with -

18 SENATOR VELELLA: Senator, I
19 don't agree -

20 SENATOR LEICHTER: Let me just
21 finish the question, please. -- and make it
22 almost an independent institution within the
23 City University.

1 SENATOR VELELLA: Senator, I
2 don't agree with the major premise that you just
3 stated that we're changing completely the
4 character. We're making some alterations to
5 address the discrimination that's been practiced
6 in City University against Italian-Americans and
7 this basically follows the lines of Judge
8 Motley's decision which said that, by changing
9 the Institute from Manhattan to the outer
10 borough of Staten Island, in fact, that was
11 discriminatory, and there were several other
12 instances in there where we made some changes to
13 address the decision of Judge Motley to
14 eliminate discrimination.

15 We are somewhat independent in
16 the fact that the money comes from this
17 Legislature, 61 Senators, 150 Assemblymen. In
18 cases of other institutes or other ethnic groups
19 that have specialized departments, the money
20 comes from the City University budget and is
21 directly under the supervision of the chancel
22 lor.

23 This was placed under the

1 chancellor's supervision several years ago as an
2 administrative function, but to be appropriated
3 in the manner in which the Legislature
4 intended. We are now taking it back out again
5 so that we can have the Institute function the
6 way the Legislature had intended for it to be
7 and that is basically expressed in the
8 legislative intent and findings in the earlier
9 part of the bill.

10 ACTING PRESIDENT VOLKER: Senator
11 Velella, do you continue to yield to Senator
12 Leichter?

13 SENATOR VELELLA: Yes, I do.

14 SENATOR LEICHTER: Thank you.
15 Senator Velella, I don't accept your
16 characterization of what Judge Motley's decision
17 found. On the other hand, I'm not -- I'm not
18 disputing it. I don't have that decision in
19 front of me, and all I know about it is what
20 I've read in the newspapers. I'd be surprised
21 if the basis of Judge Motley's decision was that
22 moving the Institute to Staten Island
23 constituted discrimination.

1 SENATOR VELELLA: Senator, then
2 -- Senator, then be surprised. If you would be
3 surprised that that was one of the bases of the
4 decision, then be surprised.

5 SENATOR LEICHTER: Yes, but
6 accepting that, Senator, that that was the basis
7 of her decision, it would seem to me that you
8 would cure that problem if discrimination, in
9 fact, exists by saying the Institute ought to
10 remain where it is.

11 What I do not understand, and
12 your answers, even though you've used the word
13 "discrimination" quite a few times, fail to
14 address, what bothers me is the change you're
15 making in the character of the Institute by
16 giving it the power to give courses for credit
17 and whether those have to be approved by the
18 City University or not is not clear to me that
19 you say it does. It's not clear to me that
20 that's so, but even if it is, it's certainly a
21 total change of what the Institute presently
22 does, and I'm not aware that any of that was in
23 any respect mandated, required or even suggested

1 by the lawsuit which Judge Motley is presiding
2 over.

3 SENATOR VELELLA: Is there a
4 question, Senator, or is that a statement?

5 SENATOR LEICHTER: The question
6 is, why the change in the character of the
7 institute as radically as you're changing it?

8 SENATOR VELELLA: Well, Senator,
9 we're not radically changing it. What we're
10 doing is expanding a little bit to offer
11 courses.

12 Now, let me help -- help you
13 through the process of the higher education
14 system. A degree is granted by the board of
15 trustees of City University upon the completion
16 of a course of academic study. That course of
17 academic study is approved by the board of
18 trustees. So any course given by the Institute
19 to qualify for a degree would have to be
20 approved by the board of trustees like it is for
21 various other groups, whether it be Hispanic
22 American studies, Afro-American studies,
23 Judeo-American studies, all of those groups that

1 have those various programs, their degrees are
2 granted subject to the power of the board of
3 trustees to recognize those particular courses
4 that are generated through various ethnic or
5 religious institutes that are established.

6 All we're saying is, because of
7 the pattern of discrimination which Judge
8 Motley's decision clearly shows that we are now
9 trying to establish something for an Italian
10 American institute with the Legislature's money,
11 not with the City University's money, to have a
12 program similar to other -- other courses
13 offered at the University.

14 I would be surprised if the board
15 of trustees didn't approve courses that were
16 academically qualified as they do for other
17 groups, but certainly if they felt that a course
18 was -- was not academically qualified, I would
19 assume that the board of trustees would turn it
20 down, and a degree would not be granted to
21 anyone who tried to seek credit for a course
22 that wasn't approved.

23 SENATOR LEICHTER: All right. If

1 you'd yield for just one or two more questions.

2 ACTING PRESIDENT VOLKER: Will
3 you continue to yield, Senator Velella?

4 SENATOR VELELLA: He said for one
5 more.

6 SENATOR LEICHTER: You now set up
7 an advisory committee. Did there exist an
8 advisory committee of this sort of composition
9 in the Institute? Is there currently such an
10 advisory committee?

11 SENATOR VELELLA: Well, no,
12 there's an advisory committee, but it's
13 differently constituted. We tried to
14 incorporate representatives of the Legislature,
15 the Italian-American study body, the Italian
16 American faculty, and tried to bring into the
17 entire Italian-American community to oversee
18 what was being done in this Institute. It was
19 an outreach process to expand the board and
20 bring it closer to the Italian-American
21 community.

22 SENATOR LEICHTER: Senator
23 Velella, could you tell me one other educational

1 institution or institute where a group of
2 legislators are given the power to make
3 appointments to an advisory board to -

4 SENATOR VELELLA: Senator, I can
5 also not tell you any other group that has
6 received funds directly from the Legislature for
7 this purpose, so we are dealing with a unique
8 situation. If the chancellor were willing to
9 set aside money from the City University budget
10 to establish an Italian-American Institute, I
11 would be more than happy to have here a greater
12 input into what's being done.

13 However, she has taken money from
14 the Legislature and decided to spend it her
15 way. I don't think we ought to do that. If
16 we're making a legislative appropriation, we
17 ought to have some say in the way it's spent and
18 not the chancellor. I'll be happy to turn over
19 the Institute to her if she wants to fund it
20 from City University's general revenues.

21 SENATOR LEICHTER: Thank you very
22 much, Senator Velella.

23 ACTING PRESIDENT VOLKER: Senator

1 Leichter, on the bill.

2 SENATOR LEICHTER: Yeah.

3 My colleagues, I think this is an
4 unwise bill in a number of respects. First of
5 all, the Legislature is getting involved in a
6 dispute which is now in court between the
7 Institute and the City University of New York
8 and, while I do not defend the acts that the
9 City University has been -- has taken in regard
10 to the Institute, I think there's some serious
11 questions about the wisdom of moving the
12 Institute to Staten Island, although it's a
13 wonderful part of New York City and will remain
14 a wonderful part of New York City. But I can
15 understand that the Institute was in Manhattan,
16 the heart of New York City, and that you want it
17 to stay there.

18 But, Senator, we are getting
19 involved in this battle and while there have
20 been some rulings here on the part of Judge
21 Motley, my understanding is that the matter has
22 been referred back for -- to her. There are
23 discussions going on to settle this dispute, and

1 I think it's heavy handed and unwise of the
2 Legislature to become involved.

3 I yield to my good friend,
4 Senator Gold.

5 ACTING PRESIDENT VOLKER: Senator
6 Gold.

7 SENATOR GOLD: I just -

8 ACTING PRESIDENT VOLKER: On the
9 bill.

10 SENATOR GOLD: -- wanted Senator
11 Leichter to know for future reference that the
12 heart of New York City happens to be probably
13 Flushing Meadow Park in the county of Queens;
14 it's not in Manhattan. Didn't you know that?

15 SENATOR LEICHTER: All right.
16 O.K. Well, if you want to move the Calandra
17 Institute to Flushing Meadow Park and Senator
18 Velella agrees, I will consider it, but only
19 reluctantly.

20 But in all seriousness, when
21 Senator Velella says, you know, this is the
22 Legislature's money, this is not the money of
23 the City University of New York, I think that's

1 inaccurate. Maybe -- maybe superficially
2 correct, but essentially it's inaccurate. Money
3 goes to the City University of New York. It
4 goes in many different forms, and some of it
5 could be directly appropriated to the Calandra
6 Institute, but the effect of this is going to be
7 that the Calandra Institute is going to require
8 a great deal more money, because they're now
9 going to give credit courses. They have
10 additional functions.

11 You have got the advisory
12 council. This is an enlargement of the
13 functions and powers of that Institute, which is
14 going to require more money and that money,
15 Senator, is inevitably going to come out of the
16 overall amounts that are available for higher
17 public education in the city of New York.

18 So to say as if there is this
19 unending stream of money, and we can turn the
20 spigot up as much as we want to here in the
21 Legislature for the Institute, is obviously
22 incorrect. If you want to make this a separate
23 and independent educational institution and have

1 it go through the process of being accredited by
2 the Regents and so on, maybe that's something
3 that we ought to do, but what you're doing is
4 keeping us in part under the City University but
5 then not making it subject to the ordinary rules
6 of governance that apply to institutes and
7 schools within the City University.

8 Moreover, I'm not -- I'm not sure
9 and I, in fact, I believe it is the case that
10 there is no other ethnic or racial institute of
11 this sort within the City University and we can
12 debate about the wisdom of having these various
13 institutes and maybe there is a function for it.
14 Obviously at this particular time in our
15 society, different ethnic and racial groups all
16 feel it's important to have their own institute
17 and, in some instances, that is definitely
18 needed to make up for neglect that has happened
19 in the past, but I don't know whether we want to
20 establish an overall precedent that every racial
21 group, every ethnic group, every religious group
22 is going to have its own semi-independent,
23 almost wholly independent institute within the

1 City University.

2 When we did the Calandra
3 Institute, it made a lot of sense. It was
4 essentially a counseling organization. I was
5 very happy and proud to support it and there
6 seemed to be good reason for it. This now goes
7 far beyond it, and I predict that in the coming
8 years -

9 SENATOR VELELLA: Would Senator
10 Leichter yield for a question?

11 SENATOR LEICHTER: Yes.

12 ACTING PRESIDENT VOLKER: Senator
13 Leichter, will you yield to Senator Velella?

14 SENATOR VELELLA: I'm trying to
15 follow your trend of thought. Are you saying
16 that it is not necessary for Italian-Americans
17 to have an institute for their own purposes?
18 You said that -- as I understood it, you said
19 that some groups should have them, some
20 shouldn't possibly. Where do you put the
21 Italian-Americans, Senator?

22 SENATOR VELELLA: Senator, my own
23 preference is that no group, no group would have

1 a semi-autonomous institute of that sort which
2 is based on ethnic considerations or racial
3 considerations or religious considerations
4 within the City University.

5 SENATOR VELELLA: Will you yield?

6 ACTING PRESIDENT VOLKER: Senator
7 Leichter yields.

8 SENATOR VELELLA: You feel then
9 that they should not have a separate institute
10 for African-American studies or Hispanic
11 American studies or Judeo-American studies?

12 SENATOR LEICHTER: Senator, I'm
13 not aware that there are separate institutes for
14 the different groups that you have -

15 SENATOR VELELLA: There are,
16 Senator. Take my word for it, there are.

17 SENATOR LEICHTER: Let me finish.

18 ACTING PRESIDENT VOLKER: Senator
19 Leichter.

20 SENATOR LEICHTER: Let me
21 finish. I don't believe that we presently have
22 such institutes within the City University of
23 New York with the powers that you are giving

1 this Institute. If there -- if there are,
2 please correct me, and I will then say whether I
3 think it should exist or not, but I don't
4 believe presently any other group has the powers
5 that you're giving the Calandra Institute. Can
6 you name one?

7 SENATOR VELELLA: Senator, it's
8 my understanding that all of the other ethnic or
9 racial background organizations and institutes
10 within the City University have similar powers
11 and are subject, of course, as I said to you
12 before, to the board of trustees. They
13 prescribe courses, courses of studies and,
14 again, the board of trustees is the ultimate
15 arbitrator as to whether or not a degree should
16 be granted. This does not give degree-granting
17 powers.

18 SENATOR LEICHTER: Senator, I
19 stand by my statement and hearing some of my
20 colleagues who are very knowledgeable and
21 hearing some of the things that they're saying,
22 they seem to confirm my understanding that while
23 there are studies -- there are studies in

1 Judaism, there are studies in African culture
2 and history, and so on, but none of these are
3 separate institutes. They're part of a
4 curriculum.

5 That's not the case here. You
6 have a separate institute. This is almost a
7 separate institution within the City University
8 of New York, and you do not have that for other
9 racial, religious or ethnic groups.

10 ACTING PRESIDENT VOLKER: Senator
11 Waldon.

12 SENATOR VELELLA: Senator yield
13 for a question?

14 ACTING PRESIDENT VOLKER:
15 Senator, will you yield?

16 SENATOR VELELLA: Are you aware
17 of the fact, Senator, that as I stated before,
18 that for the longest period of time Italian
19 American legislators have tried to have similar
20 such institutes established within City
21 University but have met with opposition and that
22 the only way we could do it was to create it
23 with a legislative grant? We could not get the

1 administration to recognize Italian-Americans as
2 a group to be treated in the same fashion as
3 other groups were, and that is why we had to
4 have a legislative grant and a quasi-autonomous
5 institute because we couldn't get money from
6 City University's budget. We have provided
7 monies above and beyond City University's
8 budget.

9 SENATOR LEICHTER: Mr. -

10 SENATOR VELELLA: Are you aware
11 of that?

12 SENATOR LEICHTER: Senator, I'm
13 not aware of the -

14 SENATOR ONORATO: Mr. President.

15 SENATOR LEICHTER: I'm not aware
16 of the facts as you describe them because I
17 don't believe that to be the case at all. I
18 think, if you are saying that if you wanted a
19 study of curriculum, a particular curriculum
20 that dealt with the Italian-American experience,
21 that dealt with the background of Italy, that is
22 one thing, and that you certainly should have -
23 I'm not aware it doesn't exist, but if it

1 doesn't exist, that ought to exist -- and that
2 is what we have now for other ethnic groups and
3 that properly is something that a university in
4 a -- in a multi-cultural city like New York
5 ought to have.

6 But that's not what you're
7 doing. You're going far beyond that, and don't
8 say that you're doing for Italian-Americans what
9 every other group has, because that's not the
10 case. But I predict that, if this Institute is
11 established, why shouldn't there be an institute
12 for the Irish-Americans and for the Jewish
13 Americans and for the African-Americans, and so
14 on?

15 You're going to, in a sense,
16 balkanize the City University, more so maybe
17 than it is now, and I appreciate your concern
18 and interest in the Italian background. I think
19 it's a very significant and important one,
20 equally important as any other, but I don't
21 think it ought to be singled out and put into an
22 institute that is totally greater in its power
23 than that which exists for other groups, and I'm

1 not sure that you're doing any benefit for the
2 Italian-Americans in teaching the Italian
3 American experience.

4 First of all, my understanding is
5 the way you've written it, it's a one-house
6 bill. You know, it may look good, but that it's
7 not going to go anywhere, and that's
8 unfortunate, because maybe the Legislature
9 should try to do something, although I want to
10 say again that I'm hoping that this could be
11 settled in an amicable manner.

12 I understand that the City
13 University has brought in a very wise and
14 experienced former federal judge to try to help
15 resolve some of the disputes which exist but, if
16 that cannot be done, then maybe the Legislature
17 has to take some action. But I think this
18 action is really excessive, and I think it's a
19 problem for the City University, for the govern
20 ance of the City University, and I think it's
21 unwise really for us to set up an Institute in
22 this fashion and giving it the academic powers
23 that we're giving to the Calandra Institute.

1 Wonderful as the name is,
2 Senator, the purpose of the Institute as you've
3 set it forth is -- is, I think, in error.

4 ACTING PRESIDENT VOLKER: Senator
5 Waldon.

6 My colleagues, there are three -
7 three people after this on the list: Senator
8 Padavan, Senator Galiber and Senator Onorato.

9 Senator Waldon.

10 SENATOR WALDON: Thank you, Mr.
11 President.

12 I rise for two purposes, one to
13 respectfully request unanimous consent to be
14 recorded in the negative on Calendar Number 962,
15 and then to speak on the bill.

16 ACTING PRESIDENT VOLKER: Without
17 objection, negative on 962.

18 SENATOR WALDON: I rise -- thank
19 you, Mr. President. I rise to support the
20 position of Senator Velella, but for different
21 reasons than have been spoken here this
22 afternoon.

23 It is my belief that the

1 chancellor of the City University is merely
2 chancellor. She has no right to undermine the
3 prerogatives of this legislative body. When
4 this body has taken a stand and created a
5 vehicle to accomplish a goal, it is not her
6 right nor her privilege, nor is she authorized,
7 in my opinion, to subvert the will of this
8 legislative body.

9 Now, this is a very interesting
10 person, the chancellor of the City University of
11 New York, very interesting and complex, but no
12 more interesting and complex than all of the
13 people who sit in this chamber. So I would
14 support what Senator Velella is trying to do,
15 not only because of the righteousness of the
16 cause of establishing or continuing the Calandra
17 Institute, but to show those who are in
18 administrative positions that they can not
19 subvert the will of this legislative body.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VOLKER: Senator
22 Padavan.

23 SENATOR PADAVAN: Thank you, Mr.

1 President.

2 I would like to share with
3 Senator Leichter and others in this chamber who
4 do not have the benefit of the historical
5 perspective that this bill reflects.

6 I had the opportunity and the
7 good fortune to attend the very first meeting
8 that was held with the chancellor of the City
9 University, then Chancellor Kibbe. The meeting
10 had been arranged by Senator Calandra. It was
11 attended by a number of us in both houses, both
12 sides of the aisle.

13 The purpose of the meeting was to
14 identify a major problem that existed, in our
15 minds, within the City University, namely at
16 that point in time in the mid-'70s there was no
17 chair in any one of the colleges within the
18 University that dealt with the issue of Italian
19 American studies. It did not exist. One could
20 not go to Queens College or City College or any
21 one of the universities and find a chair where
22 students throughout the City could go and major
23 in Italian-American studies. It did exist for

1 other groups.

2 Now, the discussion centered
3 about how to achieve that objective. From an
4 economic and, I guess, a logistical point of
5 view, it was impossible to establish chairs
6 throughout the University in all of the colleges
7 within City University, and so from that
8 dialogue, fully supported by Chancellor Kibbe
9 and the board of trustees, came the Institute,
10 the John D. Calandra Institute, which provides
11 an opportunity for students in all of the
12 colleges within the City University to obtain
13 credits and take courses leading to this area of
14 concentration.

15 That made it unique then, and it
16 makes it unique now. The funding, however, was
17 a problem. How do we create the mechanism to
18 provide the dollars to support the Institute
19 which, as you know, is located in Manhattan, and
20 the outreach that it is to provide within the
21 City University without impinging and without
22 doing any harm to the City University's budget?
23 And the vehicle there, as Senator Velella

1 properly outlined, was through the Legislature,
2 both houses, bipartisan basis, to develop
3 funding and the funding stream to support the
4 Institute. So that's the history, Senator.

5 Yes, it is unique. It is not
6 unique because today we are making it unique.
7 It is unique because of the way it was born, and
8 the practical considerations at that point in
9 time which have been built upon over the years.

10 So, Senator, are its uniqueness
11 and specialness a fault, if we accept that
12 fault? But I don't think it is.

13 Now, the current situation that
14 is currently embroiled within the federal courts
15 is complex. We accept that fact, but some
16 things are not complex. This chancellor chose
17 to take the academic side of the Institute and
18 move it to Staten Island, with all due respect
19 to that wonderful borough well represented here
20 in this chamber, but logistically an impossible
21 task of students in the Bronx and Queens to take
22 a bus or a subway to get to; in effect, pulling
23 out the rug from under those young people in

1 terms of taking these courses.

2 The second part of it, of course,
3 was to bifurcate the administration. But the
4 important issue was denying an opportunity for
5 many young people to be served by the
6 curriculum, through the curriculum that this
7 Institute uniquely gives to them. And so, Judge
8 Motley gave a proper decision. I might also add
9 that Italian-Americans within the City
10 University are already declared by the board of
11 trustees, by the chancellor, as a protected
12 class; so that problem is already identified,
13 already acknowledged.

14 So, Senator, I would say to you
15 very simply, and others that might agree with
16 you, and I hope there are not too many, that
17 yes, this is peculiarly a legislative initiative
18 going back to the mid-'70s and we should take
19 pride in that fact and support it in every way
20 we can, and I think this bill is a major step in
21 that direction.

22 ACTING PRESIDENT VOLKER: Senator
23 Galiber.

1 SENATOR GALIBER: Thank you, Mr.
2 President.

3 If you've been here as long as I
4 have, and I keep saying that because it's a
5 fact, it becomes a question of what a difference
6 a day makes or a week makes. I can recall
7 relatively recently arguing this same position.

8 Senator Velella, I join with you
9 on objecting to what Chancellor Reynolds did. I
10 went further than that. I asked for her
11 resignation. I don't think she should be part
12 of the system.

13 First off, Senator Leichter,
14 you're absolutely right, there's nothing in any
15 other group that has the powers that you want to
16 give here. They're part of the curriculum, part
17 of the curriculum, and I said in the debate the
18 other day, and some folks got a little disturbed
19 with me, that practices of discrimination,
20 wherever they flow from or to, is bad in this
21 country of ours, and we should fight it on each
22 and every level. But when we talk about
23 particular groups who perhaps have spent and

1 given much more of their time and effort, I'm
2 hit with the notion that it's preferential
3 treatment. I'm hit with the notion that this is
4 unique, that if I come and ask for something in
5 regard to the race that I'm proud of being part
6 of, in economics I'm voted down. But every -
7 on every occasion, whether it be the Latino
8 community or the black community and the Italian
9 community -- by the way, which I'm going to vote
10 for this bill -- I'd like to say that I'm
11 consistent. All I ask for is a bit of
12 reciprocity, and "reciprocity" means you scratch
13 my back, I scratch your back.

14 Practices of racial
15 discrimination or discrimination in any form
16 shouldn't be tolerated. The uniqueness, no
17 question about it, Franz, you're absolutely
18 right. We have taken and recognized that in a
19 pluralistic society, took it for granted, very
20 frankly, Senator, that in a pluralistic society
21 we have options and some of us don't have
22 options, and the options are either to
23 assimilate or to keep our culture outside. Some

1 of us don't have that option because we're proud
2 of what we are. But the fact of the matter is
3 that there's a presumption or an assumption that
4 if you belong to a particular group that you've
5 automatically assimilated, and practices of
6 racial discrimination, unless they're brought to
7 the attention of us, like this bill does, goes a
8 bit far in terms of power.

9 The intent may be different; the
10 reaction may be different; the "I'll get even
11 with you" kind of thing, but the basic core of
12 what this is all about is absolutely right
13 because it's a form of practicing discrimination
14 and we should fight it at every level.

15 But just remember, next time I
16 speak on something and ask you to scratch my
17 back, please do so.

18 ACTING PRESIDENT VOLKER: Senator
19 Onorato.

20 SENATOR ONORATO: Mr. President,
21 I rise in support of this bill. I would like to
22 indicate that this has been an ongoing battle
23 for over a year. We have had several meetings

1 with the chancellor, and when this case was
2 brought into court, into the federal court, and
3 the federal Judge Motley ruled that there was
4 latent discrimination evidence prevailing in the
5 City University regarding the Italian-American
6 Institute of the Calandra institute, the
7 attorney general urged the chancellor to sit
8 down with both sides to try and resolve this
9 problem.

10 We urged the chancellor on
11 several occasions to please bring both sides
12 together so that we could question them at
13 length, and they absolutely refused, and at some
14 point in time, I actually believe they were
15 trying to divert the funds that were
16 appropriated for the Calandra Institute for
17 other purposes.

18 So it seems that no matter how
19 much reasoning we have attempted with the
20 chancellor to resolve this without litigation or
21 without further legislation, she has absolutely
22 left us with no other choice but to address it
23 the only way we possibly can right now is

1 through legislation.

2 I, therefore, urge my colleagues
3 to support this legislation.

4 ACTING PRESIDENT VOLKER: Senator
5 Montgomery.

6 SENATOR MONTGOMERY: Thank you,
7 Mr. President.

8 I became aware -- unfortunately,
9 I didn't know the history of the -- the Calandra
10 Institute, but I became aware of it because they
11 reached out to me and invited me on many
12 occasions to attend various of their activities,
13 which I was very appreciative about, though I
14 did not get there. I was made aware of it, and
15 I thought that it would have been an excellent
16 opportunity, certainly, if I could have had the
17 time to do it, to go and visit the center, meet
18 people and talk to people there and ask them
19 questions that I have, and so forth, and so on.

20 I am also aware that everything
21 that -- or at least many of the special programs
22 and projects that we have in Brooklyn, through
23 Medgar Evers, have come through the legislative

1 add-on process. So, and that is because very
2 often as appears to be in this case, there is
3 that resistance in academia to expand and to be
4 flexible and to change, and sometimes on rare
5 occasions, the progressive moves come from us so
6 it looks like this is one of those rare
7 occasions where we've had the Legislature be
8 progressive in this sense.

9 I would, however, if Senator
10 Velella would yield, I would like to ask a
11 question with regard to your plans for the
12 Institute in relationship to the University's
13 attempts to reorganize.

14 ACTING PRESIDENT VOLKER: Senator
15 Velella, will you yield?

16 SENATOR VELELLA: I'll try to
17 answer it the best I can, Senator.

18 SENATOR MONTGOMERY: All right.
19 Recognizing that you -- your legislation
20 attempts to establish some autonomy and some
21 self-directiveness, if you will, of the
22 Institute and at the same time the University
23 also engaging in dialogue systemwide about the

1 possibility of restructuring itself from top to
2 bottom, and within that context, I would assume
3 that some of those institutes or quasi
4 institutes like African-American studies, like
5 Hebrew studies, like philosophy, some of those
6 areas may get changed and shifted depending on
7 the demands and whatever the ultimate plan and
8 the outcome of those discussions are.

9 I am wondering if you have
10 thought along those lines and, if there is a
11 discussion going on regarding this particular
12 institute and where it is going to fit and sit
13 and fit in with any changes that are being
14 proposed, because I would assume that we don't
15 want whatever is going to happen, we don't want
16 the Institute to be outside of the total or the
17 sense of the total institution.

18 SENATOR VELELLA: Well, Senator,
19 the purpose of this -- excuse me, this
20 legislation, is to bring it into conformity and
21 into a greater level of equality with other
22 institutes. As for its place in a future
23 reorganization, I couldn't tell you. I have no

1 idea very honestly what the plans are to
2 reorganize City University nor do I believe they
3 are imminent. We are just trying in this house
4 and in the other house to deal with
5 reorganization of the New York City board of
6 education and are reaching a great deal of
7 difficulty and having a hard time getting some
8 agreement.

9 While that may be studied for the
10 future, I couldn't tell you where the Calandra
11 Institute might fit in a plan that hasn't even
12 evolved yet. So I really couldn't answer a
13 hypothetical of that nature, but at the time
14 that a decision is made, I hope that all
15 institutes would be treated equally and we'll be
16 happy to defend any institute that seeks to have
17 similar powers that we put into the Calandra
18 Institute, although in my honest belief I think
19 they already have them.

20 SENATOR MONTGOMERY: If you would
21 continue to yield.

22 ACTING PRESIDENT VOLKER: Senator
23 Velella, do you yield?

1 SENATOR MONTGOMERY: Senator, it
2 is my understanding that one of the directions
3 that is being proposed by the chancellor at this
4 point in time is -- or not the chancellor, but
5 the report of a committee that -- appointed by
6 the chancellor to look at the Institute, is that
7 there be a sort of seamless institution, if you
8 will, that campuses are not entities unto
9 themselves, but they are tied together through
10 systems of communication that allows students to
11 move back and forth without being lost, that or
12 integrated between each other, and so that there
13 is not a unit that is by itself, and I would
14 imagine that we need to be thinking about where
15 those institutes such as the Calandra and such
16 as the African-American studies, such as the
17 studies on Hebrew, all of those issues, I would
18 hope that we're going to be involved in looking
19 at proposing what we think would be appropriate,
20 and certainly I'm just wondering if you've also
21 thought about this institute along those lines
22 as well.

23 SENATOR VELELLA: Senator, until

1 you pointed the possibility out to me that there
2 may be a major reorganization of the City
3 University in and of itself, I've got to be
4 honest with you, I never thought of where this
5 piece would fit in a potential reorganization,
6 but certainly I commit to you that, when the
7 time comes that a reorganization plan is
8 offered, this has got to be a major
9 consideration not only for the Calandra
10 Institute, but for all institutes, and they
11 should be treated equally, whether it be
12 African-American studies, the Calandra
13 Institute, Judeo-studies, they ought to all be
14 put on the same level. The personnel ought to
15 be treated the same way. They ought to have the
16 same opportunities to develop the ideas and
17 concepts and courses that we charge them to do
18 for their specialized area.

19 So I would have no problem with
20 seeing that they're all treated equal although
21 in the puzzle that's going to be coming down, I
22 don't know what all the pieces are yet.

23 SENATOR MONTGOMERY: Thank you.

1 Thank you.

2 Just briefly, on the bill.

3 ACTING PRESIDENT VOLKER: Senator
4 Montgomery, on the bill.

5 SENATOR MONTGOMERY: I am in
6 support of the idea, the recognition of a need
7 for young students, especially Italian-American
8 students, but not only Italian-American
9 students, all students, to be able to go to a
10 place where they can receive a particular kind
11 of attention for themselves, one; and, two, that
12 they can engage in a particular study related to
13 the culture and history and tradition of
14 Italian-Americans, and I hope that this is a
15 recognition among us, particularly people like
16 Senator Velella, but all of us here, that the
17 study of culture should not be a threat to any
18 of us. Other cultures, other than our own,
19 should not be viewed as being something that we
20 have to worry about, that it's going to impinge
21 on -- on us, that each culture has a value and
22 -- and a beauty and a significance in the
23 world, and we ought to accept that and respect

1 it and praise it and recognize it, and certainly
2 if I did not support this legislation and the
3 intent, moreover, of this legislation, I would
4 certainly be hypocritical.

5 So, yes, I support it and, as
6 Senator Galiber eloquently pointed out, I hope
7 that we can expand that to include all of the
8 cultures that are represented in this room.

9 Thank you, Mr. President.

10 ACTING PRESIDENT VOLKER: Senator
11 Marchi.

12 SENATOR MARCHI: Mr. President,
13 this is a rather unusual initiative, and cer
14 tainly the intention is very good, the further
15 ance of the opportunity, the educational oppor
16 tunities in -- in furthering Italian culture,
17 and I think this is certainly a very worthwhile
18 effort, and it was very much on the mind of
19 Senator Calandra when he initiated and
20 developed, and was the innovator who created the
21 John Calandra Institute. It was not known by
22 that name at that time, but he did take the
23 initiative to establish it.

1 But there are matters here, Mr.
2 President, that should give us some pause, and
3 with the view of perhaps looking into this
4 matter further, we propose here -- and I have no
5 evidence in the Education Law where there is any
6 provision for a statutory definition of a
7 cultural institute of any nature, be it white,
8 black or Indian or Asian or anything else or of
9 any ethnic group. Not that they can't be a
10 first that could lead to a second and a third
11 and a fourth, but there are -- there are what is
12 sought to be established on a viable basis, a
13 centrality of -- a centrality of a point of
14 reference for this, the activity that's
15 currently being carried on by the Calandra
16 Institute.

17 We have here an advisory board
18 which would be created by seven members, four of
19 whom shall be appointed by the New York Confer
20 ence of Italian-American State Legislators.
21 Now, I -- I've attended a graduation yesterday,
22 wasn't feeling well, but I went to it
23 nevertheless, and the person -- the provost who

1 conducted it -- speaks in impeccable Italian, is
2 a student of Italian, has taught Italian, but is
3 not Italian. And there is -- whether we should
4 partition ourselves in different ethnic compon
5 ents as the subsistent reality sustaining a
6 cultural pursuit, I think, should be -- I'm not
7 -- I don't think it should be discounted
8 because there are correlative benefits that are
9 associated with that. But I think it should be
10 examined further, and I -- I don't know whether
11 it's a good augury or a good omen to create a
12 number of ethnic, racial, cultural institutes
13 that have targeted approaches and also divides
14 the members of the Legislature and assigns to
15 them responsibilities based on whatever our
16 ethnic or racial origin happens to be.

17 So I -- Mr. President, I -- if
18 the bill passes, I don't know whether the
19 Assembly intends to act upon it. I understand
20 it has also, as in the case of the Senate, a
21 very responsible sponsor standing behind it, but
22 I'm not sure that I -- that I can buy into a
23 process where we invade a -- an academic

1 precinct in this fashion to bring about certain
2 results that I believe all of us certainly
3 desire.

4 It is maintained by the funds of
5 the state and by the people, and I believe that
6 any academic institution, any university
7 chartered by the state of New York and the
8 University of the State of New York, is entitled
9 to some deference and certainly should not -
10 should not be vulnerable to legislative
11 definition of those aspects and components of
12 academic pursuit, unless it's a generalized
13 basis which we address to the entire educational
14 spectrum.

15 So for this reason, Mr. Presi
16 dent, and not -- not to foreclose re-address
17 ing this issue if certain loose ends are tidied
18 up, which would permit at least myself, if no
19 one else, to support this -- this initiative,
20 Mr. President, I am going to have to oppose this
21 measure in its present formation.

22 ACTING PRESIDENT VOLKER: Senator
23 DeFrancisco? Senator DeFrancisco.

1 SENATOR DeFRANCISCO: I'm going
2 to support this piece of legislation, I think
3 basically on the grounds that were raised by
4 Senator Waldon. I think he and Senator Onorato
5 hit it on the head by saying that there was a
6 legislative prerogative here that was virtually
7 not only ignored, but was abused by the total
8 lack of the chancellor of New York, through the
9 City University of New York, to abide by the
10 legislation, and I don't think we should back
11 down in a situation like that. We should
12 support our legislation and make sure it's
13 enforced.

14 On the other hand, I have a
15 serious problem about this type of situation. I
16 -- my grandparents' people on both sides,
17 grandparents on both sides, are Italian and it
18 has nothing to do with Italian or Irish or any
19 of those backgrounds that some people in this
20 body may be.

21 The problem is that we seem to be
22 more and more, as we go forward, fragmenting
23 society and fragmenting this country. You know,

1 how many different institutes or how many
2 different courses of study do we ultimately end
3 up with? Do we have the Yugoslavian study, or
4 do we make it Bosnian and Serbian studies?

5 I mean we are completely
6 fragmenting this society. It's not only in the
7 area of education that we're dealing with now,
8 but in many, many other areas. It's one group
9 pitted against another group, and Senator
10 Leichter mentioned, you know, that we do the
11 Irish-American group next. I don't know; I
12 don't know what group wouldn't have grounds to
13 come forward and say, Why don't we have an
14 institute?

15 You know, this is one country
16 that we happen to be, and fragmenting the
17 country the way we've been doing it more and
18 more and more every year, I think, is a bad, bad
19 thing that we're doing.

20 If it were not for the total
21 disregard for the legislative prerogative here,
22 I would vote against this legislation, but I
23 think it's important to send a message that we,

1 as a body, are going to stand behind the laws
2 that we enact. But I think this is a very, very
3 bad step towards -- that has been followed by or
4 that will be followed by other steps. We need
5 to unite various ethnic groups, various racial
6 groups in this country, rather than continuing
7 to dwell on our differences.

8 ACTING PRESIDENT VOLKER: Senator
9 Mendez.

10 SENATOR MENDEZ: Mr. President, I
11 rise in support of this bill.

12 I think that, from a cultural
13 point of view, I think that the contributions
14 that Italians have made to civilization through
15 centuries are there and that, by creating this
16 institute in the graduate school of City
17 University it will bring the -- help to give the
18 opportunity not only to Italian-American
19 students but also to everybody to study more
20 seriously all that marvelous heritage, culture,
21 art and history in all areas of human endeavor.

22 I am listening to some of my
23 colleagues about that idea that this could be

1 divisive. I think that that concern must stem
2 from the fact that years and years ago there was
3 this guy who wrote a book and came up with a
4 little theory of the "melting pot". For a
5 while, it was accepted by everybody in sociology
6 that America was a "melting pot" until, Mr.
7 President, a more intelligent sociologist
8 bothered to look into the pot. And what did he
9 see? He saw corned beef and cabbage. He saw
10 gefilte fish. He saw spaghetti and meatballs.
11 At the time they were unable to see some little
12 black-eyed beans and collard greens.

13 But nevertheless, it seems to me,
14 then they start thinking, What is America? Yes,
15 everybody accepts that America is a country of
16 immigrants. What is being an American? Well,
17 it's been defined and accepted recently that
18 America is a multi-cultural society. What does
19 that mean? That, for example, by creating the
20 Institute of Italian-American studies, that will
21 not -- will not, in fact, separate us as
22 Americans from Puerto Ricans, African-Americans,
23 Irish, and all other nationalities or people

1 with nationalities that are residing now as
2 Americans also.

3 What is being an American is a -
4 is a commitment, Mr. President to certain forms
5 of government. It is a commitment that, when
6 the nation is being threatened, everybody,
7 regardless of what roots they come from, are
8 going to go in there and defend that country.

9 So, it's about time that those of
10 my generation and some of the "yuppies" as well
11 realize that the accepted mode is a multi
12 cultural society who a body is present that
13 belongs to every single group would feel proud
14 of whatever that make him or her Italian, Puerto
15 Rican, Irish, African-American, and be aware of
16 all the good things that years of hard work are
17 contributing to society-at-large and, at the
18 same time, understand fully the culture and the
19 American experience of Italian-Americans, Irish
20 and whatever.

21 So I really must congratulate
22 Senator -- Senator Velella for charging on with
23 this magnificent task, and I must say in

1 conclusion, Mr. President, this is not the time
2 to speak about the reorganization of City
3 University -- of City University. However, when
4 the time comes, and I hope that will be soon and
5 I hope that we will give some time to it for
6 discussion of that, let us hope that within that
7 reorganization there is, in fact, a sound,
8 realistic plan to increase the graduation -- the
9 number of graduates because, if there is a
10 university that has a very high drop-out rate
11 from the City College, that is exactly to say
12 here the City University of New York, and our
13 young people will be served better.

14 But now we're discussing the
15 reorganization of this Institute at the graduate
16 level, and it is -- I consider it a privilege
17 for me to support this bill and also because, in
18 my mind, I feel a bit like a little bit of
19 finally there is an institution that will take
20 charge of -- of -- of getting rid of all those
21 misconceptions that are usually attached to
22 Italian-Americans.

23 In the final analysis, and I've

1 always said this for a long while, it is -- it
2 is a horrible thing that one day I have to
3 conclude, my God, the most defamed group of
4 Americans in this country are, in fact, Italian
5 Americans and, as a group, they do not deserve
6 it.

7 So, Mr. President, I am most
8 pleased to rise in support of this bill.

9 ACTING PRESIDENT VOLKER: Senator
10 LaValle.

11 SENATOR LAVALLE: Mr. President,
12 I had not intended to rise, but after Senator
13 Marchi so eloquently, as he often does,
14 articulated a position and one that I think had
15 some -- some seeds of truth, in that this
16 institution, this Legislature, has always
17 appreciated academic freedom and understands
18 that there are certain sets of rules that govern
19 academia, that are oftentimes much different
20 from the rules that govern many other
21 institutions.

22 But I think it is important to
23 really focus our attention on what is the

1 central issue here before us. I must say that
2 this legislation is born out of frustration, the
3 same kind of frustration that created the
4 Calandra Institute itself, and Senator Velella
5 has tirelessly, through this entire session on
6 almost a daily basis, tried to reach out and
7 communicate and talk about how, indeed, we may
8 take a next step in the creation of an Italian
9 studies program at the City University.

10 And Senator Marchi, it is -- and
11 I know Senator Leichter, both in committee and
12 today, talked about that we are doing something
13 entirely different. Indeed, we have from time
14 to time in this Legislature created institutes
15 and we've done so in a way where it's done in
16 collaboration and in concert with the wishes of
17 the academic community, and we have put into
18 statute the codification of the agreement
19 between members in this Legislature who had a
20 particular interest in the institution.

21 Just but a short week or so ago,
22 I had a piece of legislation creating the waste
23 management -- Solid Waste Management Institute

1 at Stony Brook, and that legislation was, in a
2 sense, copied from a Hazardous Waste Institute
3 that I think Senator Daly created in -- at the
4 University of Buffalo, and there was another
5 Waste Management Institute created at Cornell
6 and a Water Institute created at Cornell, and we
7 have from time to time created these things, and
8 we've done it in concert.

9 Now, Senator Velella has tried,
10 as other members in this body and in the
11 Assembly, to communicate with not only the
12 chancellor, who at times has been indifferent,
13 stubborn, arrogant, and has not wanted to walk
14 the path hand in hand with members of this -- of
15 this Legislature, not only in this house, but
16 indeed in the -- in the Assembly.

17 So that this effort is not as
18 radical as some of the remarks that have been
19 made on this -- on this floor. It is radical in
20 the sense that we have a partner who doesn't
21 want to communicate, understands that we should
22 be addressing this issue, but refuses to
23 communicate. And Senator Velella and others

1 have reached out time and time again, saying,
2 Look, we understand that there are academic
3 prerogatives, but we need to address an issue
4 and we can't address it without your help.

5 And I also find fault, not only
6 with the chancellor, but members of the board of
7 trustees who are the governing board of the
8 institution. They should be saying, Enough is
9 enough! We have wasted too many hours, too much
10 time. Let's address the business before us.

11 And so I really applaud our
12 colleague, Senator Velella, who has spent a lot
13 of hours in forming this legislation, but in
14 trying to reach out beyond this chamber in
15 trying to reach an accommodation and a
16 resolution to a problem that concerns not only
17 the Italian-American legislators but the
18 Italian-American community in this state.

19 And so, Mr. President, with these
20 remarks, I rise to support Senator Velella's
21 legislation.

22 ACTING PRESIDENT VOLKER: Senator
23 Gold.

1 SENATOR GOLD: Thank you.

2 I understand we're down to the -
3 the end, and I just have a couple of comments.
4 First of all, in 1958, I had one of the most
5 wonderful summers of my life as I spent a
6 student internship in the United States
7 Attorney's Office in the Southern District of
8 New York, and was assigned all summer to work
9 for an assistant by the name of John D.
10 Calandra, and knowing John D. Calandra for that
11 long and that well, as one of our colleagues
12 said earlier, and I won't quote Senator Volker,
13 "John Calandra must be looking down and having
14 the time of his life saying, 'My God, I had some
15 more trouble and look what's going on.'"

16 The thoughts that come to my mind
17 is that centuries ago, you know, we see movies
18 and plays about -- about old Greece and old
19 Rome, and people used to study and contemplate
20 the moon and contemplate this and that, and I
21 guess they didn't have to go out and earn a
22 living all day, and it must have been a lot of
23 fun.

1 I think that, in the educational
2 sphere, perhaps there's some responsibility on
3 the part of the student when they get their
4 degree as to whether or not they can go out and
5 earn a living. I don't know whether or not the
6 curriculums of this institute are going to be
7 such that you get your degree in that and go or
8 whether it's just going to be providing courses,
9 but I guess to some extent that's up to the
10 student as to whether or not they get out and
11 what they do with their education.

12 I was intrigued by one of our
13 colleagues who lambasted the whole concept of
14 this bill and then said, of course, he's going
15 to vote for it.

16 I don't see a problem in America
17 with people having pride in their roots. I just
18 don't. I think that it was very important to
19 America that there was, in fact, a whole
20 television show called ROOTS. It was very
21 important to this country, because that was one
22 major showing by a network and by a whole
23 mechanism that young African-American people

1 could say, "My God, that's me and my ancestors
2 they're talkin' about every day." I think that
3 was good for America if it was good for those
4 people.

5 I was at a function in Queens
6 last week. There was a Korean-American
7 Association. I think it's wonderful that people
8 from Korea come here, become part of our
9 society, but they join as Korean-Americans to
10 maintain some of the cultures from their "old
11 country" and I don't consider that a danger to
12 America. The people who were at that Korean
13 American meeting weren't there to undercut
14 America. They were proud Americans who were
15 meeting and sharing an evening of their own
16 historic culture.

17 So for those of you who have made
18 that suggestion, I think there was only one,
19 that in somehow teaching people about cultures
20 is divisive of America, I say you don't know
21 what America is about. There are, in fact,
22 Passover Seders where they invite people who are
23 not Jewish to come and enjoy the Seder and

1 understand it. I don't know too many Jewish
2 people who haven't seen and experienced, through
3 their friends, the joy of Christmas and Easter
4 and et cetera, et cetera, et cetera.

5 So the concept that, in having
6 this institute, that we are in some way
7 destroying the country, I think, is absurd.
8 Having said all of that, I am concerned about
9 one speaker today, and that's my dear friend,
10 Senator Marchi, who certainly has one of the
11 greatest sensitivities to his Italian heritage
12 and to the kind of things that Senator Velella
13 is talking about, and I would urge upon Senator
14 Velella not to move the bill today but to
15 consider the points made by Senator Marchi,
16 because as someone who loves -- still loves John
17 Calandra, I say, let's -- let's do it right.
18 Let's not open it up to the questions of why is
19 the Legislature involved on page 2, or whatever,
20 or some of these other things.

21 I think, Senator Velella, you get
22 really high marks in bringing this to our
23 attention and for fighting for this. I don't

1 have a problem with it. I think Senator
2 Leichter expresses significant concerns in terms
3 of structure. I'm ready to vote past that. I'm
4 ready to support this bill because I wouldn't
5 want John, if he's looking down, to think that I
6 was anything but totally loyal.

7 But I think that it would be a
8 mistake, Senator Velella, to just not take
9 significant note of the comments of Senator
10 Marchi. I want this to be right. If we're
11 going to do it, let's do it right, and I think
12 the bill does need some care.

13 I will, however, join with
14 Senator Galiber and others because I think it's
15 an important signal, and I will vote for the
16 bill. But I hope I'll have a chance, Senator
17 Velella, to vote for an "A" print.

18 ACTING PRESIDENT VOLKER: Senator
19 Mega.

20 SENATOR MEGA: Mr. President,
21 I've been here for most of the debate, and a lot
22 of good things have been said, and I really
23 wasn't going to get up and say anything until my

1 good friend, Senator Gold, sort of gave me a
2 little bit of a nudge.

3 I would say that, under normal
4 circumstances, I might go along with your
5 recommendation. I understand the points that
6 have been made, but one of the many things that
7 have happened has not been brought out. The
8 chancellor, for whatever reason, has disregarded
9 any bringing of any sanity to trying to resolve
10 this problem, and I have not attended all of the
11 meetings. I've been to several, and I was at
12 one where the chancellor spoke about trying to
13 resolve it, and we'll do this and do that, and
14 either the following day or the following week
15 she fires the attorney general and she hires
16 private counsel.

17 Now, I don't know if everybody
18 knows that. The attorney general writes a
19 letter to the chancellor. He says, you know,
20 Let's sit down, let's try to resolve this
21 thing. You know, any -- any lawsuit, the best
22 thing you can do in any lawsuit is try and
23 settle the lawsuit, and everybody walks away

1 from it and nobody is happy. But the chancellor
2 gave us the impression that she was going to try
3 and do something and she fires one attorney and
4 now she hires a private attorney who is now
5 going to get paid X amount of dollars to defend
6 this lawsuit and motion everybody to death. And
7 we know what that means, don't we, Senator
8 Galiber? All kinds of motions, and so so.

9 So there really was no sincerity
10 on the part of the chancellor, and that really
11 is why we have the bill, and that's why we're
12 putting it into a legislative mode, and I really
13 can't believe anybody is going to vote against
14 it and, on behalf of the memory of Senator
15 Calandra, Senator Leichter, I have an extra
16 ticket for the Italian-American function tonight
17 and you can be our guest to partake and enjoy,
18 and I may be mixing apples and oranges and I
19 really don't want to do that, but when you sit
20 back and you listen to everything that has
21 happened in this situation, I think that there's
22 going to be a unanimous vote on this bill and
23 it's going to pass.

1 Thank you, Mr. President.

2 ACTING PRESIDENT VOLKER: Read
3 the last section.

4 SENATOR LEICHTER: Mr. President.

5 ACTING PRESIDENT VOLKER: Senator
6 Leichter.

7 SENATOR LEICHTER: I don't want
8 to continue this. I know it's been long
9 discussed, but I think there's some things that
10 need to be said. I'm sorry, particularly some
11 of the remarks that my good friend, Senator
12 Mega, made.

13 Senator Mega, I would -- I was
14 going to accept your offer, but Senator Galiber
15 said I could get indicted if I did that. No, I
16 know it was done as you always do things and in
17 the best of spirit and in generosity. But,
18 Senator, it seemed to have an implication to it
19 that maybe I or others in some ways are
20 insensitive to Italian culture or some of these
21 other things, and I know you didn't mean that,
22 and I didn't want that impression to -- to be
23 left lingering there, because I did -- I happen

1 -- I don't know if there's anybody who enjoys
2 and appreciates the Italian contribution, the
3 contribution of Italian-Americans more than I
4 do.

5 As so often, in my many years in
6 the Senate, I said to myself, Thank God for John
7 Marchi, because he said so eloquently and so
8 perceptively and very directly what I fumbled
9 at, and I want to thank Senator Marchi for it,
10 because there's really two issues here and, as
11 so often happens when we debate a bill, we're
12 really not debating the language of the bill any
13 more. We're debating concepts, and the very
14 important concepts that we address.

15 First of all, just as far as the
16 language of the bill which was the main thrust
17 of what I wanted to say was when Senator Velella
18 says we're only doing for this institute what
19 other institutes have. That's just hogwash.
20 There are no other institutes like this,
21 period. So let's put that aside.

22 And -- and for Senator LaValle to
23 say, Well, you know, I had an institute that I

1 set up, but Senator, your institute that dealt
2 with hazardous wastes or solid wastes or some
3 sort of waste, you did not give credit -- the
4 power to give credit courses for credit which
5 inevitably leads to degrees. You made an
6 institute which was really a division of an
7 existing institution. That's fine. Senator
8 Velella really is creating a new institution, so
9 there is the issue of governance in New York.

10 But I think there's also the
11 other issue that we seem to spend more time on,
12 which is as -- which is, do we have really want
13 to have something that is separate solely based
14 on ethnicity? Some members got up here and
15 said, Well, that's great, but remember, we're
16 next. Scratch my back, because I'm going to
17 scratch your back on this bill.

18 I think that is -- I think that's
19 unfortunate. Senator Gold rightly says we have
20 a wonderful rich cultural -- cultural heritage
21 in this council country, but I say to you as I
22 look around, I see that we have spent too much
23 time recently in honoring and cherishing and

1 emphasizing our differences instead of
2 emphasizing what brings us together.

3 I have -- I think Senator
4 DeFrancisco was absolutely correct. He's also
5 correct when he says about legislative
6 prerogative. Senator, we have the prerogative
7 to do foolish things, but I would hope that we
8 wouldn't insist on that prerogative.

9 I don't mean to say that this is
10 foolish, but I think it's wrong in terms of what
11 it does to the City University, but maybe it's
12 even more wrong in terms of the greater -- the
13 intellectual, philosophic point that I thought
14 Senator Marchi made so well.

15 I'm going to vote in the
16 negative, Mr. President.

17 ACTING PRESIDENT VOLKER: Read
18 the last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the 1st day of
21 September next succeeding the date on which it
22 shall have become law.

23 ACTING PRESIDENT VOLKER: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT VOLKER: Senator
4 Montgomery.

5 SENATOR MONTGOMERY: I'd like to
6 be recognized, not on this bill.

7 THE SECRETARY: Ayes 56, nays
8 two, Senators Leichter and Marchi recorded in
9 the negative.

10 ACTING PRESIDENT VOLKER: The
11 bill is passed.

12 Senator Montgomery.

13 SENATOR MONTGOMERY: Mr.
14 President, I would like unanimous consent to be
15 recorded in the negative on Calendar 962.

16 ACTING PRESIDENT VOLKER: Without
17 objection.

18 SENATOR MONTGOMERY: Thank you.
19 Senator Santiago.

20 SENATOR SANTIAGO: I'd like to be
21 recorded in the negative on 962, please.

22 ACTING PRESIDENT VOLKER: Without
23 objection.

1 Senator Present. Senator
2 Present, I think we have a motion.

3 SENATOR PRESENT: Senator
4 Velella.

5 ACTING PRESIDENT VOLKER: Senator
6 Velella. Just hold it a second.

7 Senator Present, I think we've
8 disposed of that motion, so -

9 SENATOR PRESENT: Mr. President,
10 there being no further business, I move that we
11 adjourn until tomorrow at 3:00 p.m.

12 ACTING PRESIDENT VOLKER: Senate
13 is adjourned until tomorrow at 3:00 p.m.)

14 (Whereupon at 5:18 p.m., the
15 Senate adjourned.)

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