ALBANY, NEW YORK

June 7, 1993

2:52 p.m.

REGULAR SESSION

SENATOR JAMES J. LACK, Acting President

STEPHEN F. SLOAN, Secretary

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

Rules Committee in Room 332.

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

Senator Present.

SENATOR PRESENT: The Senate will stand at ease.

ACTING PRESIDENT LACK: The Senate will stand at ease.

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

ACTING PRESIDENT VOLKER: Motions and resolutions. Senator Present.

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

Senator Cook.

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

ACTING PRESIDENT VOLKER: Read the title.

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

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Saland.

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

ACTING PRESIDENT VOLKER: Secretary will read.

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

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

bill passed the house.

ACTING PRESIDENT VOLKER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT VOLKER: The bill is before the house.

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

ACTING PRESIDENT VOLKER: Amendments are received and adopted.

SENATOR SALAND: Mr. President.

ACTING PRESIDENT VOLKER: Senator Saland.

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

ACTING PRESIDENT VOLKER: Secretary will read.

THE SECRETARY: By Senator Spano,

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

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

ACTING PRESIDENT VOLKER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT VOLKER: Bill is before the house.

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

ACTING PRESIDENT VOLKER: Amendments received and adopted.

Senator Larkin.

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

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

ACTING PRESIDENT VOLKER: Without objection, bill is starred.

Senator Larkin.

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

ACTING PRESIDENT VOLKER: Amendments received.

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

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

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

Senator Stachowski.

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

ACTING PRESIDENT VOLKER: Secretary will read.

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

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

ACTING PRESIDENT VOLKER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT VOLKER: The bill is before the house.

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

ACTING PRESIDENT VOLKER:

Amendments received and adopted. Bill -

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, on behalf of Senator Halperin, I wish to call up bill, Print 32-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT VOLKER: Secretary will read.

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

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

ACTING PRESIDENT VOLKER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT VOLKER: The bill is before the house.

SENATOR STACHOWSKI: Mr.

President, I now offer the following amendments.

ACTING PRESIDENT VOLKER: Amendments received and adopted.

Senator Wright.

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

ACTING PRESIDENT VOLKER: Secretary will read.

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

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

ACTING PRESIDENT VOLKER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT VOLKER: The bill is before the house.

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

ACTING PRESIDENT VOLKER: Amendments received and adopted.

Senator Wright.

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

ACTING PRESIDENT VOLKER: Secretary will read.

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

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

ACTING PRESIDENT VOLKER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT VOLKER: The

bill is before the house.

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

ACTING PRESIDENT VOLKER: Amendments received and adopted.

Senator Wright.

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

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

SENATOR WRIGHT: Thank you.

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

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

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

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

following bills directly for third reading:

Senate Bill Number 1072-A, by Senator Volker, an act to amend the Tax Law;

1127, by Senator Present, an act to amend the Public Lands Law;

1587, by Senator Marchi, authorizing the city of New York to reconvey its interest in certain real property;

2068, by Senator Kuhl, an act to amend -- to authorize the county of Yates to convey certain lands;

2094, by Senator Skelos, an act to amend the Executive Law;

2222, by Senator Present, amends Chapter 263 of the Laws of 1981;

2223-A, by Senator Present, an act to amend Chapter 574 of the Laws of 1986 amending the Tax Law;

2840, by Senator Larkin, authorize the town of Wallkill, Orange County, to impose a fee of charge;

2955-A, by Senator Pataki, authorizing the towns of Dover and Beekman in

Dutchess County to establish a joint street improvement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All bills reported directly for third reading.

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

Senator Present.

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

ACTING PRESIDENT VOLKER: Clerk will read.

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

ACTING PRESIDENT VOLKER: Lay the bill aside.

SENATOR PRESENT: For the day.

ACTING PRESIDENT VOLKER: For the day.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read

the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT VOLKER: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT VOLKER: The bill is passed.

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

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

ACTING PRESIDENT VOLKER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 41.

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

THE SECRETARY: Calendar Number 685, by Senator Lack.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT VOLKER: Lay the bill aside.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT VOLKER: The bill is passed.

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

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

SENATOR DeFRANCISCO: Certainly.

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

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: The bill is still passed.

THE SECRETARY: Calendar Number 795, by Senator Pataki.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT VOLKER: Lay the bill aside.

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

ACTING PRESIDENT VOLKER: Read the last section.

SENATOR GOLD: Lay the bill aside for Senator Solomon.

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

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

ACTING PRESIDENT VOLKER: Read

the last section.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT VOLKER: Pardon? Lay it aside? I'm sorry. Lay it aside.

THE SECRETARY: Calendar Number 923, by Senator Saland, Senate Bill Number 5372-A, an act to amend the Town Law, in relation to authorizing fire district commissioners to establish user fees.

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT VOLKER: The bill is passed.

THE SECRETARY: Calendar Number 944, by Senator Larkin, Senate Bill Number 4402.

SENATOR GOLD: Can we have one day on this, please? Senator Larkin says O.K.

ACTING PRESIDENT VOLKER: Lay aside until tomorrow.

SENATOR PRESENT: Lay aside.

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

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

SENATOR LEICHTER: Lay aside.

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

THE SECRETARY: Calendar Number 957, by Senator Levy.

SENATOR GOLD: Lay aside for Senator Connor, please.

ACTING PRESIDENT VOLKER: Lay the bill aside.

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

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

THE SECRETARY: Section 2. This act -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT VOLKER: Lay the bill aside.

THE SECRETARY: Calendar Number

962, by Senator Daly.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT VOLKER: Lay that bill aside.

THE SECRETARY: Calendar Number 963, by Senator -

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT VOLKER: Lay that one aside also.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT VOLKER: The bill is passed.

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

SENATOR LEICHTER: Lay aside, please.

ACTING PRESIDENT VOLKER: Lay the bill aside.

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

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT VOLKER: Lay the bill aside.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Lay aside, Senator Leichter?

SENATOR LEICHTER: No.

THE SECRETARY: Section 2. This

act shall take effect immediately.

(The Secretary called the roll.)

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

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT VOLKER: The bill is passed.

THE SECRETARY: On page 29,

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

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

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT VOLKER: The bill is passed.

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

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

SENATOR GOLD: Lay it aside,

please.

ACTING PRESIDENT VOLKER: Lay the bill aside.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

SENATOR GOLD: Lay this aside.

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

SENATOR GOLD: Oh, hold on. Last section.

ACTING PRESIDENT VOLKER: Read the last section again.

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

ACTING PRESIDENT VOLKER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

SENATOR LEICHTER: Would you lay it aside, please.

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

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT VOLKER: The bill is passed.

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

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

THE SECRETARY: Section -

ACTING PRESIDENT VOLKER: Senator Maltese.

SENATOR MALTESE: Mr. President,

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

Mr. President, I vote aye.

ACTING PRESIDENT VOLKER: Senator Maltese in the affirmative.

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

THE SECRETARY: Ayes 51.

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

SENATOR PRESENT: Sure.

ACTING PRESIDENT VOLKER: Secretary will read.

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

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

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

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

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

All bills reported directly for third reading.

ACTING PRESIDENT VOLKER: Without

objection, third reading.

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

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

ACTING PRESIDENT VOLKER: Controversial calendar. Clerk will read.

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

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

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

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

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

SENATOR GOLD: Last section.

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT VOLKER: The bill is passed.

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

SENATOR GOLD: Lay aside, please.

SENATOR PRESENT: For the day.

ACTING PRESIDENT VOLKER: The bill is laid aside.

SENATOR PRESENT: One day.

ACTING PRESIDENT VOLKER: For one day.

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

notification by the Commissioner.

SENATOR GOLD: Hold on a minute.

ACTING PRESIDENT VOLKER: Yeah, Senator Gold.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT VOLKER: Senator Gold.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT VOLKER: The

bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

SENATOR PRESENT: Lay aside for one day.

ACTING PRESIDENT VOLKER: Laid aside for one day.

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

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT VOLKER: Lay the bill aside.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

THE SECRETARY: Section 2. This act shall -

SENATOR CONNOR: Explanation.

SENATOR PRESENT: Lay aside.

ACTING PRESIDENT VOLKER: Explanation requested by Senator Connor. Bill

is laid aside.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

SENATOR PRESENT: Lay it aside one day.

ACTING PRESIDENT VOLKER: Lay the bill aside.

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

SENATOR GOLD: Explanation.

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

Senator Daly.

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

and its remedial plan update.

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

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

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

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

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

SENATOR GOLD: Mr. President.

ACTING PRESIDENT VOLKER: Senator Gold.

SENATOR GOLD: Yeah, Mr. President.

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

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

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

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

ACTING PRESIDENT VOLKER: Senator Daly.

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

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

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VOLKER: The

bill is passed.

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

SENATOR GOLD: Yeah, Mr. President.

ACTING PRESIDENT VOLKER: Senator Gold.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT VOLKER: The

bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT VOLKER: Senator Leichter requests an explanation.

Senator Maltese.

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

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

In addition, more importantly, it

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

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

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

designated.

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

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT VOLKER: Senator Leichter.

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

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

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

SENATOR LEICHTER: Explanation, please.

ACTING PRESIDENT VOLKER: Senator Leichter requests an explanation.

Senator Daly.

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

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

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

SENATOR GOLD: Last section.

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT VOLKER: The bill is passed.

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

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

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT VOLKER: The bill is passed.

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

(The Secretary called the roll.)

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

Wright. Ayes 44, nays 10.

ACTING PRESIDENT VOLKER: The bill is passed.

I believe Senator Trunzo has a motion, Senator Present.

SENATOR PRESENT: Recognize Senator Trunzo.

ACTING PRESIDENT VOLKER: Senator Trunzo.

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

ACTING PRESIDENT VOLKER: Secretary will read.

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

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

ACTING PRESIDENT VOLKER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT VOLKER: Bill is before the house.

SENATOR TRUNZO: I now offer the following amendments.

ACTING PRESIDENT VOLKER: Amendments received and adopted.

Senator Present.

SENATOR PRESENT: Recognize Senator Kuhl, please.

SENATOR KUHL: Yes, Mr. President.

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

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

Senator Present.

SENATOR PRESENT: Would you call up Calendar 908.

THE SECRETARY: Calendar 908,

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

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT VOLKER: Explanation requested by Senator Leichter.

Senator Velella.

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

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

bill does, Senator.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT VOLKER: Senator Leichter.

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

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

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

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

But putting the name aside, I

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

SENATOR VELELLA: No, sir.

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

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

SENATOR LEICHTER: Well -

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

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

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

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

grant classes that the Institute itself determines are classes with -

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

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

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

SENATOR LEICHTER: Senator.

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

The uniqueness of this, Senator,

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

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

that are given to other institutes.

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

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

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

SENATOR LEICHTER: Senator, I

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

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

SENATOR LEICHTER: And, Senator, is -

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

SENATOR LEICHTER: And, Senator,

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

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

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

SENATOR VELELLA: Yes, Senator.

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

SENATOR VELELLA: Senator, I don't agree -

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

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

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

This was placed under the

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

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

SENATOR VELELLA: Yes, I do.

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

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

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

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

by the lawsuit which Judge Motley is presiding over.

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

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

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

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

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

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

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

SENATOR LEICHTER: All right. If

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

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

SENATOR VELELLA: He said for one more.

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

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

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

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

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

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

SENATOR LEICHTER: Thank you very much, Senator Velella.

ACTING PRESIDENT VOLKER: Senator

Leichter, on the bill.

SENATOR LEICHTER: Yeah.

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

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

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

I yield to my good friend, Senator Gold.

ACTING PRESIDENT VOLKER: Senator Gold.

SENATOR GOLD: I just -

ACTING PRESIDENT VOLKER: On the bill.

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

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

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

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

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

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

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

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

City University.

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

SENATOR VELELLA: Would Senator Leichter yield for a question?

SENATOR LEICHTER: Yes.

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

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

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

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

SENATOR VELELLA: Will you yield?

ACTING PRESIDENT VOLKER: Senator Leichter yields.

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

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

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

SENATOR LEICHTER: Let me finish.

ACTING PRESIDENT VOLKER: Senator Leichter.

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

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

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

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

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

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

ACTING PRESIDENT VOLKER: Senator Waldon.

SENATOR VELELLA: Senator yield for a question?

ACTING PRESIDENT VOLKER: Senator, will you yield?

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

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

SENATOR LEICHTER: Mr. -

SENATOR VELELLA: Are you aware of that?

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

SENATOR ONORATO: Mr. President.

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

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

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

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

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

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

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

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

ACTING PRESIDENT VOLKER: Senator Waldon.

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

Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

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

ACTING PRESIDENT VOLKER: Without objection, negative on 962.

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

It is my belief that the

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

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

Thank you, Mr. President.

ACTING PRESIDENT VOLKER: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr.

President.

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

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

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

other groups.

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

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

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

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

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

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

terms of taking these courses.

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

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

ACTING PRESIDENT VOLKER: Senator Galiber.

SENATOR GALIBER: Thank you, Mr. President.

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

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

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

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

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

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

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

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

ACTING PRESIDENT VOLKER: Senator Onorato.

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

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

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

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

through legislation.

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

ACTING PRESIDENT VOLKER: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

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

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

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

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

ACTING PRESIDENT VOLKER: Senator Velella, will you yield?

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

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

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

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

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

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

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

SENATOR MONTGOMERY: If you would continue to yield.

ACTING PRESIDENT VOLKER: Senator Velella, do you yield?

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

SENATOR VELELLA: Senator, until

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

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

SENATOR MONTGOMERY: Thank you.

Thank you.

Just briefly, on the bill.

ACTING PRESIDENT VOLKER: Senator Montgomery, on the bill.

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VOLKER: Senator Marchi.

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

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

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

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

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

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

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

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

ACTING PRESIDENT VOLKER: Senator DeFrancisco? Senator DeFrancisco.

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

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

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

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

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

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

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

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

ACTING PRESIDENT VOLKER: Senator Mendez.

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

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

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

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

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

with nationalities that are residing now as Americans also.

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

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

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

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

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

In the final analysis, and I've

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

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

ACTING PRESIDENT VOLKER: Senator LaValle.

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT VOLKER: Senator Gold.

SENATOR GOLD: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT VOLKER: Senator Mega.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VOLKER: Read the last section.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT VOLKER: Senator Leichter.

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

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

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

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

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

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

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

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

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

emphasizing our differences instead of emphasizing what brings us together.

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

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

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

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VOLKER: Senator Montgomery.

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

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

ACTING PRESIDENT VOLKER: The bill is passed.

Senator Montgomery.

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

ACTING PRESIDENT VOLKER: Without objection.

SENATOR MONTGOMERY: Thank you.

Senator Santiago.

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

ACTING PRESIDENT VOLKER: Without objection.

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

SENATOR PRESENT: Senator Velella.

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

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

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

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

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