ALBANY, NEW YORK

June 17, 1997

10:15 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Would everyone please rise and join me in saying the Pledge of Allegiance.

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

May we bow our heads in a moment of silent prayer.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Monday, June 16th. The Senate met pursuant to adjournment. The Journal of Saturday, June 14, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions. Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President. I wish to call up Senator Cook's bill, Print Number 2647, recalled from the Assembly which now is at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 267, by Senator Cook, Senate Print 2647, an act to amend the General City Law and others.

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

THE PRESIDENT: Call the roll on reconsideration, please.

(The Secretary called the roll on reconsideration.)

SENATOR MARCELLINO: Madam President, I now offer the following amendments.

THE PRESIDENT: Amendment received.

SENATOR MARCELLINO: Thank you.

Madam President, on behalf of Senator Cook, I wish to call up Print Number 2649, recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 356, by Senator Cook, Senate Print 2649, an act to amend the General Municipal Law, in relation to intergovernmental coordination.

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

THE PRESIDENT: Call the roll on reconsideration, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

SENATOR MARCELLINO: I now offer the following amendments.

THE PRESIDENT: Amendments received.

SENATOR MARCELLINO: Madam President, excuse me. Madam President, I wish

to call up Senator Goodman's bill, Print Number 5367, recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 1128, by Senator Goodman, Senate Print 5367, an act to amend the Alcoholic Beverage Control Law.

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

THE PRESIDENT: Call the roll on reconsideration, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

SENATOR MARCELLINO: Madam President, I now offer the following amendments.

THE PRESIDENT: Amendments received.

SENATOR MARCELLINO: Thank you.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Lack, on page 25, I offer the amendments to Calendar Number 740, Senate Print 588-A, and I ask that that bill retain its place on the Third Reading Calendar.

On behalf of our Majority Leader, Senator Bruno, on page 41, I offer the following amendments to Calendar Number 1154, Senate Print 5254-A, and I ask that that bill retain its place.

THE PRESIDENT: Amendment received.

Secretary will read.

THE SECRETARY: On page 44, Senator Skelos moves to discharge from the Committee on Rules Assembly Bill Number 5323-B, and substitute it for the identical Third Reading Calendar 1230.

On page 44, Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 7625 and substitute it for the identical Third Reading Calendar 1233.

On page 45, Senator Marcellino moves to discharge from the Committee on Rules Assembly Bill Number 3521-B, and substitute it

for the identical Third Reading Calendar 1236.

On page 46, Senator Holland moves to discharge from the Committee on Rules Assembly Bill Number 7602, and substitute it for the identical Third Reading Calendar 1247.

On page 47, Senator DeFrancisco moves to discharge from the Committee on Rules Assembly Bill Number 7574, and substitute it for the identical Third Reading Calendar 1254.

On page 47, Senator Maziarz moves to discharge from the Committee on Rules Assembly Bill Number 5420, and substitute it for the identical Third Reading Calendar 1258.

On page 47, Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 6557, and substitute it for the identical Third Reading Calendar 1260.

On page 47, Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 6559, and substitute it for the identical Third Reading Calendar 1261.

On page 32, Senator Saland moves to discharge from the Committee on Rules Assembly Bill Number 5682 and substitute it for the identical Third Reading Calendar 881.

And on page 33, Senator Nozzolio moves to discharge from the Committee on Rules Assembly Bill Number 7548, and substitute it for the identical Third Reading Calendar 896.

THE PRESIDENT: Substitutions ordered.

Senator Bruno.

SENATOR BRUNO: Madam President, can we have an immediate meeting of the Finance Committee in Room 332.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in Room 332.

Senator Bruno.

SENATOR BRUNO: Madam President, I think we'll move with the order of business and adopt the Resolution Calendar, but at this time I would like to acknowledge that this is a very special day. One of our very esteemed colleagues was born on this very day just a few years ago: Senator Mary Lou Rath.

THE PRESIDENT: Oh, well, happy birthday.

(Applause)

All those in favor of adopting

the Resolution Calendar -- Senator Paterson.

SENATOR PATERSON: Madam President, I'd just like to ask a question about the Resolution Calendar. Calendar Number 1719 is honoring police who have fallen in the line of duty, introduced by my esteemed colleague, Senator Marcellino. We'd like to know if Senator Marcellino would like to open up that resolution. It affects police all over the state, and many of us would like to go on it, if not all of us would like to go on it.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Madam President, it would be my pleasure to open up the resolution to all members of the chamber. Unless they want not to be on it, we'll put everybody on it.

SENATOR PATERSON: Thank you very much, Madam President and Senator Marcellino.

THE PRESIDENT: Thank you. Yes, if any member wishes not to be on the resolution please notify the desk.

All those in favor of adopting the Resolution Calendar, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. With regard to the resolution -- I have a resolution proclaiming May as the Older Americans Month, and I'd be happy to open that up to anybody who would wish to co-sponsor that with me. It's Resolution Number 1765.

THE PRESIDENT: Thank you, Senator Kuhl.

Senator Hannon. Oh, yes, anyone wishing not to be on the resolution, please notify the desk.

SENATOR BRUNO: Madam President, I and all others like me in the state are honored that Senator Randy Kuhl would introduce such a resolution honoring me and all others like me.

SENATOR PATERSON: Yeah, with thin noses, right?

SENATOR BRUNO: Can we at this

time take up the controversial -- the non-controversial calendar, Madam President.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 358, by Senator Marcellino, Senate Print 2898-A, an act to amend the General Municipal Law, in relation to making certain technical corrections.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the same date as such chapter.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 386, by Senator LaValle, Senate Print 3173-A, an act to amend the Public Authorities Law, in relation to the financing and construction.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 564, by Senator Stafford, Senate Print 3164-A, an act to amend the Education Law, and Chapter 698 of the Laws of 1996.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 587, by Senator Cook, Senate Print 2803-A, an act to amend the Insurance Law and the General Obligations Law.

SENATOR PATERSON: Lay that

aside, please.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar 596, by Senator Spano, Senate Print 4143, an act to amend the Workers' Compensation Law, in relation to exempting from coverage.

SENATOR PATERSON: Lay that aside, please.

THE SECRETARY: Calendar Number 635, by Senator DeFrancisco, Senate Print 481-A, an act to amend the General Municipal Law, in relation to the sale of raffle tickets.

SENATOR PATERSON: Lay that aside.

THE PRESIDENT: Lay that aside, please.

THE SECRETARY: Calendar Number 741, by Senator Stafford, Senate Print 1342-B, an act to amend the Family Court Act, in relation to providing for a Family Court judge.

THE PRESIDENT: Read the last section, please.

SENATOR PATERSON: Lay aside.

THE PRESIDENT: Oh, lay aside,

please.

THE SECRETARY: Calendar Number 1188, by Senator Skelos, Senate Print 306, an act to amend the Criminal Procedure Law, in relation to limiting plea bargaining.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1197, by Senator Breslin, Senate Print 2511-A, an act to amend the Public Authorities Law, in relation to the financing and construction of certain facilities.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1201, by member of the Assembly Magee, Assembly Print 5361, an act to amend the Town Law, in relation to the approval of the board of fire commissioners.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1203, by Senator Marchi, Senate Print 3578, an act to amend the Public Authorities Law, in relation to authorizing equipment.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 4. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1206, by Senator Volker, Senate Print 3743, an act to amend the Civil Practice Law and Rules, in relation to limitations.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1210, by Senator Kuhl, Senate Print 4199, an act to amend the Cooperative Corporations Law, in relation to filing requirements.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Read the last section, please, or call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1211, by Senator Kuhl, Senate Print 4200, an act to authorize Diana W. Millard to transfer her prior membership.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1212, by member of the Assembly Tokasz, Assembly Print 6795-A, an act to amend the General

Municipal Law, in relation to the membership of the Erie County Industrial Development Agency.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1214, by Senator Hannon, Senate Print 4433, an act to amend the Civil Service Law, in relation to authorizing the defense.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

THE SECRETARY: Calendar Number 1222, by Senator Larkin, Senate Print 1346, an act to amend the Vehicle and Traffic Law, in relation to authorizing the city of Newburgh.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1223, by Senator Padavan, Senate Print 1854, an act to amend the Public Authorities Law, in relation to the composition of the Committee to Review and Report.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1224, by Senator Velella, Senate Print 2334-A, an act to amend the Penal Law, in relation to the crime of criminal mischief.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1225, by Senator Kuhl, Senate Print 2340, an act to amend the Environmental Conservation Law, in relation to the definition of angling on

Canandaigua, Keuka and Seneca Lakes.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1226, by Senator Lachman, Senate Print 2618-A, an act to amend the Public Authorities Law, in relation to prescribing penalties.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1228, by Senator Present, Senate Print 4004, an act to amend the Environmental Conservation Law, in relation to the powers and duties.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1229, by Senator Trunzo, Senate Print 4435, an act to amend the Retirement and Social Security Law, in relation to retirees' compensation.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1230, by member of the Assembly DiNapoli, substituted earlier today, Assembly Print 5323-B, an act to amend the Real Property Tax Law, in relation to excluding.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1231, by Senator Volker, Senate Print 4553-A, an act to amend the Civil Practice Law and Rules, in relation to service.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1232, by Senator Libous, Senate Print 4716-A, an act to authorize the village of Johnson City in the county of Broome, to sell certain park lands.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1233, substituted earlier today.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MAZIARZ: Calendar Number 1233 is laid aside at the request of the Acting Minority Leader.

Secretary will read.

THE SECRETARY: Calendar Number 1234, by Senator Farley, Senate Print 4734-A, an act to amend the General Obligations Law, in relation to providing.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1235, by Senator Velella, Senate Print 4839, an act authorizing the city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk for Calendar Number 1235. Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1236, by Senator Spano, Senate Print 4858, an act to amend the Local Finance Law, in relation to bonds and notes.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk for Calendar Number 1236. Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

THE SECRETARY: Calendar Number 1237, substituted earlier today, by member of the Assembly McEneny, Assembly Print 3521-B, an act to amend the General Business Law, in relation to towed motor vehicles.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1238, by Senator Hannon, Senate Print 5206, an act to amend the Facilities Development Corporation Act, the New York State Medical Care Facilities Finance Agency Act and the Public Authorities Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1239, by Senator Maziarz, Senate Print 5253, an act to amend the State Finance Law, in relation to establishing a Transportation Mobility Revolving Loan Fund.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1240, by Senator Skelos, Senate Print 5259, an

act to amend the Correction Law, in relation to requiring inmates to make medical co-payments.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1241, by Senator Padavan.

SENATOR SKELOS: Lay aside.

ACTING PRESIDENT MAZIARZ: Bill is laid aside.

THE SECRETARY: Calendar Number 1242, by Senator Stafford, Senate Print 5269-A, an act authorizing the town of Schroon to dissolve and discontinue.

SENATOR SKELOS: Lay aside.

ACTING PRESIDENT MAZIARZ: Lay the bill aside at the request of the Acting Majority Leader.

THE SECRETARY: Calendar Number 1243, by Senator Rosado, Senate Print 5270, an act authorizing the city of New York to reconvey its interest.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. Would you lay aside 1243 and I inadvertently laid aside 1242.

ACTING PRESIDENT MAZIARZ: Secretary will read Calendar Number 1242, by Senator Stafford.

THE SECRETARY: Calendar Number 1242, by Senator Stafford, Senate Print 5269-A, an act authorizing the town of Schroon to dissolve and discontinue.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

1243 is laid aside.

THE SECRETARY: Calendar Number 1244, by Senator Hannon, Senate Print 5282, an act to amend the New York State Medical Facilities Finance Agency Act.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1246, by Senator Larkin, Senate Print 5300, an act to amend the General Municipal Law, in relation to eliminating certain exemptions.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1248, by Senator Goodman, Senate Print 5330, an act to amend Chapter 587 of the Laws of 1995, relating to authorizing conveyance of certain lands.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1249, by Senator Farley, Senate Print 5331, an act to allow Richard C. Healy to file a request.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk for Calendar Number 1249. Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1250, by Senator Larkin, Senate Print 5347, an act to amend the Navigation Law, in relation to a limitation.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1251, by Senator Volker, Senate Print 5353, an act to amend the Criminal Procedure Law, in relation to transfer of supervision.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1252, by Senator Padavan, Senate Print 5359, an act to amend the Tax Law and the Administrative Code of the city of New York.

SENATOR HANNON: Lay aside for the day.

ACTING PRESIDENT MAZIARZ: Calendar Number 1252 is laid aside for the day.

THE SECRETARY: Calendar Number 1253, by Senator Rath, Senate Print 5386, an act

to amend the Penal Law, in relation to grand larceny in the fourth degree.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1254, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 7574, an act to amend Chapter 515 of the Laws of 1995.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1255, by Senator Nozzolio, Senate Print 5402, an act to amend the Executive Law, in relation to access to criminal history records.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 60 days.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1256, by Senator Spano, Senate Print 5405, an act to amend the Retirement and Social Security Law, in relation to verification of State Police disability.

ACTING PRESIDENT MAZIARZ: Read the last section.

SENATOR PATERSON: Would you lay that aside, Mr. President?

THE SECRETARY: Calendar Number 1257, by Senator Meier, Senate Print 5409, an act to amend the Environmental Conservation Law, in relation to prohibiting the feeding of deer.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Just for everyone's information, Calendar Number 1256 was laid aside.

Secretary will read.

THE SECRETARY: Calendar Number 1258, substituted earlier today, by member of the Assembly Robach, Assembly Print 5420, an act to amend the Town Law, in relation to authorizing.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1259, by Senator Meier, Senate Print 5418, an act to amend the Family Court Act, in relation to increasing.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT MAZIARZ: Bill is passed.

THE SECRETARY: Calendar Number 1260, substituted earlier today, by member of the Assembly Vitaliano, Assembly Print 6557, an act to amend the Retirement and Social Security

Law, in relation to extension.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1261, substituted earlier today, by member of the Assembly Vitaliano, Assembly Print 6559, an act to amend the Retirement and Social Security Law, in relation to membership.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

THE SECRETARY: Calendar Number 1262, by Senator Trunzo, Senate Print 5476, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MAZIARZ: Bill is high. It will be laid aside.

Senator Skelos, that completes the reading of the non-controversial calendar.

SENATOR SKELOS: Mr. President, if we could take up the controversial calendar at this time.

ACTING PRESIDENT MAZIARZ: Secretary will read.

THE SECRETARY: On page 20, Calendar Number 587, by Senator Cook, Senate Print 2803-A, an act to amend the Insurance Law and the General Obligations Law.

SENATOR PATRSON: Explanation, please.

ACTING PRESIDENT MAZIARZ: Senator Cook, an explanation of Calendar Number 587 has been requested by the Acting Minority Leader.

SENATOR COOK: Mr. President,

this bill is an effort to remedy a situation where increasingly open lands are not available for the use of the general public because of the concerned landowners over liability in case there were some injury that occurred to an individual who might incidentally be utilizing the property.

The bill provides, in general terms, that if a person is on a piece of private land and that they are not paying a price, fee, for being on that property and in the course of normal use of that property, they sustain some kind of injury, that the landowner does not have liability.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- those recorded in the negative on Calendar Number 587 are Senators Abate, Connor, Gentile, Kruger, Onorato, Paterson and Sampson. Ayes 43, nays

7.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 596, by Senator Spano, Senate Print 4143, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 90 days.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 635, by Senator DeFrancisco, Senate Print 481-A, an act to amend the General Municipal Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

Senator Paterson.

SENATOR PATERSON: Mr. President, this bill was laid aside at the request of Senator Dollinger. The bill that will

immediately follow was laid aside at the request of Senator Gold. Both are active in the Finance Committee which is meeting off the floor. With the consent of the Majority, might we hold these bills for a few minutes until they come out of that Finance Committee meeting?

ACTING PRESIDENT MAZIARZ: You talking about Calendar Number 635 and 741?

SENATOR PATERSON: Those two bills.

ACTING PRESIDENT MAZIARZ: Senator Skelos?

SENATOR SKELOS: Yes, we'll lay those aside temporarily until the Senators return.

ACTING PRESIDENT MAZIARZ: Yes, Calendars 635 and 741 are temporarily laid aside at the request of Senator Paterson.

Secretary will read.

THE SECRETARY: Calendar Number 1233, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 2635, an act to amend the Civil Service Law.

SENATOR PATERSON: Explanation.

SENATOR MARKOWITZ: Explanation.

SENATOR SKELOS: Would you please take up Calendar Number 1256.

ACTING PRESIDENT MAZIARZ: Calendar Number 1233 is temporarily laid aside.

Secretary will read.

THE SECRETARY: Calendar 1256, by Senator Spano, Senate Print 5405, an act to amend the Retirement and Social Security Law.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MAZIARZ: Senator Spano, an explanation of Calendar Number 1256 has been requested by Senator Smith.

Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

This bill coordinates the termination of disability between the Comptroller, the Comptroller and the State Police. Right now if the Comptroller determines that a State Police officer is fit to work but if the Superintendent of State Police determines that the officer is not fit, the officer in question is unable to receive a disability pension and unable to return to work, so we're putting that State Police officer, therefore, in

a position where they're not able to earn any income.

What this bill would do, it would allow that an officer at his or her option would be able to return to work after the Superin tendent provides all the necessary information regarding -- regarding the termination of the officer's disability.

ACTING PRESIDENT MAZIARZ: Senator Paterson.

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

If the Senator would yield for a question.

SENATOR SPANO: Yes.

ACTING PRESIDENT MAZIARZ: Senator Spano, would you yield for a question from Senator Paterson?

Senator Paterson.

SENATOR PATERSON: Senator, the system as it exists now, I think, is a rather good system. It creates a sort of system of checks and balances. There are different circumstances where someone might be determined to be disabled, and I think that those who were

responsible for putting this into law under stood that the standards might be viewed from a different prism whether you were affiliated with the State Police or whether it was made by the Comptroller.

Why would we want to alter that standard now and diminish what might be a standard of care that would be extended to the individual who, in many cases, most likely is having a very serious problem in life, perhaps complicated by what would occur if we passed this bill?

SENATOR SPANO: The problem with this kind of law, Senator, is that there are no checks and balances in the system right now, and this put -- this places the members of the State Police in a position where they will be unable to earn any income because the Comptroller would make the determination, the State Police would then make a determination that they're not fit to work, and it would place them in a position where there is no check and balance in the system.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1241, by Senator Padavan, Senate Print 5262-A, an act to amend the New York City charter.

ACTING PRESIDENT MAZIARZ: It was laid aside for the day.

Secretary will read.

THE SECRETARY: Calendar Number 1243, by Senator Rosado, Senate Print 5270, an act authorizing the city of New York to reconvey its interest.

ACTING PRESIDENT MAZIARZ: Read the last section. There is a home rule message at the desk for Calendar Number 1243. Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT MAZIARZ: The bill is passed.

I'm sorry, Senator Waldon.

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

I respectfully request unanimous consent due to being out of the chamber on other Senate business, to be recorded in the negative on Calendar 587, Senate Bill 2873-A, and as well on 1240.

ACTING PRESIDENT MAZIARZ: Without objection, so ordered.

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President, as we're waiting for members to come from the Finance Committee, is there any housekeeping at the desk?

Will you please recognize Senator Marcellino.

ACTING PRESIDENT MAZIARZ: Yes. I believe that there is. Senator Marcellino.

SENATOR MARCELLINO: Mr.

President, I wish to call up Senator Volker's bill, Print Number 1587, recalled from the Assembly which is now at your desk.

ACTING PRESIDENT MAZIARZ: Secretary will read.

THE SECRETARY: Calendar Number 473, by Senator Volker, Senate Print 1587, an act to amend the Executive Law.

SENATOR MARCELLINO: Now move to to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MAZIARZ: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 51.

SENATOR MARCELLINO: I now offer the following amendments.

ACTING PRESIDENT MAZIARZ: Amendments received.

SENATOR MARCELLINO: Mr. President, I wish to call up Senator Marchi's bill, Print Number 4767, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MAZIARZ:

Secretary will read.

THE SECRETARY: Calendar Number 1082, by Senator Marchi, Senate Print 4767, an act to amend the Business Corporation Law.

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

ACTING PRESIDENT MAZIARZ: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 51.

SENATOR MARCELLINO: Now offer the following amendments.

ACTING PRESIDENT MAZIARZ: Senator Marcellino. Amendments received.

Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Paterson for a very important announcement.

ACTING PRESIDENT MAZIARZ: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. I wanted to join in those who congratulate Senator Rath on her birthday and to

add to that that we have two Senators born on the same day, and we're recognizing the birthday of Senator Sampson -- this is Senator Sampson's first year in the Senate, and I wanted to wish him a happy birthday. I know Senator Breslin and Senator Rosado just passed their first bills, I'm sure they must be in a pretty good mood. I'm sure they'd want to recognize Senator Sampson's birthday as well.

ACTING PRESIDENT MAZIARZ: Well, Senator Sampson, Senator Bruno and all the colleagues in the chamber do wish you a happy birthday. We do want to note, however, that Senator Rath received flowers on her desk this morning, so we think that Senator Paterson owes you something.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: I just wanted to point out that most members do not want to see flowers on their desk.

ACTING PRESIDENT MAZIARZ: Particularly those as young as Senator Sampson.

Senator Skelos.

SENATOR SKELOS: Senator Trunzo is back, if we could take up Calendar Number 1233.

ACTING PRESIDENT MAZIARZ: Secretary will read.

THE SECRETARY: Calendar Number 1233, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 7625, an act to amend the Civil Service Law.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MAZIARZ: Senator Trunzo, an explanation of Calendar 1233 has been requested by Senator Onorato.

SENATOR TRUNZO: Well, Mr. President, this bill permits an unremarried spouse of a state employee who dies prior to retirement to use the employee's earned but unused sick leave to assist in payment of the state health insurance premiums.

In other words, right now, if you die, your health insurance premiums when you retire would be paying for your health insurance. This requires an unremarried spouse to utilize the unused sick leave to pay for the health insurance.

SENATOR MARKOWITZ: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very, very much.

Senator Trunzo, may I ask -- I understand that the teachers' union is supporting this bill, is that correct?

SENATOR TRUNZO: Excuse me?

SENATOR MARKOWITZ: Are the teachers' union supporting this bill?

SENATOR TRUNZO: Yes.

SENATOR MARKOWITZ: But there's one thing that disturbs me. Maybe you can answer the question. I read the bill, and I can't seem to find whether or not this is applicable to domestic partners. Does it cover domestic partners?

SENATOR TRUNZO: My understanding would be no. Just

SENATOR MARKOWITZ: On the bill, if I may.

ACTING PRESIDENT MAZIARZ: Senator Markowitz, on the bill.

SENATOR MARKOWITZ: Senator Trunzo, obviously the Governor's office, the Assembly and a growing number of corporations around the country are extending benefits to domestic partners, and I don't feel it's fair, certainly not fair, and in this time frame to deny those benefits to -- to people who share common love, and I think it's important that Senator Trunzo as the chairman of the committee, I had offered a bill which is 1287 which really encompasses your efforts and just adds domestic partners, and I'd be eager for you to accept that, and I would join in with your assurance that the bill would be amended to include domestic partners which exist throughout the country now and certainly in New York State.

So that's a very easy request I have of you and, if you say yes, I'll sit down immediately.

ACTING PRESIDENT MAZIARZ: Well, Senator Markowitz, you were speaking on the bill. Are you asking Senator Trunzo to yield for a question now?

SENATOR MARKOWITZ: Yes, I will yield for a question absolutely, Mr. President.

Senator Trunzo

ACTING PRESIDENT MAZIARZ: Senator Trunzo, would you yield for a question from Senator Markowitz?

SENATOR TRUNZO: Yes.

ACTING PRESIDENT MAZIARZ: Senator Markowitz, now you may ask your question.

SENATOR MARKOWITZ: Senator Trunzo, would you add -- would you consider adding -- modifying, I'm sorry, or amending?

SENATOR TRUNZO: I'm not amending the bill because it has already -- the bill has already passed the Assembly. It's been substituted and this question evidently did not come up in the Assembly and if there is some future bill to contend with these problems, we'll consider that, and I also wanted to let you know you ain't comin' to my house for Christmas.

SENATOR MARKOWITZ: Senator Trunzo, your arguments are tremendously persuasive. Having said that, I really do hope that some time very soon that the amendment can be made on this legislation really. I mean the

legislation is good as you propose, but I still feel that wherever possible domestic partners should be included, and I hope that perhaps very, very soon you'll accept that amendment and adjust this bill accordingly.

Thank you very, very much.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk? No housekeeping?

ACTING PRESIDENT MAZIARZ: No housekeeping at the desk.

SENATOR SKELOS: Then we'll have to stand at ease pending the return of Senator Dollinger from the Finance Committee and then we'll take up the report of the Finance

Committee also.

ACTING PRESIDENT MAZIARZ: The Senate will stand at ease. Let the record show that we're standing at ease awaiting Senator Dollinger's return.

(The Senate stood at ease from 10:59 to 11:05 p.m.)

SENATOR SKELOS: With the consent of the Minority, would you please call up Senate 635.

THE SECRETARY: Senate Print 635, by Senator DeFrancisco, Senate Print 481-A, an act to amend the General Municipal Law, in relation to the sale of raffle tickets.

ACTING PRESIDENT DeFRANCISCO: Please read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT DeFRANCISCO: The bill is passed. We'll now continue to stand at ease.

(The Senate stood at ease from 11:06 a.m. to 11:08 a.m.)

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Tully.

SENATOR TULLY: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 635.

ACTING PRESIDENT MAZIARZ: Without objection, so ordered.

The Senate will continue to stand at ease awaiting the return of Senator Dollinger.

(The Senate stood at ease from 11:08 a.m., to 11:12 a.m.)

SENATOR SKELOS: Would you please call up Calendar Number 741.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 741, by Senator Stafford, Senate Print Number 1342-B, an act to amend the Family Court Act.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Skelos.

SENATOR SKELOS: We'll continue to stand at ease pending the report of the Finance Committee.

ACTING PRESIDENT MAZIARZ: Senate will stand at ease pending the report of the Finance Committee.

(The Senate stood at ease from 11:14 a.m. until 12:03 p.m.)

ACTING PRESIDENT HOLLAND: The Senate at will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room, and if we could return to reports of standing committees, I believe there's a report of the

Finance Committee at the desk. I ask that it be read.

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

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Board of Trustees of the State University of New York Kenneth E. Cook, of Brooklyn.

SENATOR KUHL: Move the nomination.

ACTING PRESIDENT HOLLAND: Question arises on the nomination of Kenneth E. Cook. All in favor, say aye.

SENATOR MONTGOMERY: I'd like to have any name called.

ACTING PRESIDENT HOLLAND: Excuse me. I defer to the Deputy Minority Leader.

Senator Paterson.

SENATOR PATERSON: Mr. President, we don't have anyone in the chamber. There were a number of votes and questions on this nomination and people would like to express

themselves on this issue. I thought we were I thought we would do that with sufficient notice.

ACTING PRESIDENT HOLLAND: Senator, would you like to lay this one aside and move on to the rest of them? Is that what your suggestion is?

SENATOR PATERSON: Thank you.

ACTING PRESIDENT HOLLAND: Is that O.K. with you, Senator Kuhl?

SENATOR STAFFORD: No, no, absolutely not.

ACTING PRESIDENT HOLLAND: The question is on the confirmation of Kenneth E. Cook, member CUNY Board of Trustees. All in favor signify by saying aye.

Senator Paterson.

SENATOR PATERSON: I will -- I will have to call a slow roll call on this then.

SENATOR LEICHTER: Are we to debate on this?

ACTING PRESIDENT HOLLAND: Wait a minute. Senator Paterson has the floor, please.

SENATOR PATERSON: We haven't had a nomination, Mr. President.

SENATOR STAFFORD: Well, let me just speak to the nomination, maybe we can gather our people and gather ourselves, which we all have to do.

ACTING PRESIDENT HOLLAND: Senator Stafford.

SENATOR STAFFORD: It takes a bit -- I went and looked up a word that Senator Marchi used this morning, "gamut," and I'm going to have to use that myself.

Let me start out by saying, Mr. President, as everyone is enjoying their luncheon, I hope they have it tuned in over there and save me just a bite, as I always enjoy it. These people from the west know how to put on a good luncheon.

Let me share with you that I can recall, and I say this with -- speaking with the experience of having the Higher Education Committee for 13 years and Senator LaValle reminds me that I'm no longer chairman of that committee, and I'm very aware of that. I'm very aware of that, but I want to share with you that

I can remember when I was in school and in law school and we ran into someone who was from the City University, and I've said this a number of times, and I say it often, and I think it's a compliment to the system in the City.

Automatically, you knew, and I say this and I just mean this -- they were brilliant and they, almost without exception could have been at the top of the class in any university and, as a matter of fact, someone can help me, how many Nobel Laureates does the City University have? Now, come on! Somebody must have that. There are many. There are many. Believe me, there are many, and I think without reservation -- without exception, I think you'll find that there are not too many schools that have more, including -- including, well, we won't mention that school during this discussion or we won't mention any schools in New York City other than the City University.

Now, I was part of it. Senator Marchi, who will speak here today much more eloquently than I can and who has a better feel for the City University than I do and who has done more for the City University probably than

anybody in this chamber, but he will point out that again in the early '60s, we changed direction.

Now, many of us felt this was necessary, and I was part of the SEEK, working for the SEEK program, remember the late Tim Healy, who was vice-president of the City University at that time. I believe he had come from Boston College, was then at Fordham and from Fordham went to Georgetown or, excuse me, to the City University, and then the president of Georgetown, and then back to the public library taking the place of Dr. Zagorian, who I believe went to Brown, just trying to put this all into perspective here as they enjoy their lunch, and I'm sure they'll be back in a few minutes.

Now, obviously the direction was changed, but I was part of it, many people are part of it. I think the direction of the City University, probably the change was necessary but my friends -- and I use that word because I think it's important on a day like this to continue to remember we are friends and we have some very, very deep philosophical differences,

deep philosophical differences. It's one of the great things about this country, we can have them. I think we fought wars, so we could.

I think we have to remember that we, in some areas in the City University we certainly did change it, but I'm including myself. I think some of us were a part of a change that in some areas were overdone and there were some disservices.

I think this nominee is an example of the Governor putting us back on the track, and I support the nomination and again I'll be a little too simplistic here, but it's easy for me to be simple. My parents found that early on.

We have a person who -- and again I don't have exactly, but I believe is a graduate of Brooklyn College, a graduate of a great university in Belgium. Wrong on Belgium?

SENATOR SMITH: Wrong on both. He lived in Belgium but

SENATOR STAFFORD: Master of Science in Biochemistry from Catholic University of Louvain -- Louvain, Belgium, one of the premier universities in the world. Brooklyn

College, I believe, is part of the City University, and I also realize people are going to speak with as much direction as I am, and if not more, and again I apologize for that but I'm trying to make a point here.

We have some very deep philosophical differences. However, Mr. President, I want to explain as best I can that I think we need someone who has taught in the educational system in New York City, has worked with children who were going to drop out, who I believe has common sense, and there's no question, I'm sure, differs from many of us, differs with many of us on philosophy.

So, Mr. President, let me also share that in my 32 years here I've often found that those who had the good sense not to talk in detail in nominations said much more than some of us do when we're trying to speak.

Let me say that once again so everyone will sink in, excuse me.

SENATOR KUHL: Mr. President. Mr. President. May I interrupt to call or announce that there will be an immediate meeting of the Social Services Committee, immediate

meeting of Social Services Committee in the Majority Conference Room, Room 332.

ACTING PRESIDENT HOLLAND: Immediate meeting of the Social Services Committee in Room 332.

Senator Stafford.

SENATOR STAFFORD: Now, some of my friends smiled at what I said, so I'll leave it. I'll leave it. If it made an impression, I'll leave it. But again there will be many speakers. Statements will be made with conviction. I might add that it very often is not necessarily the person too -- I've said this ever so many that have come up here or come down here -- with me, it's come down here but in this instance today it's come up here. Very often they end up in a situation where it often is not necessarily the person but it's some differences of opinion, philosophy, then there's no question that we often have.

I think this is healthy. I'll be very candid. I think we have had one of the better meetings today. Now, look, I'm not putting you to sleep, am I? He was yawning, Mr. President. He said, Almost.

I think -- I think we had one of the better meetings. I think it was civil, which I think is common to all of us, and every one had an opportunity to speak who wanted to, even those who were not members of the committee and I stand criticized for that. I know there is a rule that, if you're not a member of a committee, you're not supposed to speak at the committee, but I myself made the decision that a person who I think can speak concerning the educational establishment in this state as well as anyone, I think he should have had the right to speak today, and I -- I asked him to. I think he was going to maybe not say anything. I'm sure he'll say something on the floor and, if they don't come in to the meeting, from their sandwich in a few minutes, I guess, Mr. President, we'll be moving on, but again I see some who will speak and I'm sure by the time we get to the vote we'll have them in here.

I would ask everyone on this issue, speak with as deep feeling as you have, which there's nothing wrong with doing, but I want to say, Mr. President, that again I think we have two nominees for the -- as Trustee for

the City University -- of the City University. I think we have excellent nominees.

I think that the nominee, Mr. Kenneth E. Cook, I think he has the common sense, I think he's shown his concern. I think, yes, I think he is going to learn. We all do, and one of the few things I've learned here in 32 years is what I don't know, and, believe me, that's a lot. But I think the Governor is to be complimented, and I think common sense and a sense of conviction is most important, and I think Mr. Cook has this.

I know there'll be a discussion here. I would only say this, that it is my perception as one who, as I say, was back over 30 years ago when we were changing direction in this University, one who feels that mistakes have been made. I think it all hasn't been bad. I think there has been a great deal of good, but I think the Governor is getting us back on the track here. I commend him, I commend his people, and I think that it's really good when all of us can stand here and speak our minds, stand for something, and I think after today, I think the City University will be

better for our discussion and our input, and with that, Mr. President, I would yield to the Senator from -- excuse me, yes, excuse me, the Senator

ACTING PRESIDENT WRIGHT: Thank you, Senator Stafford.

SENATOR STAFFORD: The Higher Education Committee, Senator LaValle.

ACTING PRESIDENT WRIGHT: Senator LaValle, on the nomination.

SENATOR LAVALLE: Thank you, Mr. President. Thank you, Senator Stafford.

Mr. Cook came before the Higher Education Committee a week ago, as does nearly every nominee from the Governor or mayoral appointment to the CUNY Board. Mr. Cook, a week ago, answered committee members' questions, very forthrightly and quite well.

Again today in the Finance Committee he came before Finance, and a lot of questions were asked of Mr. Cook, and I think he tried, to the best of his ability, to answer questions in a very forthright way. I would say that, having been chair for quite some time and having seen many, many nominees come before the

committee, that not everyone leaves the impression that they might make an All-Star team, and I talked about in Finance Trustee Charles Inniss, who Mr. Cook is replacing.

Mr. Inniss is deceased. Well, when Mr. Inniss came before the Higher Education Committee, I remember he was very shy, didn't have a whole lot of answers. He had a background as a community member and also an officer of the Brooklyn Union Gas Company. However, Mr. Inniss, once he got on the board, gained knowledge, became an outstanding member of the CUNY board, and I could name many other members who have come before the committee and, because they were intimidated by the questions because the nominees, when they come do not come with the knowledge that one would have after sitting on a board for a year, and I would say, Mr. Cook a year from now would be able to answer some of the questions that were asked because he would have knowledge, would have a comfort level and probably would not be as intimidated by the process.

We sometimes, as members, forget that not everyone waxes eloquently and

philosophically on the issues of the day as sometimes we like to believe that we do on this floor or at a community meeting. This is something that we have chosen to do and maybe feel comfortable doing.

It is important for a board to be a mosaic, a reflection of the community. The CUNY board has many who are attorneys and many who have backgrounds from the financial community. Mr. Cook brings probably a great credential and that is 25 years of experience dealing with young people, and that's what higher education is all about, students and young people.

Mr. Cook, I am hoping and know, will bring to the discussions of the CUNY board what is important in preparing students for their careers and also to continue what Chancellor Reynolds has started with the Partnership and preparatory -- college preparatory program, so that our students coming from the secondary level are adequately prepared to meet the challenges of their post-secondary education.

I am confident Mr. Cook will be

able to contribute and ensure that our students will be prepared.

SENATOR WALDON: Mr. President

SENATOR LAVALLE: I think the Governor should be complimented for this appointment and also for looking at the board and trying to balance it in terms of the backgrounds and the experiences that people will bring to the deliberation before the City Board of Education.

SENATOR WALDON: Will the gentleman yield?

ACTING PRESIDENT WRIGHT: Senator Waldon, why do you rise?

SENATOR LAVALLE: I don't think it's appropriate. We're making seconding comments. It's not -- this is not a forum to yield. Normally I would but I

SENATOR WALDON: Mr. President, I'll stand corrected if the gentleman is accurate in his analysis of the rules of the house.

ACTING PRESIDENT WRIGHT: He is correct in his interpretation of the rules, Senator Waldon, and we have you on the list,

sir.

SENATOR WALDON: Thank you.

ACTING PRESIDENT WRIGHT: Senator Farley.

SENATOR FARLEY: Were you finished, Senator? Yes? Thank you, Mr. President.

I rise in support of this nomination. Let me just say that I have spent my entire adult life in academia at a public university as a law professor and, in my judgment, if there's anything that any board of trustees needs it's someone who knows something about secondary education, particularly public secondary education, and Kenneth Cook knows that, having spent a number of years in the academic classroom of public education in New York City.

I think that brings a perspective that is not only unique. It's something that is truly needed. I think the Governor is to be commended for nominating this candidate. Let me just say this. I was in the Finance Committee meeting and I was kind of impressed that he would not answer, if you will, how he would vote

on an issue. I am constantly asked how would I vote on a particular issue, yes or no, particularly when you do not have all the facts, when you haven't heard the debate, and so forth, and often I have refused to give an answer specifically as to how I would vote, yes or no.

Also let me just say this, if you're familiar with a particular issue, if you have a feeling on that issue or have known about it as so many of us, most of us, the issues have been around for a long time. I was impressed with his -- the substantive way that he approached an answer. I -- I think this is a job that -- for one of the great public universities in the country, the CUNY, and let me just say this: I appreciate the fact that he's willing to serve. I think he'll bring a unique perspective that is needed on this board and I compliment the Governor for making this nomination, and I think it's kind of unfair to expect any nominee to be fully knowledgeable about every issue facing a board that he's never served on, facing issues that he's familiar with only in the newspaper or something like that, and I think that Mr. Cook will make an

outstanding member of the Board of Trustees of CUNY, and I support him with enthusiasm.

ACTING PRESIDENT WRIGHT: Thank you, Senator.

Senator Waldon, on the nomination.

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

This is a very painful experience for me, simply because today we're considering two nominees who happen to be African-American like myself. So many weeks ago Senator Seabrook and others and I met in the City to voice and express ourselves in regard to the absence of African-Americans on the board, both of CUNY and SUNY, and I thought that was very timely.

The issues discussed during that press conference were very substantive, and we were crying out to the Mayor and to the governor to correct a wrong that too long had existed. I notice that Senator LaValle compared this nominee to Charles Inniss. Charles Inniss was a personal friend of mine. Charles Inniss was a giant of a man who had worked in the highest levels of corporate structures before he was

proposed for the board.

He was from Brooklyn. He had a real sense of what Brooklyn was about, but more importantly what Bed-Stuy and Greenpoint and Fort Greeley and Brownsville were all about. He was truly immersed in the Afro-centricity, the Caribbean centricity of that borough.

There is a large city in New York City. Brooklyn is its name. It's the ninth largest city in this country. It has two or more, almost three million people. You cannot compare the African community there with that of Staten Island. It is impossible to compare a few numbers with a great number.

I don't want to denigrate Mr. Cook. I'm sure that he is a decent gentleman. I was there at the Higher Ed meeting when he spoke. I don't think that he's qualified for this post but that's my personal analysis. But I think that when the Governor and the Mayor get together and decide that they're going to submit someone for consideration for the Board of Trustees, that person should reflect the interests and needs of the community from which they are chosen.

I don't think this has happened here. I don't think that this gentleman can really speak for the masses of African-Americans and Caribbean-Americans in the city of New York and that's unfortunate because, in my opinion, that's the role that he's supposed to play. He's supposed to come to the board and say, these are our needs, please make efforts to satisfy them. I don't believe that this choice is the right choice.

I'm also concerned that this may be a knee-jerk reaction because at the board meetings, the committee meetings for Higher Ed, I asked when did you find out that you were going to be considered for this post, and from both the statements of Mr. Curtis and Mr. Cook, it seemed to me that they were notified after we had the meeting on the steps of City Hall. This is a knee-jerk reaction.

I also asked Mr. Curtis at that time, had he come through the mayor's committee where a number of very qualified African Americans, Caribbean-Americans were submitted to Mayor Giuliani for consideration. And he said he could not. The Mayor rejected most of those

that could have been acceptable to those of us of color in this chamber.

I want Mr. Cook to know that this is not personal. I have not had a chance to break bread with him or raise a glass of bubbly with him. I have not walked in his shoes, but in this process at this time in this chamber he is not my candidate, and I believe he is the wrong candidate and, for all of the reasons I have expressed, I sincerely hope that those who are right-thinking and interested in the needs of my community and sensitive to the needs of my community -- when you come to me and say, "Al, I need something done upstate or in this part of the state; it is my community; we have a home rule; I need your help," I give that help almost without any reservation, and I don't know of any time recently where I've not responded to that call.

This is a similar situation. This is merely a nomination. It's not a bill, it's not the budget, but it is just as important to me and to the people I serve as those bigger, bigger issues. So I would hope at this time that someone would listen to this voice

originally from Brooklyn, Patchen Avenue, now out of Queens, who has some sensitivity to our community, and I would hope that you would listen and say, Well, maybe Al is right on this one, and that you might vote with me on this one and I will remember those who made commitments, not that I can do anything to you, but I will remember those who, off the side, made commitments to me that they would stand with me on this issue and now are backing up.

I sincerely hope we defeat this nomination. Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Senator Rath, on the nomination.

SENATOR RATH: Thank you, Mr. President.

I rise also to second the nomination of Kenneth Cook for the position of member of the Board of Trustees of the City University of New York. I was in the committee meeting last week when Mr. Cook appeared, and I looked at his resume then as he started to speak and I was reminded of another time when a resume -- and this was someone I happened to know very well and the resume came upon the floor of the

Legislature and people looked at me and they said, Is she talking about the same person as this resume? That was because I knew that person very well. I knew they had been too busy to write down everything that they had done over the last 30 years, and this person is serving admirably in Western New York on a board, with great distinction.

And Mr. Cook's resume reminded me of that because I looked at the resume and I thought, what can I expect to see or what can I expect to hear? Well, Mr. Cook didn't put down everything that day that he did or that he had done because that was the measure of the man because what was left unsaid was more important than what was said. Mr. Cook would not allow himself to be painted into a corner, as it were, giving answers to questions that he had never heard before nor had little information about.

I identify readily with that because I find myself very often saying to constituents, I don't know. I haven't heard all of the answers or all of the questions. I haven't heard all of the debate on a particular issue, and so I don't know how I'm going to vote

on something until I've had a chance to review it thoroughly. I heard him say that. I could identify very clearly with that.

I can identify also with the need for higher education in New York to change dramatically in the next few years because we have a changing New York, changing New York. The welfare-to-work efforts that are going to go on in this state are going to need new kinds of education, new kinds of interaction, and what I saw in Mr. Cook as a candidate for this position was someone who doesn't come with a preconceived notion of what it should be. No preconceived notions. He's willing to look at it all and make his best decision. I don't think we can ask much more.

Is he qualified? Of course. You've heard eloquently persons talking about the qualifications he's had. Of course, he's qualified to serve in that position and to make his best decision and best judgment. It kind of reminds me of a turtle who has been in a particular shell for a long time. The turtle moves on, grows a new shell or maybe it's another crustacean animal I'm thinking of that

grows a new shell, but you know what I'm trying to say. When does the old shell -- when do we outgrow that shell and when is the shell going to start functioning because the new shell is going to look very different as it's recreated in the next several years.

I support his nomination.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Marchi.

SENATOR MARCHI: Mr. President, I believe that the Governor has provided us with a unique opportunity to bring on the board of the City University an individual whose commitment to education is total -- total. Master in four different disciplines, degrees including the University of Louvain and, as Senator Stafford pointed out, with the approbation -- this is an experience he also shared with my committee, standing committee -- the approbation of those who were with him attending those classes in Louvain.

We are bringing an international dimension to the educational process with an individual who has as his extracurricular activity helping students who need help. It's a

lot easier to make heroic and herculean observations on the passing scene. It's another one to get down and work with children and students and help them realize their dream on a one-to-one basis.

This is the quality of the man, the commitment that he brings to the educational process, and I believe it was Senator Kenneth LaValle who raised the question of a collegial body, a collegial body, many members all, we are bringing uniqueness and quality that enure to the benefit of the totality of the effect and his -- there's a man, Kenneth Cook, without pretentiousness, without braggadocio, emphasize the purpose that brought him into education, enriching the experience of the individual student.

Why was he accepting this? There's no pay involved and, as someone observed, well, sometimes that's not -- need not be a reason of necessity, and I must point out that everybody that spoke for and against did it with the utmost sincerity and from points of view that I could respect, but let's not overlook the setting that we're speaking about

and his feeling.

He expressed his feeling. "I felt I had an obligation to pay back the good things, the opportunity to teach," in the circumstances that he did. This is a noble individual, an educator's educator because he does it and if he has something to do and he has the time, he goes out and helps young men and women to improve that potential so that they deliver.

I feel very comfortable that the Governor has selected him, a very unique member who brings a special kind of experience, an openness of mind, a refusal to make easy commitments that ring pleasantly in an audience because he said, I want to see all the facts and I guess all of us in a way sometimes have that same feeling, but he activates that.

This is a wonderful nomination. I'm very proud to stand before you because I've had the opportunity of intimate discussion with him in the standing committee hearing and at the same time participating in the process that we went through this morning.

So, Mr. President, I really place

the highest esteem and respect that I possibly can on this candidate who most certainly is the educator's educator, and hope that the abundance of support that he receives here will encourage him. I believe he will survive the process and when he does, he's going to bring full and total effort as he has all his life in forwarding the shared objectives that every one of us in this chamber has.

ACTING PRESIDENT WRIGHT: Senator Smith, on the nomination.

SENATOR SMITH: Thank you, Mr. President.

I, too, as an African-American, is greatly troubled today by this nomination and as I sit here and hear all of these eloquent phrases about this gentleman, Kenneth Cook, I wonder if we're in the same meeting and if we're talking about the same individual.

I've lived in the county of Kings for almost 50 years and I've had the pleasure of representing at least a part of Kings County for the nine years that I've been here and prior to that, I was very much involved in practically every aspect of the African-American, Latino and

Caribbean communities of Kings County and until last Thursday, I had never laid eyes on Kenneth Cook.

Checking with individuals in both the education community and in other aspects of the Kings County community, Queens, and Manhattan and the Bronx, no one knew of him, had met him, and I talked to educators who had taught at the same school. We're talking about someone who holds, who wil be responsible for the children of the city of New York and their higher education and I certainly feel that there should have been some commitment prior to being nominated.

Furthermore, we talk of this long background of volunteerism. On his resume there is not one indication of volunteerism. Everything that was ever done was a paid position.

We talk about community involve ment. There was no community involvement. So please, gentlemen, tell me how you represent a community that you know nothing of. And it saddens me that I am forced to vote against someone who is supposedly representative of a

community that I have been immersed in all of my entire being.

This man is clearly not representative of the educational community or of the African-American, Latino or Caribbean American communities.

ACTING PRESIDENT WRIGHT: Senator Gold, on the nomination.

SENATOR GOLD: Thank you, Mr. President.

First of all, Mr. President, I would like to congratulate the Governor on the loyalty which he gets from the Republicans in this house, no matter how embarrassing it might be.

Mr. President, when Senator Rath said that it's refreshing to have somebody appointed who has no preconceived ideas, it reminds me of advice I used to give to gubernatorial appointments when our governor was a Democrat, and I would say to people, The only danger is knowledge. If you walk in and tell these people you don't know but you'll look into it, they don't have a follow-up question and you're going to walk out of there and if your

interview takes ten minutes, it's better than twelve minutes, and if it takes five minutes it's better than six minutes.

The fact of the matter is that we have a lot of jobs in this state that we ask people to do for no salary. These jobs are not to be taken in a cavalier manner because some of the most significant jobs that we ask people to do are without compensation and have a very, very dramatic effect upon the future of the state.

This is a Legislature that debates at budget time, and apparently in 1997 budget time is still a few months away somebody ought to give the Governor a better clock -- but at budget time, we discuss what will happen to City and State University, what will happen to educational opportunity, whether welfare/social services should continue, should be cut, should be expanded, whether day care should be cut, expanded, and so many of these issues are intertwined with the educational opportunities that we give people. So there's nothing more significant, I believe, among the chores that we have than putting together a CUNY

Board.

In my years up here, I've dealt with various members of the CUNY Board from time to time. I've dealt with the administration from time to time and you get mixed results and you don't expect people to agree with you all of the time but, I will tell you in all candor, about a week ago I had a telephone conversation with the new chairman of the CUNY Board, and it was the most unsatisfactory telephone conversation I've ever had. I was speaking to an aloof, snobby, arrogant woman who did not, in my opinion, deserve to be the chair of that board.

Now, we are faced with some more nominees to this board and it is our responsibility as much as the Governor's as to whether or not that board is effective in what it does. The concept that someone has no idea, I think, is unsatisfactory. Someone ought to be appointed to that CUNY Board who has the drive to want to do things. But what things? But what things? Things that other members of the board will suggest or say and he'll get an education from those who already have a

prejudice?

So where, Senator Rath, are the new ideas? If your education comes from people on the board who tell you the way things are and the way things go, where are the new ideas? All you have now is a carbon copy of what you've got on the board.

The comment was made that this gentleman has taught biology and he's taught science in the junior high schools, and I want the record to be perfectly clear, I am not questioning the man's intellect, but every person is not right for every job and we all know that. The Almighty didn't make some people universally brilliant and other people universally stupid. We have a society where people have different talents and different experiences.

But I think the part of this which bothers me the most was referred to partially by my colleague, Senator Waldon, and I think Senator Smith alluded to it. There is a grave misunderstanding, I believe, of what affirmative action is all about. My understanding -- and I can only speak for myself

-- is that affirmative action should open doors for people who otherwise have a door shut, and give them an opportunity. There are members of this conference who lobbied very hard to have the doors opened so that there could be Afro-American representation on the CUNY Board, but it is an insult to the Afro-American community to say that we'll put somebody on the board that has a dark face regardless of intellect and that ought to shut up the community.

There are people in the Afro American community who would do better in this job than Kenneth Cook, and I want to say for the record, that from the little I saw from -- about Kenneth Cook, he looks like a fine decent gentleman, and I -- and I think he probably is that, a fine decent gentleman. But that's not the issue here. It just isn't.

The issue is that the Afro American community not only has a right to be represented but to be represented by people from their community whom they know, who have grown in stature within their community.

I was asked by a newspaper

reporter, if this is my view, who then would I suggest as candidates from the Afro-American community, and I said, if I gave you the names, it would be as offensive as the Governor picking those names without consulting with the community either. But these people do exist and there are people in that community who we could all be very, very proud of and who would be true representatives of that community.

So I don't relish the thought of voting against this man or anybody. I particularly don't want to -- and that's why I'm very careful that the record indicate that this is nothing personal and that this gentleman is probably that, he is probably a gentleman who has lived a decent life and, by the way, I think that anybody who spends their career teaching in junior high school should be respected by me and by every member of the Senate, but that doesn't mean that you then take that level of respect and make them a member of the Board of City University.

In closing, let me point out, this gentleman went to Kings -- Kings College? Brooklyn College. Brooklyn college is itself a

university. Queens College is a university. You take the CUNY system and put it together and you have an overwhelming educational machine, and it is not an embarrassment if a particular individual should not be one of the managers of that machine. On the other hand, there are people who are qualified who happen to be Afro-American. There are some who are qualified who are Italians, who are of Polish ancestry, who are of Jewish background, whatever. But you don't want a mosaic simply to have a mosaic; you have to have a rationale deeper than that and, in my opinion, the Governor who has given us some really great judicial nominees -- and I've said that before -- has really dropped the ball with this one. He's dropped the ball.

The way to go would be to deal with the Afro-American community and to find somebody with the stature and background to be able to handle this job. So I intend to vote with my colleagues in the negative.

ACTING PRESIDENT WRIGHT: Senator Velella on the nomination.

SENATOR VELELLA: Mr. President, I listened very carefully as we sat in the Finance

Committee and the qualifications of the candi dates were discussed. I've listened to what's been said on the floor here, and I think we have a couple of people in this chamber who are talking out of both sides of their mouth. We hear that we want people from the community, not a bunch of eggheads on a body that runs the City University, people who have real life experience.

How much more experience do you need than helping young people who are in danger of being drop-outs? That's hands-on experience. That's dealing with the problems at their root level. That's the kind of experience we need at City University, to deal with the students who have these problems. Somebody who's taught at the junior high school level, somebody who's taught at the community college level, somebody who has a degree in counseling, a Master's degree, those are the things that I hear the other side of the aisle always talking about that we're not sensitive enough to the needs of people.

Now that we're sensitive to the needs of people, that we bring people in that

are -- have been involved in counseling, in dealing with students who have problems, they say not enough academic background. He's no Herman Badillo; he's no Stanley Fink. Well, we had Herman Badillo, and we've had Stanley Fink and we still have problems in City University. Maybe it's time we got someone who knows what young people in our society are thinking about. Maybe it's time we had somebody who's dealt with their problems, who knows what it means to deal with young people who have not been successful in the educational system and maybe that will start to turn around City University.

I am proud to second this nomination, not because of the race or color of the candidate, because of the experience, hands on experience that he brings to City University.

ACTING PRESIDENT WRIGHT: Senator Dollinger, on the nomination. Senator Leichter, we're maintaining a list. Thank you.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I listened in the Finance Committee as well and I've listened to my

colleagues. I won't elaborate at great length. Simply to say that I think what unfortunately this nominee failed to do is what I'm sure he lectured his junior high school students to do all 25 years that he taught them, and that is to do their home work.

It seems to me that a nominee who wanted to be on the board of the most prestigious city university in the world would have somehow asked the questions, the kind of inquiry, the spirit of inquiry that the education gives birth to, would have asked some questions about what he was getting into, would have asked how big is the budget of CUNY, how many students are there, how many campuses do they have, what is the tuition cost, the most controversial issue, I think in the last ten years in the CUNY and SUNY system, that is what's the tuition. All those questions would have been asked, he would have gotten answers and he would have walked into the Finance Committee and said, I know the answer to all those questions. I've studied, I'm ready for this exam. I'm ready to be a member of the CUNY board. I've got the knowledge and information;

I'm now going to demonstrate it just as I'm sure he did as a teacher and just as I'm sure he encouraged his students to do. He didn't do that. He didn't know the answers to those questions and, from my perspective, when you look at somebody's ability, you judge it by their past experience. What have they done in their past, what are their community activities? He was a progressive Republican. Wonderful thing; I wish there were more progressive Republicans like Mr. Cook, but that's the one thing he mentioned.

He did talk about vaguely having done some clean-up in his neighborhood. I give him credit for that, but if you look at the other resume's that are in the committee packet, the people that are applying for jobs that are far less prestigious than the City University you'll see they have endless activities, with the broad range of leadership potential demonstrating those community activiies.

Mr. Cook has none. The other area that you'd look is in his educational attainment. I have taught in junior high school. I agree with Senator Velella, that's a

qualifying circumstance for some jobs. However, I don't believe it alone qualifies you for a position on the City University of New York.

With all due respect to Mr. Candidate, someone on the second floor should have helped him get ready for this exam. I'm judging him on the basis of what I've seen in the Finance Committee, what I've heard on the floor in the Finance Committee and today and, quite frankly, as discouraging as it is for me to say to this candidate, I don't believe he made the grade, not for this Senator and under those circumstances, I'm voting no.

ACTING PRESIDENT WRIGHT: Senator Goodman, on the nomination.

SENATOR GOODMAN: Mr. President, I think in considering this nomination for CUNY we should keep a few fundamental facts about CUNY in mind. This is a deeply troubled institution being asked to shoulder a burden of enormous significance to our society with a student body which unfortunately in many respects has been ill prepared to do college work.

The result is that CUNY and

particularly in its community college segments, is having grave difficulties keeping its chin above water and attempting to do the things which should have been done for many youngsters in high school. As a result, we have to ask ourselves the questions, should all CUNY trustees be eminent business people, should they be scholars, should they be statisticians?

Senator, I'm not sure that, if I asked you to yield to a question you could answer the question that you expected your nominee to respond to, but I'll tell you I don't think there's a single member of the Higher Education Committee on either side of the aisle who has those facts at his fingertips. I'd be very much surprised and, therefore, I don't think that's a proper criterion.

Now, I would like to suggest, however, that there may be some fundamental awareness factors that we've overlooked in this discussion. The question is what is it that causes a kid to want to go to college when he's lagging three years behind the achievement levels needed in high school? Why are youngsters going on to higher education? What is it that's

motivating them? The answer is that many of our kids are looking for the keys to the ghetto gate; they want to find a window of opportunity, and they want to find a way out of the encapsulating prison which they find themselves in economically and sociologically, and that's the promise that CUNY must hold forth in the future.

Now, I suggest to you that having a trustee of the caliber of a Mr. Cook who has dealt with troubled kids and particularly with dropouts from high school gives him insights which could be very valuable. I'm not prepared to stand here and tell you that this man is going to be a valuable trustee because that's something you can never predict in advance. We can only try to extrapolate out of available data what he's likely to be able to do and, in my judgment, what he's likely to be able to do is to give kids some incentive to carry on with their higher education despite the enormous obstacles which they have to overcome in this system.

Remember CUNY is a troubled institution. I repeat that because this is not

a cushy job in which a trustee sits back and pontificates over a system that's working like a fine Swiss watch. Quite the contrary, the trustees in CUNY -- and I'm in touch with several of them regularly and only last week had a lengthy meeting with Ann Reynolds, the Chancellor of CUNY -- this is an institution that needs every bit of help and back-up the Legislature can give it, not just in terms of selecting good trustees but financially where the cuts to CUNY have been debilitating.

So keep this in mind and consider carefully the potential that someone has worked with dropouts can have in enriching the opportunities for youngsters in this institution to reach a brighter future.

ACTING PRESIDENT WRIGHT: Senator -- thank you, Senator.

Senator Maltese, on the nomination.

SENATOR MALTESE: I'd like to begin, Mr. President, by bemoaning the fact that apparently Senator Gold has left the chamber for a moment. I found very uncomfortable his attack on our president of CUNY, Ann Paolucci, Dr. Ann

Paolucci. Certainly his description of her as aloof, arrogant and snobby is -- is very inappropriate, and certainly not true.

I would rise to defend my colleague, Senator Gold, from the very same charges that have been leveled against him in his district and in Queens County.

We find that -- we find that Ann Paolucci is brought into this controversy and she very much is in this controversy because that's at the root of many of the remarks that have been made today. The mantle of leadership in CUNY is in the process of changing hands, and that seems to stick in the craw of many of the people in this chamber and throughout the education establishment. We see Ann Paolucci attacked despite the fact that she has brought to the CUNY board probably, undoubtedly, more education qualifications than anybody in the history of CUNY: A 48-page resume, as was indicated at the time of her confirmation in this house, a scholar in Dante, Pirandello, a playwright, an author, a teacher, an academic, an initiator, and Senator Gold finds fault with her. Probably too much education.

Does that prevent him from finding fault in this nominee, Kenneth Cook? No, we find this nominee does not have a sufficient amount of education or this nominee is lacking in other qualifications as far as his background, his awareness of the political and education system in Brooklyn and depending on the part -- the geography of where the speaker resides he is not aware of this area or that area.

I think the problem here is what I've indicated that the Governor is entitled to pick his own nominees to chart a direction for CUNY and, if we in this chamber and we in government have -- find fault with that, we can continue to find fault with that, but the Governor's entitled to have his own nominees who he is satisfied with the direction that they will take education in this state.

Now, we say, or some in this chamber say Kenneth Cook is not qualified. I'm looking at his resume just as everyone else is, and I find a man that despite deprivation, despite many of the problems that his race and background I'm sure caused him, managed to rise

above them, raise himself by the bootstraps, the typical American way, the Horatio Alger story of Brooklyn, a Korean War vet, four years in the United States Air Force. From grad... from getting out of the Air Force in '55 he obviously went on to secure his Bachelor's Degree and his Bachelor's degree not in some simple course and I don't want to cause problems for anybody else in any course, I'll simply say to get a B. S. in Biochemistry is not something that can be easily attained by anybody, and he got that in 1958. Then he went on to get his M.S. in Biochemistry at the Catholic University in Belgium and from there he went into education and not education in some ivory tower, not education in some Ivy League school. No, he went into the heart of Brooklyn, into the heart of the ghetto, and he taught problem youngsters. He knows from the ground up the problem that many of these youngsters are faced with on a daily basis.

26 years -- 26 years as a science teacher in a junior high school dealing with youngsters, and we can stand in this chamber and say he's unqualified to decide on the futures of our young people in college? Hogwash! He was a

student counselor at the borough of Manhattan Community College. He taught at Prospect Heights High School. And what did he teach for 11 years? A GED program, people that were trying to get out of poverty and out of menial jobs and attain a GED, who were unable to do it in high school, the very people that form the majority of the students at CUNY, the very people that many of us in this chamber claim to want to help and assist and now oppose this candidate who has a hands-on awareness of their problems, their motivation, their background and can identify with them on every respect.

I submit to my colleagues that if they don't like the direction that CUNY is going into, they can continue to criticize but in a constructive manner, not criticizing people by name and allegations as aloof or arrogant or unqualified. This man is eminently qualified for this post. I wholeheartedly endorse his candidacy and am proud to second his nomination.

ACTING PRESIDENT WRIGHT: Senator Leichter, on the nomination.

SENATOR LEICHTER: Thank you very

much, Mr. President.

Let me -- let me -- let me just start off by saying I don't know Mr. Cook, but I honor and respect the fact that he has been a teacher in our public educational system. My late wife was, and I know what dedication it takes to hold that job, and if I say anything negative about Mr. Cook, it's certainly not as an individual or out of respect for what he's done but solely in reference to the position that he's appointed to by the Governor.

Let me say, as I listen to this debate, particularly my good friends from the other side, it's Alice in Wonderland. It's wonderful. The strongest arguments that are put forward for him, Senator Rath says it's wonderful he has no preconception. The fact of the matter is, and I'm sorry to put it so bluntly, both in the Higher Education Committee and in the Finance, he was utterly clueless, clueless about this institution.

Senator Marchi says he made no commitments, made no commitments because, frankly, every question that he was asked basic questions that we should have had an answer to

about his policy, his vision, his views, he said, "I don't have the facts, I wasn't -- I wasn't on there." Questions as important as on Hostos College, do you agree with the decision that was made by the Board of Trustees to require the taking of an English exam before you graduate? "I don't know. I wasn't on the board."

I mean I think we're entitled to get some answers, and I must say my good friend, Senator Maltese, I think the more the decibels of your voice rose, the more I think you were struggling to find a justification. This man has a wonderful background. He's been a credit, absolutely to this society, he's contributed. But that doesn't make you qualified to be on the board of trustees.

Does he have a fine educational background? Absolutely. There are thousands, tens of thousands of people in the city of New York who have Master's degrees. There are 80,000 people who teach in our schools. There are -- I don't know how many thousands who have done counseling but that doesn't make you qualified for the Board of Trustees. I think

we're missing the real issue here. I think the only one that got up and said, I think some of the things that needed to be said was Senator Goodman when he said this is a very troubled institution, and it requires great leadership and I think what's important for a board of trustees is people who bring not only a breadth of background and public service and involvement but who have a distinction, not to say that Mr. Cook hasn't distinguished himself by his commitment to public education, but a public distinction.

Yes, I'm the one who said there ought to be somebody of the -- of the qualification or the background or of the nature of the achievement of a Herman Badillo, Stanley Fink. These are the people you put on the institution, on an institution, because they have that background in public policy. They can command attention. We need advocates for the system, people that will be listened to, that will be heard, that have the know-how, the connections that can fight for the students who desperately need help and resources.

One of the great, great

contributions that New York City made really to the whole country was by providing the education for people in the City and some outside the City through the City University. They went throughout the country and you find them now. They're CEOs, they're in politics. They're leaders in their communities in so many different ways, and it was a major path for people, many of whom came as immigrants to move on to the middle class, and that was what that institution provided.

Now, it still does some of those things, but I think we appreciate that it doesn't do it in the way that it did before. Many of the students, as we know, are not qualified when they enter the school, they're not qualified when they leave the school. This was unheard of.

Senator Stafford said that when he and I were in law school years and years ago you always knew who the smartest kids were because they came from City College or Hunter or Brooklyn, and so on. I don't know whether we're giving that sort of education so we really need to examine what the City University is about

now. We need to chart new directions for it and, frankly, I don't think Mr. Cook has that degree of experience, of leadership, of standing in the community that will allow him to do that.

I'm concerned that a nomination of this sort, to me, shows a callous in difference, callous indifference on the part of the Governor to the City University. Last year he appointed a nice young lawyer who's main qualification seemed to be that he was running for the Assembly. He bore a distinguished name, I think I was maybe the only one who opposed him, and I opposed on the same reason I'm opposing Mr. Cook, because that's not the leadership, that's not the standing that we need to bring for somebody to be a member of the board of trustees.

The City University Board of Trustees is not a patronage pot. It deserves people of the highest achievement, and I think the Governor has not treated it with the significance and the importance that it demands. So I disagree with Senator Maltese when he says the Governor's entitled to have his

person. The Governor is entitled to have his person if the person meets basic qualifications.

We have a function here, Senator Maltese, advice and consent of the Senate, and I cannot give my consent to a nomination that I think was made for very crass political purposes, was not made with the good of the system in mind. I don't think it honors the Governor who makes this nomination. It would not honor this body to confirm this nomination.

ACTING PRESIDENT WRIGHT: Senator Johnson, on the nomination.

SENATOR JOHNSON: Mr. President, certainly heard a lot of rhetoric here today about a man who volunteered to serve as a trustee of the City University. There's no question about his background. He's got several Master's degrees, he's been a teacher; it's all been said before. Led some of the most troubled kids in the most troubled schools, drop out prevention programs, helped people get their GEDs.

I think he most definitely understands the problems those students face in

the schools and that they face when they go to college. He has impressed me as a thoughtful and deliberate gentleman. Perhaps that's not the problem. He didn't have any snappy answers, any preconceived answers, to problems with which he admitted he was not familiar, not familiar enough to make a decision.

He's flagellated because he's not part of academia when there's academics and the allies they've had in the past on the City Board of Trustees who have brought us to the present condition in which the City University certainly is in trouble. Because he didn't have an answer, snappy answer, about whether or not students should be competent in English before they graduate from the City University, I think was the question, begs the answer. The question should not even be asked.

The fact that there's a university in New York City where people have graduated without competency in the English language proves that there's something definitely and drastically wrong with the administration of the City University system. I think he knows the schools. He knows about high

schools. He knows the students aren't getting out with competency. He thinks they have to stay in high school until they have some reasonable competency in their 3 Rs, I suppose before you send them on to college to take years of remedial language, remedial studies. He knows that.

I think the suggestion that no one can represent minorities or African Americans unless they are African-Americans is really reprehensible to me personally. It's a slur and a slander on every one of us that we're only here to represent our group, our race or our religion or whatever and that nobody could represent you well unless they're your race. I think that's certainly an un-American attitude and I know people hold it, but I think it's demeaning to all of the questions, to imply that they are to serve a provincial role that represent their part of the community but no one has a responsibility to represent the overall society or the good or the benefit of the entire student body of that University.

I think everyone there certainly is capable and should be capable of having a

broad overview, and representing the best interests of the students at the University, the City University and indeed the city and state itself.

So now I understand that now to some people he's the right race but they don't like his philosophy. Well, that's another point of view, I suppose, and I think it's about time that this society and this Senate stood up and got above racial and provincial considerations when they consider a trustee for this prestigious position.

This man should be approved. This is a man who we said has lived in the City, learned in the City, taught in the City, raised a family in the City, cared for and participated in the growth of his neighborhood in the city of New York, served his nation in time of war.

This is a very admirable person that we should all be very proud that he has volunteered to serve in this situation, in this position. He wants to give back to the City some things that the City has done for him and for his family. That's very nice of him to do that.

I think certainly, Mr. President and my colleagues here, this is a man who wants to serve. He desires to serve, he's got the background to serve. He should be given that opportunity, and I'd like to second the nomination of Mr. Cook.

ACTING PRESIDENT WRIGHT: Senator Seward, on the nomination.

SENATOR SEWARD: Yes, Mr. President. Many of my thoughts have been expressed by other -- other members already this afternoon, but Mr. President, I'd be remiss if I did not also stand to congratulate the Governor for this nomination as well as congratulating Kenneth Cook for stepping forward willing to serve as a member of the Board of Trustees of the CUNY system.

You know, we spend a great deal of time here in the Legislature and obviously the CUNY board spends a great deal of time and other similar boards throughout the state of New York, wrestling when it comes to higher education issues, with the budget, with policies, labor contracts, all of those administrative type functions.

Far too often, it seems to me that something's missing in those discussions and that is looking out for the best interests of the students. After all, that's what CUNY has been established to benefit, students, helping people get a higher education, helping people move out of -- in many cases low economic standing through education, raising their standards, providing hope and opportunity, people able to pursue careers caring for themselves and their families. That's what it's all about.

That's really where the focus ought to be, and that's where I believe Kenneth Cook will add a great deal to the CUNY board, bringing to that board the unique perspective of the students because of his background of working with young people, helping young people rise up, giving young people hope, giving them opportunities, by giving them a better life. That's his whole life. That's been his career, and as he moves forward to become a member of the CUNY Board of Trustees, I believe that he will very well continue that -- that life work in this new capacity. Keep the focus on the

students throughout the discussions. Help students to help themselves. That's the Kenneth Cook legacy, and I believe he will perform that function very, very well for the CUNY system.

I rise to support his nomination. I look forward to his service on the CUNY board. I know that countless young people and others will benefit greatly because of his service as countless others have benefited from all of his service over the years.

ACTING PRESIDENT WRIGHT: Senator Paterson, on the nomination.

SENATOR PATERSON: Thank you, Mr. President.

I have never met Mr. Cook. I don't think that I'm really in a position to say that he is or is not qualified. Upon reflection, I think there were some very sensitive remarks made earlier by Senator Gold about the relationship between a nominee and their community. I don't think that that relationship must be that way for every appointment. I do not think that anyone regardless of their age or their religion or

their race or their national origin should be the by-product of consultation with any community before they are nominated. I would not want to put any individual through a double screening because of some characteristic that is symbolic.

But there are some issues that have really not been raised in this discussion and when Senator Rath was saying that the -- not all the questions were answered by the nominee and it wasn't necessarily what wasn't said but what would come later, made me think of Keats, and those melodies unheard. Heard melodies are sweet, but those unheard are sweeter.

So if that's going to be our direction today, we should discuss the fact that on March 31st of this year, Senator Seabrook along with Senator Waldon, Senator Montgomery, with the great consultation and assistance from Senator Seymour Lachman, with representation from all communities, held a press conference in New York City where they addressed the fact that there were no African-Americans, men or women, on the SUNY board, and in view of the fact that the Governor's term was now coming up on two and

a half years, there had never even been a suggestion from the African-American community.

What's unheard is that there's been a pretty significant discussion which very few people in this chamber could say that they had not been aware of about placing individuals who would have the requisite training and talent on the CUNY board who were indigenous to the African-American community.

And so when these nominations come out, two nominations, interestingly enough, it strikes me as being rather simultaneous and rather coincidental, but there seem to be a lot of coincidences that occur around here that are responses to what might be more of a social pressure rather than merit or qualifications and so that in -- in the haste to make sure that the expedient political problem was resolved, nominations were made.

Now, how much more foresighted would it have been if the nominees in this particular case, in these cases, had, because of the social pressure that had been established, made an attempt to reach out to some of the Minority legislators or really anybody who

speaks to many of those issues?

Now, the other nominee, Mr. Curtis, apparently did have some contact to that end, but the current nominee that we're speaking on unless I'm corrected did not make any of those attempts at liaison either with members of the Senate or members of the Assembly or anyone else who was arguing and lobbying, no matter what color they were, that there be equal inclusion of talented people on the CUNY board. So that's what sets this nomination apart, and I agree with Senator Leichter, no matter how verbose or passionate the arguments have been from the other side, they strike me as being defensive and in many ways not responsive to the actual issue.

The actual issue is that this is something that this had been fought for by individuals who went very far to try to make sure that the Governor would see that there are qualified people of African decent who can serve on the CUNY board and the response now that there shouldn't be any discussion of race, well, that's very interesting. We could have not discussed race on January 1st when the Governor

took office in 1995 and could have appointed qualified people at that time, but did not.

Now, as far as the questions and answers in the Finance Committee went, I wasn't in the Finance Committee, I didn't hear them. Upon information and belief and listening to Senator Gold and Senator Leichter and Senator Waldon, I get the impression that there weren't particularly good answers to the questions. I got the same impression when I listened to the remarks made by members of the Majority. There seemed to be almost an interest in demeaning the whole process just to get this nomination through. There seemed to be a complete dismantling of the qualifications that would make a person a worthy nominee.

It doesn't matter whether or not we get answers to questions, so why do we ask them? If it doesn't matter what performance someone gives in a committee, then why do we hold committee meetings? Certainly there have been nominees who came before who may not have been as good in the procedure of questioning as they inevitably serve on the board, but there's got to be some criteria for putting people on

the board.

Now, I get the impression that a lot of people in this chamber will say that they are opposed to affirmative action. They see it as almost an assault on our quota and qualification system in this country, but what happens when there are no valid or particularly qualifying reasons which you can cite for putting a person before a committee to nominate them for the CUNY board other than the fact that they work, as we all had worked for a number of years. To me, that's affirmative action.

So here we have an individual who represents approximately what will be three to five percent of the public opinion in a community benefiting from a process not because this individual's qualified but because there is a symbolism involved or a need to fill the position with an African-American.

That's what I had always heard was affirmative action, but suddenly in this situation there is something that is different, there is something that is a new reason why there should be consideration. I only wish that some of the people that got up to speak today

would be as sensitive and would be as thorough and would be as interested in what goes on in the inner cities because the same kids who come through the colleges, who go back and work in GED programs, who go back and work in these same areas that Mr. Cook did, will be denied if they came before committees in this Legislature to try to be appointed to boards or try to serve the entire state because it would be said that they didn't have qualifications and then you'd start hearing about a lot of academic credentials and why they're so important.

I'm not saying that this person is unqualified. He may be very qualified, but what I'm pointing out today as what's unqualified is the standard by which we consider nominees, and we didn't use a standard in this case, and we're not using a standard for the many African-Americans, both men and women, who come before this committee and what we did today is to make sure that there will be no press around after this nomination to pronounce any harmonious celebration and what a great thing it is to now have African-Americans on the CUNY board.

In commenting about the late Mr. Inniss, Senator Waldon, who knew him well, talked about his qualifications. He had credentials even when he came before the board, but when we're talking about filling a position, we wish to keep alive the dreams of those African-Americans and whites and Asians and Latinos who throughout this century have tried to build a national movement that would be directed in the area of achieving economic, political and social justice.

There is no social justice that is achieved by the movement of this nomination because there is no criteria that shows that this individual would be any -- would be considered along with other individuals of equal qualifications other than the fact that there was a need to fill a place. There was a political need to find someone to answer this question, to answer this appeal that was made at a press conference by some Senators earlier this year, and so that is why I strongly recommend, my colleagues, that this nomination be defeated, not necessarily because we even know, one way or the other, about the qualifications, but because

of the process that brought the individual before us today, and it's unfortunate that if this gentleman is qualified and since he is probably going to be approved, I wish him well.

We need him to be very effective on that board. The CUNY needs him to succeed. I'm going to vote against him, but I will work with him because I would like to feel that I'm wrong, but the process too often has demonstrated that I'm right, that there wasn't any consideration for many people who had requisite qualifications and it only became interesting and it only became available when a political need arose to consider it.

ACTING PRESIDENT WRIGHT: Senator Montgomery, on the nomination.

SENATOR MONTGOMERY: Thank you, Mr. President. I rise to join some of my colleagues who have raised issues regarding this nomination.

I find this a very difficult moment because we are, on the one hand, those of us who are of color in this chamber have made a specific point and particularly myself, to ask what the Governor was doing about the fact that

there were no African-Americans coming before us in his appointments to various state commissions and boards. So to rise in opposition to this nomination is very, very difficult, and I feel I must explain why.

I have a particular interest in higher education because, one, I have a number of institutions in my district, including New York City Tech, Long Island University, St. Joseph's College, Pratt Institute, Brooklyn Polytech, and I have a very close relationship with -- working relationship with Medgar Evers College; and two, I view the question of higher education and access to it as the number one way that we can change and uplift the lives of people who are citizens in our state, especially young people. And so this appointment is not just an appointment to a commission or a board that does not have any particular significance to every single citizen that I represent in New York. This board is the answer, represents to me the possibility for people for whom, without this institution there is no future, and so this is a major -- a major appointment.

So while I thank the Governor for

attempting to look at this and make an appoint ment based on diversity and representation as it should be, there should be more African Americans and Latinos on that board given the make-up of CUNY, but nonetheless, this is an attempt to do that.

But, on the other hand, what the Governor has done is really used the issue or the notion of affirmative action against our interests, against us, against what African Americans need in terms of representation on that board.

Here is a person who has not does not have a relationship with any of the institutions of higher education that I have mentioned, despite the fact that we have two institutions that are leading higher education al institutions in the area of sciences and engineering and other related careers. There is no connection with those, Brooklyn Polytech and Pratt Institute.

Here is a gentleman who lives within walking distance of Medgar Evers College and he does not have a relationship with one of the premier African-American educators in this

nation who happens to run Medgar Evers College, Dr. Edison O. Jackson, does not have a relationship with the students in that building, and Medgar Evers is, in fact, through the work of Dr. Jackson, has become part of the community in a very significant and meaningful way. Dr. Jackson has taken the initiative to reach out to the community and bring us in to work with him, and he has also brought in other institutions to link up with Medgar Evers, i.e., State University Downstate Medical School, and I can go on and on.

There is not this kind of relationship, there is no knowledge base, there is no understanding, there is no involvement by Mr. Cook with any of this that has been going on, not in Manhattan, not in Queens but in Brooklyn in his own neighborhood.

Mr. Cook talks about the fact that he is a -- quote/end quote -- progressive Republican and that he has done voter registration. I certainly appreciate that. He has been a teacher in a school for 26 years. I certainly appreciate that, but what I'm looking for is vision, and without vision the people

perish and won't be in a position to support someone who does not have the vision, who has not demonstrated the interest and commitment and involvement in a community to the point where there is at least some understanding of the needs of those people for whom he is going to be speaking for their future, for what we are going to invest in young people though they are poor, though they speak another language, though they have not had adequate preparation at the other level. He was there to represent those in particular, and I am not convinced that he understands or has any connections with his own community, with our community, that will give him the knowledge base and the understanding and the sensitivity to reflect that in whatever he is going to say as a member of that board.

So I am very, very pained with the fact that I'm going to oppose this nomination, Mr. President.

Thank you.

ACTING PRESIDENT WRIGHT: Senator Leibell, on the nomination.

SENATOR LEIBELL: Thank you, Mr. President.

I rise after having listened for some period of time now to this discussion and dialogue. I'm certain that over the course of years, the Senate Minority has had many fine hours. This certainly has not been one of them.

I do not know Mr. Cook, but I think he has clearly been held to a different standard. I rise because even though I now live in Putnam County, New York, my family has had deep roots in New York City and, in fact, my family's way, like I'm sure is true of many of you, my family's way out of poverty and out of our ghetto was through the City University system.

I owe a great deal to that City University system. I owe a great deal to those who preceded me in my family. I take this university system quite seriously because it offers the hope and the possibilities for this generation and future generations that was offered to my family, and certainly to serve on a board as a trustee of that institution, challenged as it is, is a most important position.

I've had a chance to review Mr. Cook's qualifications, and over the course of years, I'm certain this Senate body has seen many other resume's that have come through similar to this, but without this sort of vindictive debate.

We are asking someone to serve on the board of an educational institution, certainly one that in past history has been one of the great universities of our nation and will again be. He brings to this position a career of teaching in a classroom. He brings to this position great academic achievement, and he also brings, as Senator Maltese noted, a personal history. For those of you who have served in the military and for those of you who have not, you should understand the period of time in which this man served, there was a great deal of racial discrimination in the military, and he served and clearly served honorably and he rose above that.

He comes today and presents himself for this position and offers to continue to serve. I think we should applaud him. I think we should say to him, you reflect not just

the needs of the African-American community, but you reflect the needs of all New Yorkers.

He will serve on that board honorably. He will serve on that board well, and he will serve on that board reflecting all of us, regardless of the color of our skin.

Mr. President, I'm very pleased to rise to second this nomination.

Thank you.

ACTING PRESIDENT WRIGHT: Senator Stavisky, on the nomination.

SENATOR STAVISKY: Mr. President, I would have been very pleased to have been consulted. I would have been very pleased to have met with this nominee, as would my colleagues on this side of the aisle, none of whom met Mr. Cook prior to his appearance before the Higher Education Committee. I don't know how many of the people who spoke on that side of the aisle had an opportunity to meet with him in advance.

Is it solely on the basis of a sheet of paper presented to us at the last minute without any opportunity to know and to question the individual, that we should just

rubber stamp what the Governor wants? If the Governor wants our cooperation, let the Governor send us an outstanding candidate who meets the qualifications, who knows a little bit. We're not asking him to be an expert on all aspects of the City University, but to know a little bit about some of the problems.

I rise on the question, not of race, but opportunity which for this generation includes many minority Latinos, African Americans, Asians and others, and I think that the opportunity of anyone to rise in the career ladder is predicated on the ability to afford to go to college. Families struggle to send their children to college, and so on that issue alone, the issue of opportunity and upward mobility, not on the basis of race, I asked Mr. Cook, what is your view on the increase in tuition at the City University of New York and the State University, and what would you do, not on the basis of information that is needed, what would you do if there's a request to increase the tuition still more? He didn't know, and I think it's very telling he did not know what he would do if there was a request made to increase the

tuition.

I maintain that that is the most serious deficiency that we could encounter because it means that no one will have the opportunity unless they have the dollars, to afford college, and so, on that basis alone, we should seriously consider and review the qualifications.

Mr. Cook is a nice man. Mr. Cook has served for many years at a junior high school. He has not risen since 1946 to any supervisory position. Doesn't that tell us something about the leadershhip qualities and the ability of an individual where he could remain for 25 years and not rise to any supervisory position?

This doesn't mean that supervision is necessary, but -- and it doesn't mean that he was anticipating an opportunity to serve on the trustees, but it's an opportunity to evaluate the qualification. If I were to draw forth candidates, a list of candidates, I would seek someone who has an outstanding record in the field. He is not a lawyer, thank God. We've got enough lawyers serving government, and

I apologize to our counsels here and our members. We've got more than enough lawyers, and I am happy that this is not a lawyer, but even in the legal profession there are some who excel and others who just get along and make money. Mr. Cook has not made money from the teaching, but he has also not risen in the ranks.

So what do we ask? We ask a question, not based on fantastic knowledge, but what would you do if there is a request to increase the tuition for the City University of New York? What would you do? He didn't know. He didn't know what side of the question he should be on because he hadn't been told by his sponsor, the Governor of New York, or anyone else who will claim paternity on this issue.

I think that that is a mistake. At least he should have an understanding of the upward mobility process. When I attended City College there was free tuition. I wish there was still free tuition now. When I taught at City College, I taught when there was no tuition requirement and when City College and other institutions had a marvelous reputation, which

they still do, through the efforts of the faculty and the students and the administration. I would not -- I would not be expecting a financial analysis of the -- of the economic situation at City College or the City University from the candidates, but I expected at least a sense of where are we going, and he had no sense of where he will go except to say that he will study it, he will look into it.

I said, what would you do if confronted with a request to increase the tuition? He had no answer, and that's the most telling situation. He had no answer even on the philosophical issue of access to higher education and access to this opportunity for upward mobility.

Nice man! I know many nice men and nice women, who are not necessarily going to become trustees of the City University of New York and, as an alumnus of the City University, and there are others in both houses of the Legislature who are graduates of the City Colleges, we have a right to know that there is someone there who has at least an understanding and has a philosophy and has an ability to seek

-- to seek the opportunity to get an education.

I look at his other qualifications. Fine. But not for this position. Not for this position. For some Educator of the Year maybe. That would have to be determined by his colleagues at Junior High School 232. But that has been the epitome of his experience. Nothing even in that indicates that he was an outstanding teacher or an outstanding educator or that he had a breadth and a vision beyond being a classroom teacher.

So I'm saying on the issue of the affordability and the access to higher education, when someone coming before the Higher Education Committee does not know what he would say or do on that issue, then I say I have no sympathy with his qualification and his candidacy.

I ask you to exercise some degree of intelligence as you vote for a nominee, not because the Governor has sent the name in but because you are truly convinced that this is the best that could be offered to us and I am not sure that anyone in this chamber could say that

this is the best that could be offered to us.

For these reasons and a number of others which I will not go into now because they've already been stated, I intend to vote against this nominee. We wish him well, hope that he finds a way of serving but not on the trustees of the City University of New York board.

ACTING PRESIDENT WRIGHT: Senator Cook, on the nomination.

SENATOR COOK: Mr. President, thank you.

Just to dispel any concept there might be a conflict of interest here, I would indicate that while, I'd be very honored to be related to Mr. Cook, I'm not. At least I don't believe I am, the most obvious reason being that to the best of my knowledge, I have no ancestors who came from Brooklyn.

But nevertheless I think there's an issue here that really hasn't been discussed and that is we are entering not just a new century but we're entering a time when the whole concept of education is changing. The concept of lifetime education is going to cause our

educational institutions, whether they be primary, secondary or higher education, during the coming few years to change the way in which we look at the educational system per se and we are going to be talking about moving towards seamless education, education where there will not be those sharp demarcations between high school and college, but in fact where students will move from one level into another level and they will do it at different speeds, under different types of programs, and what this is going to require is flexibility, leadershhip which has a flexibility to look at possibilities, not people who are ingrained in all of what has been or have been ingrained in the administration of colleges as they have been or high schools as they have been, but people who have a vision of what can be and that vision of what can be is wrapped up in the students.

So what we need more than anything else in our colleges and in our high schools as well, are people who can look at students and say, How is the best way in which we can devise a system so that people can move forward at their own rate of ability, their own

rate of need, and can get the kind of educational opportunities that they need, and it may be that they will get that high school education in two years, and merge into a community college two years after that and on toward a four-year college after that. It may be that it will take them six years in high school and -- before they move into the junior high level, but it will be different from what we have today and so what I am saying is that I think that this candidate, because of his experience in dealing with students, in dealing with students of different ages, different abilities and in different situations in their pre... their primary, secondary school experience is uniquely qualified to understand how students would function in that kind of a system and, for that reason, I'm enthusiastic that he's going onto the board. I just think that we really ought to seek more people going onto our college trustees and our high school boards who have that kind of background and that kind of knowledge, not simply people who are academically qualified because of past experience but who have a vision as to where we

ought to be going in the future.

ACTING PRESIDENT WRIGHT: Senator Seabrook, on the nomination.

SENATOR SEABROOK: Yes, Mr. President, on the nomination.

While I don't know Mr. Cook but I just think that there are a few things that I'd like to say in reference to this nomination. A couple of months ago, when the individual who was on the board was being replaced, Mr. Inniss who had passed away, a person who had served with a lot of distinction on the board, and the Governor of this state and the Mayor of the city of New York, in their term, had never appointed an African-American to the board and there was a tremendous amount of opportunities to do that in the couple of years that the mayor had and the few years that the governor had, but they never appointed an African-American to the board, and so myself and a number of colleagues felt that this board should have had representation by a number of African-Americans who make up basically the population and held positions in the City University system, and so we had had press conferences and said, isn't there a need

to have an African-American on the board.

There had been committees that had been set up by the Governor, the Mayor, I would assume in terms of putting appointees to the board, and it had never happened and so finally there was a number of news stories and articles, and so today we find ourselves with two African-Americans that's going to be placed on the board, and I wonder, had we been silent, saying there had not been any African-Americans on the board, now you have two African-Americans today and the attitudes of people on the opposite side seem to be rather strange.

I've often felt that, as my father would say, you should never judge a person on how they look but how they behave, and what I think we're saying is we haven't really seen how this gentleman has behaved, and that behavior has something to do within our community and the community in which he lived, and listening to Senator Montgomery talked about Medgar Evers College and the particular involvement there and the opportunity to see his information that was really provided and no real involvement with the community and the community

in which he lived, and I've had the opportunity to see all the other candidates that have been nominated by the Governor and nominated by the Mayor in which -- in my short tenure here, and they all had some involvement and some connection with the community which they were selected from. They had some relationship and some connection with the individuals that would probably be a part of this legislative body, but here today we're actually placing someone on the board that has no relationship with anyone here, it would seem to me, because everyone says, well, he seems to be a nice man but I really don't know him, but I think he should be given a chance, but it seems that no one knows this individual who is going to be making decisions over a number of individuals, setting the policy and we're talking about a sense of a new direction of what the City University is to be about.

I think that there is a sense of disappointment in this appointee, but there could not be a sense of disappointment if there was no great love and the love for the City University system. A number of us are products

of the City University system. We've gone through it, and had it not been the opportunity to have access to the City University system, maybe we would never have gone to college, and what Leonard talked about, the opportunity of even having it free and we certainly benefited from that, but to sit here today and to just talk about the sense of diversity, this sense of the appointees -- now, the governor does have a right to make his appointee because I will never challenge his right to be wrong, so when this appointee with his lack of having a sense of connection within the community, that particular involvement, I have seen a sense of candidates who are of a different hue and ethnicity and at least they're members of the NAACP. At least they're members of some local organization within their community, some sense of involvement, but when we look at this appointee, and what he presented to us, I guess he was just a man with a job. Went to work and went home, but I think it's far greater than that when we're talking about a university that we believe should continue, that we believe should be moving in an innovative and creative direction.

I don't see the creativity of this individual. I don't see the innovations of this individual. I don't see the community response to this individual.

Here's a person that's going to make decisions on the basis of dealing with community colleges and that particular involvement with no relationship in the community in which he serves, no community boards, no involvement, so I think that the Governor had a tremendous opportunity and even if he wanted to give people of different political persuasions and understanding, there are a tremendous amount of individuals who are just as competent, just as capable, and we talked to and said they would have loved to have served. Reverend Calvin Butts, Reverend Johnny Youngblood, Richard Parsons, number of people eminently qualified who would have loved to serve on the board. Even the district attorney of the Bronx said, if the Governor appointed him he'd love to serve, so there's a tremendous amount of people who had a lot of wealth in terms of education, commitment and concern, was willing to do that and based upon Charlie

Inniss' background that here's an individual that gave so much to the community and while Charlie was a representative of Brooklyn, but we all knew him and his involvement in the Bronx and other places because he was committed to serving the young people of the City University system, because he believed in the City University system, he believed in access, he believed that the City University system was for those who were not financially able but wanted access for higher education and opportunity. He believed in that and he worked diligently at Con Edison or Brooklyn Union, but he gave back to the community, and that's what this is about.

So we're not judging him on how he looks, we're judging him on how he behaves. Now, he will probably be nominated here today but this will probably be a challenge for him. This will probably be a challenge, and I think the message needs to be sent clear to prove you was wrong here today because it's sad that there ain't that many black people in the world that I don't know them, and I don't even know this guy and I grew -- grew up in Brooklyn, little bit of it, but he has to prove to us, this body, that

the commitment and the will that we will be able to say that, yes, we were wrong in our judgment and he was right in his activity and action because that's not what we're seeing here today, activity and action.

There was a couple of people voted against a guy who was nominated to the board here a couple of months ago maybe, they said he just did it because it was on his daddy's name and he didn't know nothin' about the State University, and I voted for him on the basis of feeling that here was a young man that he was a part of some community at least, I do know that. We weren't of the same party but I do know he was involved in community activity, so that's what this should be about and that's what we're saying.

Now, it could be well, what are you complaining about? We gave you a black. That's just not the case, because the issue should be that I gave you someone that's competent and, oh, by the way, he happens to be black. That's the issue, that's the issue.

So I will say that I would hope that the challenge is upon Mr. Cook that he

would begin to look and see that we are disappointed and there could be no great disappointment without great love and that we truly understand that the mission of the City University is about access and it's about allowing individuals who would not have the opportunity to go in to the mainstream and the middle class of this state.

So I would hope that Mr. Cook would take under consideration what we're talking about because he will be there 'til the year 2004 and he will go into a new millennium and it is our hope that he can come back and talk about something creative, something innovative, talk about where could the City University go and not say, Well, I'll look and study it.

We've been studied enough, and the time for action is now, and I would hope that Mr. Cook would understand our displeasure. He would understand our concern and that he will prove us wrong, and I think that all of us will be capable enough to stand up and say, you know, we didn't know Mr. Cook, we didn't pretend to know Mr. Cook, and we didn't just give Mr. Cook

carte blanche, but Mr. Cook came back and he excelled. He did us proud and did us well because we did a mistake like that once before just to have one -- his name is Clarence Thomas, and I would hope that we don't even think about steppin' in that direction, but with the sense of a commitment and understanding that the challenge of those with which he serves, that he have a mission and this is not just an appointment, this is a mission, and if he doesn't understand this mission then I think he should get out of the ship and allow someone else who understands the mission, role and responsibility and move ahead.

So I would hope that we take under consideration this challenge for Mr. Cook.

ACTING PRESIDENT WRIGHT: Senator Marcellino, on the nomination.

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

I've been sitting here. I came into the chamber and the discussion was ongoing and I hadn't originally intended to speak, but I've been hearing some things that kind of

disturbed me a little bit.

I've heard a man criticized because he was "only a teacher." For goodness sake, only a teacher. That's a crime now, O.K.?

Well, I'm only a teacher. He was only a teacher. He didn't aspire to be a principal. He didn't aspire to be the superintendent of the school district. He was only a teacher. That's a criminal act, I guess. He only wants to teach his students, give them the best he can give them, do the best for them he possibly can and that somehow disqualifies him from serving on the board of CUNY, whose whole function is to teach young people and to give them a quality education.

I guess we would take a man whose name escapes me, but the Mexican-American from California who took the young people out there, minority youngsters, and taught them advanced place mathematics and give them the chance to achieve and prove to the world that minority students could achieve and could do it if they had good educators and people who cared.

Mr. Cook is a person who cares. He teaches for a living. To me, that doesn't

disqualify him for anything. Apparently it does. He didn't belong to the right clubs, didn't know the right people. He didn't associate with the right organizations. That's another criminal act. All he did was go to work every day, pay his taxes, be a good citizen, that doesn't represent your community well. He's not an activist.

For heaven's sakes. It's ridiculous. It's absolutely ridiculous that we say that good people, honest people, caring people cannot serve. We have to have academia. We have to have people from ivory towers. We have to have people who are never in the classroom in CUNY. That's why we have people coming out of CUNY today who can't read and write, who can't pass an English test, only he didn't have enough warning we're told.

They weren't told that we knew they had to read and write and speak English when they graduate from City University. What the heck have we gotten to? I don't understand this any more. What is the standard that we need now? We expect people with super genius qualifications. If that was a qualification,

myself included, very few of us would be here.

Stafford would be here. Senator Stafford definitely would be; the rest of us would probably have a hard time makin' it. Senator Marchi would be as well. Take that back.

Ladies and gentlemen, I've heard things here that really, I don't understand. I just don't understand them. This man is going to be -- was willing to serve, is willing to give back to his community. It's not an easy job. He's said he wants to give some time to it. He will give some time to it. Everybody I hear says he's a good person. Nobody's said he's dishonest. Nobody's said he's a crook. Nobody's said he's immoral.

What more do you want? Good, honest, caring people, a good, honest, caring person should have a right to serve if nominated and if they desire to. God bless him. Mr. Cook, we wish you well. Serve well, represent us all well, and we'll all be proud of you.

ACTING PRESIDENT WRIGHT: The question is on the confirmation of Kenneth E. Cook as a member of the CUNY Board of Trustees.

All in favor signify

SENATOR OPPENHEIMER: We request a slow roll call, please.

ACTING PRESIDENT WRIGHT: Senator Oppenheimer requests a slow roll. Are there five members standing? I count three, four, five. Ring the bells, and we will have a slow and accurate roll call.

THE SECRETARY: Senator Abate.

SENATOR ABATE: No.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: No.

SENATOR SMITH: How did Senator Breslin vote?

SENATOR BRESLIN: No.

SENATOR SMITH: Couldn't hear.

THE SECRETARY: Senator Bruno.

(Affirmative indication.)

THE SECRETARY: Senator Connor.

(Negative indication).

THE SECRETARY: No.

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: No.

THE SECRETARY: Senator Gold.

SENATOR GOLD: Noooo.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: No.

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Hannon.

(There was no response.)

Senator Hoffmann.

(There was no response.)

Senator Holland.

(There was no response.)

Senator Johnson.

(There was no response.)

Senator Kruger.
SENATOR KRUGER: No.
THE SECRETARY: Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Lachman.
SENATOR LACHMAN: No.
THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: (Affirmative indication.)
THE SECRETARY: Yes.
Senator LaValle.
SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: No.
THE SECRETARY: Senator Levy excused.
Senator Libous.
(There was no response.)
Senator Maltese.
SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: Explain my vote.

ACTING PRESIDENT WRIGHT: Senator Markowitz, to explain his vote.

SENATOR MARKOWITZ: Thank you very much.

As luck would have it, the nominee lives in my Senatorial District. I have rarely, if ever, voted against a nominee of the Governor's that I have been in service with or during my career here in the Senate, and the arguments presented by my colleagues are -- are very persuasive.

Senator LaValle, I knew Charlie Inniss very, very well. Your remarks were on target. However, Charlie Inniss had a tremendously long history of service to the residents of New York City, especially in

communities of color, and while his knowledge about issues concerning the City University certainly could not be as much as full-time professionals that were at CUNY at that time, nonetheless we all knew that Charlie Inniss of blessed memory absolutely reflected and was responsible for the needs of all the City community and the aspirations of students, particularly those of African-American and Caribbean-American, he understood that and reflected and acted on that.

There's no doubt that Mr. Cook will be confirmed, and so I hope that the arguments that he heard today will be taken to heart as he serves, and it is my hope that he proves all of us wrong that have voted against his confirmation today and that he becomes a fighter because God knows we need a fighter in the City University so that the hope of obtaining higher education for all in our society is a goal that can be reached and that every effort must be made to make sure that every one of our kids has that chance to fulfill their dreams.

I will vote no on this nomination

with the hope that in a very short period of time, I will say to Mr. Cook, My dear constituent, God bless you, you did a great job.

ACTING PRESIDENT WRIGHT: Continue the roll.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Yes.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Yes.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: Yes.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: No.

THE SECRETARY: Senator Nozzolio.

(There was no response.)

Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Explain my

vote.

ACTING PRESIDENT WRIGHT: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: I've been sitting on Finance for many years now and we've had an awful lot of people come before us and for the most part whether they had extraordinary resume's or simple resume's they did come with curiosity about the positions they were going to be appointed to and had done a little bit of research as most all of us would if we're going to be interviewed for a position. We'd try and learn a little bit about it, at least a little bit.

In this case, I found it rather surprising that very simple questions could not be answered by this candidate. It makes you wonder a bit why he did not prepare even a few minutes for -- for this interview, and causes you to question what kind of commitment and involvement and study would be done by this person once on the -- in the job.

I, like some of my colleagues, feel that there is a big opportunity for him to expand and to serve the community which we hope

he will serve due to his ethnicity. However, it hasn't been demonstrated so far. I hope that that this will not be the way we feel a year from now, but at this time I would have to vote against this appointment.

No.

ACTING PRESIDENT WRIGHT: Senator Oppenheimer in the negative.

Continue the roll.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT WRIGHT: Senator Padavan is recorded in the affirmative.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: No.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Yes.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Rosado.

SENATOR ROSADO: No.

THE SECRETARY: Senator Saland excused.

Senator Sampson.

SENATOR SAMPSON: No.
THE SECRETARY: Senator Santiago.
SENATOR SANTIAGO: No.
THE SECRETARY: Senator Seabrook.
SENATOR SEABROOK: No.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: Yes.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: No.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky.
(There was no response.)
Senator Trunzo.

SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Aye.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: Yes.
THE SECRETARY: Senator Volker.
SENATOR VOLKER: Yes.
THE SECRETARY: Senator Waldon.
SENATOR WALDON: (Negative indication.)
THE SECRETARY: No.
Senator Wright.
SENATOR WRIGHT: Aye.
ACTING PRESIDENT WRIGHT: Call the absentees.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Yes.
THE SECRETARY: Senator Hoffmann.
(There was no response.)
Senator Holland.
SENATOR HOLLAND: Yes.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Nozzolio.
(There was no response.)
Senator Stavisky.
SENATOR GOLD: Mr. President.
ACTING PRESIDENT WRIGHT: Senator Stavisky is recorded in the negative.
Senator Paterson, why do you rise?
SENATOR PATERSON: Mr. President, I was wondering about the outcome of the vote.
ACTING PRESIDENT WRIGHT: We're working on the results, Senator Paterson.
SENATOR PATERSON: We haven't finished the roll call, Mr. President?
ACTING PRESIDENT WRIGHT: Complete the roll.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Aye.
ACTING PRESIDENT WRIGHT: Results.
THE SECRETARY: Ayes 34, nays 24.

ACTING PRESIDENT WRIGHT: Kenneth E. Cook is hereby confirmed as a member of the CUNY Board of Trustees.

The Secretary will read.

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

Member of the Board of Trustees of the City University of New York, Alfred B. Curtis, Jr., of Staten Island.

ACTING PRESIDENT WRIGHT: Senator Stafford.

SENATOR STAFFORD: Mr. President, it's a pleasure to yield as I mentioned earlier, to the Senator who has been a staunch advocate and protagonist for the City University who will move the confirmation of an excellent candidate, Alfred B. Curtis, Jr., Senator Marchi.

ACTING PRESIDENT WRIGHT: Senator Marchi.

SENATOR MARCHI: Mr. President, it's with evident pride that I -- and I have to admit to a tinge of parochialism, notwithstanding I will try to be as objective and as faithful to the record as I possibly can

because the record speaks so eloquently for the approbation and nomination of this candidate.

He was named by the Mayor of the city of New York, one of his nominees, but I believe that in my community irrespective of where the nomination came from, that there is widespread approval and understanding of why we have this candidate before us now for consideration. He graduated from the City University, actually from Richmond College. He and his wife Aurelia who teaches mathematics and computer science, and their children are part of the warp and woof of the community of Staten Island, and there is widespread admiration that knows no boundary from the northern tip right down to Tottenville and across the broad areas of Staten Island, on the identity of this individual, and the qualities that he brings to the nomination.

He was -- before he entered public service, he was assistant vice-president and operations manager at Chemical Bank and then he was followed by his appointment to public service as assistant vice-president and operations manager in -- as the Commissioner of

the New York Department of Youth Services, by the Mayor in 1994, and also served as executive director of inter-agency coordinating council of the youth of the city of New York.

Then he was named president and CEO of the United Nations Development Corporation, a $280 million city-state non-profit corporation established by the state Legislature to provide facilities for the United Nations community.

This is a man of broad experience, a man who was elected to an honorable long-standing committee, agency on Staten Island, the NAACP, and within the tenure of his term of office he tripled -- and lest you believe that there are only a few people, there was a large number by the time that Mr. Curtis had brought in so many new appointees tripling the membership and earning national honors in the NAACP for the innovative initiatives undertaken by the Staten Island Chapter.

Staten Island is very proud to have him as one of our own, with all of the excellent qualities that he brings and I must

compliment certainly the entire membership here for uniformly avoiding vituperative remarks in their comments, but I do feel that a study and an accurate examination of that record will elicit from each and every one of you a positive response.

He's that kind of a candidate. We in Staten Island are very, very proud of the fact that this name is before you, but it's a presence that will enure to the benefit of the City University given all of the circumstances, given all of the remarks that have been made and expressed in desiring the fulfillment of many points of view.

So that I couldn't think of a more felicitous moment for me to make this presentation. Both Senator Seabrook and Senator Cook mentioned the next millenium. That's what we're thinking about. That's what this candidate represents: Solid preparation, family wise, personally, by his accomplishments and by the very superior qualities that he brings to the City University Board of Trustees.

I don't know how much I can belabor the obvious except to guarantee to you

that people from Staten Island, regardless of party, regardless of sex, regardless of creed or color have great respect and esteem for this individual. He enjoys that kind of broad community support, and we're very proud to have his name advanced for your consideration.

I hope that he emerges from this process with your encouragement. It means an awful lot because I have the feeling that he's going to make a very marked positive impact on the developments that take place in the City University.

ACTING PRESIDENT MARCELLINO: Senator Waldon, on the nomination.

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

A number of people in this chamber had committed to me that they would follow my lead on this nomination, and the reason that it's important for me to speak at this time is to let them know that I've changed my position and so they are free to do what their conscience dictates, not that they wouldn't anyway. I would hope that they were voting in conscience when they agreed to go with

me.

I have some serious reservations about the candidate, and one of our esteemed colleagues, Senator Smith, suggested that we have a conversation and we had -- meaning the candidate and I, and we had a rather lengthy conversation outside of the chamber and he was persuasive and he made his case and I think that when someone can make a case as well as Mr. Curtis did, that if I reasonably should listen to his statements.

There was one area of concern that I won't get into, but I shared it with him and I would urge him to please make sure that as he continues his travels in government onwards and upward that he should at least make sure that that does not arise again or come back to be of concern for him.

I am a life member of the NAACP. I still have great respect for someone who makes a commitment to that organization and to the needs of the people the NAACP has served since the early 1900s. That's one of the reasons I feel that he will make a good member of the board.

But most important the aspect of his personality, his character, his intelligence and his credentials, is that he has the smarts and the vision, the smarts to know what should happen and the vision, I believe now that we've met, to ensure that all people but especially African-Americans, Caribbean-Americans or other people of color who have traditionally been disenfranchised will have an opportunity to realize their fullest potential as students iin the City University system.

I, too, graduated from the City University. When I entered, the only cost to my mother was $35 for the student admissions fee and the tokens. They weren't tokens at that time. I think I paid a dime each day for the subway. In fact, as some of you may recall, I served, not served, I was in the same ROTC class with Colin Powell. He chose to stay in class; I chose to play Big Whisk. Therefore, he had a better career than serving with you guys, and, how to get rich, remember that, all of which says I hope that Mr. Curtis will serve his greatest potential in serving the children. It is my hope that his vision will not falter in

serving the children. It is my hope that the sense of commitment that Senator Montgomery, Senator Sampson, Senator Smith, Senator Paterson have brought to my attention in regard to this gentleman will prove to be the case and that he will be one of the great assets to the trustee board of CUNY. We sorely need someone like that. We sorely need someone who has a vision and a commitment to right the wrongs facing the children who otherwise would not have an opportunity to extricate themselves from the same bowels of the ghetto that I know I came from and perhaps some others in this chamber came from.

So I wish him well. I sincerely wish him well, but I'd like to leave him with this word, that I expect for him to do the job. I changed my position based on what I thought was good reason. I am hopeful that he will ensure that my change was well worth the effort.

Good luck to you.

ACTING PRESIDENT MARCELLINO: Senator Lachman.

SENATOR LACHMAN: Mr. President,

I also rise to speak on behalf of Mr. Curtis for membership on the New York -- CUNY New York Board of Trustees, but I would like to explain my position in greater detail.

Three months ago, one of my colleagues in this chamber, Senator Seabrook, who is the chairman of the Black and Puerto Rican Association and former chair of the Black and Puerto Rican Caucus, when he served in the Assembly, approached me, and asked me if I would join with him at a press conference on the steps of City Hall, and at the press conference he said -- dealt with the CUNY Board of Trustees not being as diverse as it could and should be.

He also asked if I could bring along some other people and with me was the New York Director of the American Jewish Committee as well as the New York Director of the Jewish Community Relations Council, and Senator Seabrook was kind enough to allow me to speak first. I believe Senator Waldon was also there on this very cold, rainy downpour of a day, and what I said at -- on the steps of City Hall I am going to say again.

I am unalterably opposed to the

concept of racial ratios and quotas as being the criteria, the criteria for the selection of any member to any university board of trustees. How -- and this was echoed by Senator Seabrook when I finished my statement. At the same time when one looks at a board of 15 members and sees obviously that there is a lack of diversity then one has to ask questions of equity and we together, black and white, standing on the steps of City Hall appealed to the Mayor and to the Governor to change the situation, and I commend the Mayor and the Governor of the state for listening. I'm sure they probably would have done this perhaps without this news conference and I'm authorized to state that the New York Chapter of the American Jewish Committee will be sending both the Mayor and the Governor a letter commending them for the appointment of Trustee Cook as well as soon to be I hope Trustee Curtis.

Now, gentlemen, you are going into the eye of the whirlwind. Many of us in this chamber have been part of the eye of the whirlwind; but you have a wonderful opportunity. I had a wonderful opportunity. I

also came from the bowels of poverty. I was also a kid from East New York who was on welfare. Welfare is color blind, and CUNY gave me the opportunity for the education that I needed to thrive. It gave me something, someone much more important, it also gave me my beloved wife Susan.

The opportunity you have is a reflection of what Andrew Carnegie said one hundred years ago. The greatness of America rests upon three words: Education, education, education. Those are the three most important words, and we have two crown jewels in the state of New York that exemplify those words: The State University of New York which is the largest state university in the United States, and the City University of New York which is the largest urban public university in the United States.

Now, sitting up there in the chambers, the two of you might have heard that there are some problems today in CUNY and no one can deny that, but as Henry Kaiser once said, a problem is only an opportunity in work clothes, and I honestly believe that there is a wonderful

opportunity here for Democrats and Republicans, gubernatorial and mayoral appointments of previous administrations and this administration, to work together to maintain the glory of CUNY and the glory of SUNY, to the benefit of the entire population of the state of New York.

Having said that, I would also be remiss if I did not acknowledge the outstanding work done as members of the CUNY Board of Trustees by the late Charles Inniss, whom you've all heard about, and by the current member of the CUNY Board of Trustees who you will succeed, Mr. Curtis, if we vote as I hope we will vote, in your favor, the Honorable Jerome Bird of Staten Island: Two men of different parties working together for the good of all.

You are a policymaker and a policymaker sets policies. Administrators administer that policy and I hope and pray that policymakers and administrators of the City University of the city of New York will bring it to even greater heights than it has in the past.

Thank you.

ACTING PRESIDENT MARCELLINO:

Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

I, too, rise to support the nomination of Alfred Curtis as a trustee to the board of CUNY. I am also a product of CUNY, and contrary to what Senator Maltese said, I graduated with an academic diploma. Maybe it was years ago in ancient times, and I care a great deal about what happens to CUNY because I believe it is the foundation for the future of our children.

Al Curtis is known throughout the city of New York. He is a family man with children whom he cares about and he cares about their education. As you've heard his wife is an educator. Al Curtis made a commitment to the people of Staten Island. Not only does he serve as the president of the NAACP, but he's intimately involved in other activities on Staten Island and throughout the five boroughs, and in our conference Senator Gentile went on and on about the merits of Al Curtis, but I didn't have to hear them from Senator Gentile because I knew who Al Curtis was, and I think

that that's the difference, because the people of his community and other communities are well aware of his fine work and they have great expectations for him as he will emerge as a member of this board, and I'm certain that even though him and I are of different political parties, and we don't always agree, we can sit down and have a conversation and come to a conclusion that will be the best one for the people of the city of New York, and I know that he will be a fine representative on this board.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President. I would be terribly remiss if I did not join my colleagues in -- in speaking very positively and supportive of this nomination. I was in the Finance Committee meeting this morning when we interviewed Mr. Curtis, and I was certainly impressed, one, because of the fact that he does have what is obviously a particular connection with his community as well as with the communities throughout New York City, especially African

Americans. He has served as chair of the Staten Island NAACP branch, but he also very specifically talked about the fact that he has worked with Dr. Edison O. Jackson, who, as I have stated in my last statement, is one of the premier African-American educators in this nation and certainly in New York City.

Mr. Curtis knows him, has worked with him, both in his capacity as head of the youth agency, as well as in an effort to join with other professionals and people of stature trying to design ways of making it more possible and developing more support systems for young people in the city of New York.

He also talked this morning about his view of what we need to be doing to strengthen the capacity of CUNY to address the needs of the current population which is more diverse and makes greater demands on the system in different ways than were made 20 years ago. He talked about the fact that he is interested in looking at linking all of the different levels of education, both secondary and post secondary so that we can begin to address the issue of remediation before we have to spend the

money at the upper end but certainly not at the expense of maintaining that diversity, but at the same time improving the quality and the outcome of City University.

So I am impressed with this young man. I am only sorry that he has to refer to himself as a Republican, but in my mind, I am forgiving him for that. That's one -- one area in which he didn't see the light or the right light. He's looking at the other light, the Republican light, but I forgive him for that because he has so much to offer, and this -- in this appointment, and I believe that he will speak for all of the students in CUNY because I believe that he understands some of the issues that are very difficult and very serious.

I hope that he recalls this moment as a significant moment where we are all speaking to him to say, so many lives depend on you, we need a voice, we don't need a whisper. We need some courage, we don't need someone who is willing to follow no matter where the people in charge are going, because it's politically correct. We need someone to be politically incorrect when it comes to representing and

defending the needs of students in that university and by all means we want to make sure that that university continues to be the force and the institution that levels the playing field for people who otherwise would not have an opportunity to advance in this society.

So I'm pleased to -- to second the nomination, to support the nomination, Mr. President, and will be certainly voting for it.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Seabrook.

SENATOR SEABROOK: Mr. President, I just rise for -- to really thank the Mayor and the the Governor for their appointees although I didn't agree with one and agree with the other, but I would like to thank them for having the opportunity to appoint the two gentlemen and which they did because I agreed with my colleague, Senator Leichter, when -- when he said, and I don't believe in quotas either, but I also told him and I said, but remember zero is a quota, so when there was no African-Americans on the board it served as a quota.

So the opportunity, and the

Governor and the Mayor rose to the occasion to do this. They should be commended and that these appointees should be encouraged to take on the challenge, but I would say that on behalf of Mr. Curtis, who we have had the opportunity to see him in action, I've had the opportunity to see him before he was appointed to the position in city government, but I saw him in his involvement in Staten Island as well, and that's a tremendous task because it is easier probably to go to Staten Island and go to work and just do nothing.

But here is an individual that lived in Staten Island, went to work every day and came back and was involved in Staten Island. So he wasn't just a somebody. So he was involved where he lived, where he felt a need for that particular involvement and we know about it. So I think that that's the issue in terms of the involvement and the sense of having insight, creativity and involvement with young people, and I think that he will excel to the potential, and his involvement with the local elected officials as well says something about this individual, and I think that that's

important because normally people wouldn't have people presented here if there was no involvement in some capacity.

So I will say that it is our hope that the challenges upon these two individuals to do what has to be done for a system that we truly love and we truly feel that it has to be energized, and the mission is theirs, and again straight ahead and I vote for this nominee.

ACTING PRESIDENT MARCELLINO: Are there any other Senators wishing to be heard on the question? The question is on the confirmation of Alfred B. Curtis, Jr., as a member of the CUNY Board of Trustees. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Alfred B. Curtis is hereby confirmed as a member of the CUNY Board of Trustees. Mr. Curtis is in the balcony. Mr. Curtis, we wish you good luck, Godspeed and congratulations.

(Applause)

SENATOR GOLD: Mr. President, Mr.

President.

ACTING PRESIDENT MARCELLINO: Senator Gold, why do you rise?

SENATOR GOLD: Thank you, Mr. President.

Mr. President, I was at the Finance Committee meeting earlier and I'd ask unanimous consent to be recorded in the negative on Calendar Number 587, Senate Bill 2803-A, and also on Calendar Number 741, Senate Bill 1342-B.

ACTING PRESIDENT MARCELLINO: Senator Gold, you will be recorded in the negative on Senate 2803-A and 1342-B.

SENATOR GOLD: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: You're welcome.

The Secretary will read.

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

Banking members of the State Banking Board, John D. Garrison, of Wallkill and John B. Robinson, of Loudonville.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MARCELLINO: Question is on the confirmation of John D. Garrison, of Wallkill and John B. Robinson, of Loudonville, as banking members of the State Banking Board. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

ACTING PRESIDENT MARCELLINO: John D. Garrison, of Wallkill and John B. Robinson, of Loudonville are hereby confirmed as banking members of the State Banking Board.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Board of Trustees of the State University of New York College of Environmental Science and Forestry: Robert E. Moses, Esq., of Marietta.

SENATOR GOLD: Can you hold up one second, please, the confirmation of Robert E. Moses.

SENATOR STAFFORD: Move the

confirmation, please.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Robert E. Moses as a member of the Board of Trustees of the State University of New York College of Environmental Science and Forestry. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Robert E. Moses, SUNY College of Environmental Science and Forestry, is hereby confirmed.

The Secretary will read.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Paterson.

SENATOR PATERSON: Our last nomination, Mr. Moses, I would like to be recorded in the negative and Senator Connor would also like to be recorded in the negative.

ACTING PRESIDENT MARCELLINO: The record will so indicate.

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

following nomination:

Member of the Capital District Transportation Authority: Anthony S. Esposito, of Guilderland.

SENATOR STAFFORD: Move the nomination.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Anthony S. Esposito as a member of the CDTA. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Anthony S. Esposito is hereby confirmed as a member of the CDTA.

The Secretary will read.

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

Member of the Ogdensburg Bridge and Port Authority: Roger Leland McBath, of Lisbon.

SENATOR STAFFORD: Move the nomination, please.

ACTING PRESIDENT MARCELLINO:

Thank you.

The question is on the confirmation of Roger Leland McBath as a member of the Ogdensburg Bridge and Port Authority. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Robert Leland McBath is hereby confirmed as a member of the Ogdensburg Port Authority.

The Secretary will read.

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

Members of the Empire State Plaza Art Commission: Kate Johns, of Old Chatham and Barbara W. Thuesen, of Ithaca.

SENATOR STAFFORD: Move the confirmation, please.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Kate Johns and Barbara Thuesen as members of the Empire State Plaza Art Commission. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

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

Members of the Genesee State Park, Recreation and Historic Preservation Commission: Frank X. Alkofer, of Rochester and Franklin D'Aurizio, Esq., of Rochester.

SENATOR STAFFORD: Move the nomination.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Frank X. Alkofer and Franklin D'Aurizio as members of the Genesee State Park, Recreation and Historic Preservation Commission. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Frank X. Alkofer and Franklin D'Aurizio are hereby confirmed as members of the Genesee State Park, Recreation and Historic

Preservation Commission.

The Secretary will read.

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

Member of the Taconic State Park Recreation and Historic Preservation Commission: Richard Koskey, of Claverack.

SENATOR STAFFORD: Move the nomination.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Richard Koskey as a member of the Taconic State Park, Recreation and Historic Preservation Commission. All in favor of the nomination of Richard Koskey as a member of the Taconic State Park, Recreation and Historic Preservation signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

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

following nomination:

Member of the Advisory Council on Alcoholism and Substance Abuse Services: Eugene J. O'Brien, Esq., of Ronkonkoma.

SENATOR STAFFORD: Move the nomination.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Eugene J. O'Brien as a member of the Advisory Council on Alcoholism and Substance Abuse Service. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Eugene J. O'Brien is hereby confirmed as a member of the Advisory Council on Alcoholism and Substance Abuse Services.

The Secretary will read.

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

Member of the Advisory Council to the Commission on the Quality of Care for the Mentally Disabled: Martin H. Von Holden, of Rochester.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Marvin Von Holden as a member of the Advisory Council to the Commission on Quality of Care for the Mentally Disabled. All in favor signify by saying aye.

(Response of "Aye").

Opposed, nay.

(There was no response.)

Martin H. Von Holden is hereby confirmed as a member of the Advisory Council to the Commission on the Quality of Care for the Mentally Disabled.

The Secretary will read.

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

Members of the Mental Health Services Council: Pinny Cooke, of Rochester and William Pollard, Ph.D., of Syracuse.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The

question is on the confirmation of Pinny Cooke and William Pollard as members of the Mental Health Services Council. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Pinny Cooke and William Pollard are hereby confirmed as members of the Mental Health Services Council.

The Secretary will read.

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

Members of the Passenger Tramway Advisory Council: Russell R. Coloton, Jr., of Hunter and Bernard P. McGarry, of Albany.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmations of Russell R. Coloton, Jr. and Bernard P. McGarry as members of the Passenger Tramway Advisory Council. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Russell R. Coloton, Jr. and Mr. McGarry are hereby confirmed as members of the Passenger Tramway Advisory Council.

The Secretary will read.

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

Directors of the Municipal Assistance Corporation for the city of New York: Kenneth J. Bialkin, Esq., of New York City and Thomas J. Tisch, of New York City.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Kenneth J. Bialkin and Thomas S. Tisch as directors of the Municipal Assistance Corporation for the city of Albany.

Senator Goodman.

SENATOR GOODMAN: Just a brief remark with respect to each of these nominations.

ACTING PRESIDENT MARCELLINO: I

apologize for not recognizing you, Senator.

SENATOR GOODMAN: They're both constituents of mine and I would like it to be known that they represent the highest tradition of both public and private service. They are men of extraordinary capacity, each having risen to the top of his chosen profession.

Mr. Bialkin is a lawyer with one of the largest law firms of New York, Wilkie Farr.

Mr. Tisch is an investment banker of demonstrated skill and a corporate director. They're both men deeply interested in the future of the city of New York and will, I'm certain, perform their duties in an admirable and trustworthy fashion.

ACTING PRESIDENT MARCELLINO: Any other Senators wishing to be heard?

(There was no response.)

Senator Stafford, may we move the nominations.

SENATOR STAFFORD: Move the confirmations, please.

ACTING PRESIDENT MARCELLINO: The question is on the confirmations of Kenneth J.

Bialkin and Thomas J. Tisch as directors of the Municipal Assistance Corporation for the city of New York. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Kenneth Bialkin and Thomas J. Tisch are hereby confirmed.

The Secretary will read.

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

Members of the Board of Visitors of the Agricultural and Industrial School at Industry: Robert J. Burns, of Rochester; Daniel Michael Delaus, Jr., Esq., of Webster; Joan M. Mitchell, of Rochester; Lucy L. Parsons, of Honeoye Falls; Joseph C. Pilato, of Penfield and John R. Rosati, of Rochester.

SENATOR STAFFORD: Move the confirmations.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Robert J. Burns, Michael Delaus, Jr., Joan M. Mitchell, Lucy L. Parsons, Joseph C. Pilato, John R.

Rosati as members of the Board of Visitors of the Agricultural and Industrial School at Industry. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The aforementioned persons are hereby confirmed.

The Secretary will read.

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

Members of the Board of Visitors of the Bronx Psychiatric Center: Sylvia Hershkowitz-Lask, of the Bronx and Samuel Lopez, of the Bronx.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Sylvia Hershkowitz-Lask and Samuel Lopez as members of the Board of Visitors of the Bronx Psychiatric Center. All in favor signify by saying aye.

Senator Seabrook.

SENATOR SEABROOK: I would like

to be recorded in the negative on Sylvia Hershkowitz-Lask, the nominee.

ACTING PRESIDENT MARCELLINO: First let us reach that point. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

Senator Seabrook in the negative.

Sylvia Hershkowitz-Lask and Samuel Lopez are hereby confirmed as members of the Board of Visitors of the Bronx Psychiatric Center.

The Secretary will read.

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

Members of the Board of Visitors of the Bronx Children's Psychiatric Center: Raquel C. Coca, of the Bronx and H. Madrue Wright, of the Bronx.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmations of Raquel C. Coca and H. Madrue Wright as members of the

Board of Visitors of the Bronx Children's Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Raquel C. Coca and H. Madrue Wright are hereby confirmed as members of the Board of Visitors of the Bronx Psychiatric Center.

The Secretary will read.

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

Member of the Board of Visitors of the Brooklyn Developmental Disabilities Services Office: John Witkowski, of Brooklyn.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of John Witkowski as a member of the Board of Visitors of the Brooklyn Developmental Disabilities Services Office. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

John Witkowski is hereby confirmed as a member of the Board of Visitors of the Brooklyn Developmental Disabilities Services Office.

The Secretary will read.

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

Member of the Board of Visitors of the Buffalo Psychiatric Center: Barbara Nevergold, Ph.D., of Buffalo.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Barbara Nevergold as a member of the Board of Visitors of the Buffalo Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Ms. Nevergold is hereby confirmed

as a member of the Board of Visitors of the Buffalo Psychiatric Center.

The Secretary will read.

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

Member of the Board of Visitors of the Capital District Developmental Disabilities Services Office: Eleanor C. Pattison, of West Sand Lake.

SENATOR STAFFORD: Move the confirmation.

ACFTING PRESIDENT MARCELLINO: The question is on the confirmation of Eleanor C. Pattison as a member of the Board of Visitors of the Capital District Developmental Disability Services Office. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Ms. Pattison is hereby confirmed.

The Secretary will read.

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

following nomination:

Member of the Board of Visitors of the Capital District Psychiatric Center: Angelo T. Muccigrosso, of Schenectady.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Angelo Muccigrosso as a member of the Board of Visitors of the Capital District Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Angelo T. Muccigrosso is hereby confirmed.

The Secretary will read.

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

Member of the Board of Visitors of the Elmira Psychiatric Center: James J. Norton, M.D., of Montour Falls.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of James J. Norton as a member of the Board of Visitors of the Elmira Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

James J. Norton is hereby confirmed.

The Secretary will read.

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

Member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office: M. Richard Rose, of Geneva.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of M. Richard Rose as a member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

M. Richard Rose is hereby confirmed as a member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office.

The Secretary will read.

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

Member of the Board of Visitors of the Hudson River Psychiatric Center: Marion Ostrander, of Kingston.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Marion Ostrander as a member of the Board of Visitors of the Hudson River Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Marion Ostrander is hereby confirmed as a member of the Board of Visitors.

The Secretary will read.

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

Member of the Board of Visitors of the Kingsboro Psychiatric Center: Robert Mayo, D.D.S., of Brooklyn.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Robert Mayo as a member of the Board of Visitors of the Kingsboro Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Robert Mayo is hereby confirmed as a member of the Board of Visitors of the Kingsboro Psychiatric Center.

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

Member of the Board of Visitors of the Middletown Psychiatric Center: Robert W.

Hoag, of Middletown.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Robert W. Hoag as a member of the Board of Visitors of the Middletown Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Mr. Hoag is hereby confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance

ACTING PRESIDENT MARCELLINO: I'm sorry. Senator Dollinger.

SENATOR DOLLINGER: Mr. President, before we close today's session, can I have unanimous consent to be recorded in the negative on Calendar Number 88 -- 587. I believe I was attending a very instructional and educational meeting of the Finance Committee when the vote was taken.

SENATOR STAFFORD: No objection.

ACTING PRESIDENT MARCELLINO: Your vote will be recorded in the negative.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT MARCELLINO: The Secretary will continue to read.

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

Member of the Board of Visitors of the Mohawk Valley Psychiatric Center: Marry Skorulski, of New Hartford.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Mary Skorulski as a member of the Board of Visitors of the Mohawk Valley Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Mary Skorulski is hereby confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nomination:

Member of the Board of Visitors of the Rockland Psychiatric Center: Glory W. Katz, of Yonkers.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Glory W. Katz as a member of the Board of Visitors of the Rockland Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye."

Opposed, nay.

(There was no response.)

Glory W. Katz is hereby confirmed.

The Secretary will read.

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

Member of the Board of Visitors of the South Beach Psychiatric Center: Stephen Maresca, of Brooklyn.

SENATOR STAFFORD: Move the

confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Stephen Maresca as a member of the South Beach Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Mr. Maresca is hereby confirmed.

The Secretary will read.

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

Member of the Board of Visitors of the St. Lawrence Psychiatric Center: Patrick R. Rourk, of Norwood.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Patrick R. Rourk as a member of the Board of Visitors of the St. Lawrence Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Patrick R. Rourk is hereby confirmed.

The Secretary will read.

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

Member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office: Jane Dumoulin, of Tupper Lake.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Jane Dumoulin as a member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Jane Dumoulin is hereby confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nomination:

Member of the Board of Visitors of the Taconic Developmental Disabilities Services Office: Ronald S. Lehrer, of Poughkeepsie.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Ronald S. Lehrer as a member of the Board of Visitors of the Taconic Developmental Disabilities Services Office. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Ronald S. Lehrer is hereby confirmed.

The Secretary will read.

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

Member of the Board of Visitors of the Western New York Children's Psychiatric Center: Bertha Skinner Laury, of Buffalo.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Bertha Skinner Laury as a member of the Board of Visitors of the Western New York Children's Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Bertha Skinner Laury is hereby confirmed.

Senator Kuhl.

SENATOR KUHL: Mr. President, would you recognize Senator Goodman, please.

ACTING PRESIDENT MARCELLINO: I recognize Senator Goodman. He's over there.

SENATOR GOODMAN: Mr. President, I have the great pleasure of announcing that tonight is the Saratoga Performing Arts Center night for the New York State Legislature.

This evening at 6:45 p.m., those who have signed up to join us at a dinner will be fed at a lovely dinner reception and

following that at 8:15 sharp will be Madame Butterfly presented by the New York City Opera.

This will be the eighth consecutive Legislative Night at SPAC which I hardly need remind this chamber, which is so culturally oriented, is the crown jewel of the cultural scene in the upper New York State region.

SPAC has gained justifiable fame for its remarkable presentations of classical and popular music and the Legislature usually finds it a highlight of any season to journey up to Saratoga, which takes approximately one hour of traffic time to be on time for the dinner.

We very much hope that all of those who have signed up will remember to come and I promise you a refreshing, delightful and memorable experience as the lovely Madame Butterfly is betrayed by the outrageously miscreant behavior of the naval helmsman who imposes upon her his will, has her bear his child and then evaporates and suddenly returns with his American wife. A depressing phenomenon, indeed, but one clothed in such beauteous music that we forget the sociological

implications of this catastrophe and rise to the greater heights of a wonderful cultural experience.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Goodman, your description is almost X-rated.

SENATOR ONORATO: Explanation satisfactory.

ACTING PRESIDENT MARCELLINO: Senator Kuhl, we have a report of the Rules Committee at the desk.

SENATOR KUHL: Will you read the report of the Rules Committee at the desk.

ACTING PRESIDENT MARCELLINO: Thank you.

The Secretary will read.

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

Senate Print 180, by Senator Skelos, an act to amend the Civil Practice Law and Rules and the Family Court Act;

787-A, by Senator Holland, an act to amend Chapter 672 of the Laws of 1993;

948-A, by Senator Alesi, an act to amend the Penal Law;

1341, by Senator Kruger, an act to amend the Military Law;

1616-A, by Senator Velella, an act to amend the Insurance Law;

1840, by Senator Onorato, an act to amend the Education Law;

2783, by Senator Maziarz, an act to reopen the special retirement plan;

3276-A, by Senator Trunzo, an act to amend the Public Officers Law;

3579-A, by Senator Marchi, an act to amend the Not-for-Profit Corporation Law;

3642, by Senator Trunzo, an act to amend Chapter 695 of the Laws of 1994;

3926, by Senator Tully, an act to amend the General Municipal Law;

4118-A, by Senator Skelos, an act to amend the Civil Practice Law and Rules;

4503, by Senator Tully, an act to amend the Family Court Act;

4843, by Senator Goodman, an act to amend the Penal Law;

5218-A, by Senator Volker, an act

to amend the Penal Law;

5292, by Senator Wright, an act to amend the Education Law;

5299, by Senator Volker, an act to permit the reopening;

5335, by Senator Marcellino, an act authorizing the town of Oyster Bay;

5421, by Senator Velella, an act to amend the Criminal Procedure Law;

5425, by Senator Libous, an act to amend the Tax Law.

All bills ordered direct for third reading.

ACTING PRESIDENT MARCELLINO: Senator Kuhl.

SENATOR KUHL: Mr. President, I move we accept the report of the Rules Committee.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The report is accepted.

Senator Kuhl.

SENATOR KUHL: May we return to the order of motions and resolutions, and I ask that you recognize Senator Present for some motions.

ACTING PRESIDENT MARCELLINO: It's my pleasure to recognize Senator Present.

SENATOR PRESENT: Thank you, Mr. President.

Mr. President, on behalf of Senator Meier, I wish to call up his bill, print 3937, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 604, by Senator Meier, Senate Print 3937, an act to authorize the town of Paris.

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

ACTING PRESIDENT MARCELLINO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

SENATOR PRESENT: I now offer the following amendments.

ACTING PRESIDENT MARCELLINO: The amendments are accepted.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Marchi, I wish to call up Calendar Number 454, Assembly Print 2101.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 454, by Senator Marchi, Senate Print 2921-A, an act to amend Chapter 395 of the Laws of 1978.

SENATOR PRESENT: Mr. President, I now move to reconsider the vote by which this Assembly bill was substituted for Senator Marchi's bill, Senate Print 2921-A, on 3/25.

ACTING PRESIDENT MARCELLINO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

SENATOR PRESENT: Mr. President, I now move that the Assembly Bill Number 2101 be

committed to the Committee on Rules and Senator Marchi's bill -- Senate bill be restored to the order of third reading.

ACTING PRESIDENT MARCELLINO: The Assembly Bill is recommitted. The Senate bill is restored.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Skelos, on page 42, I offer the following amendments to Calendar 1159, Senate Print 317, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are accepted and the bill will retain its place on the Third Reading Calendar.

SENATOR PRESENT: Mr. President, on behalf of Senator Goodman, on page 44, I offer the following amendments to Calendar 1227, Assembly Print 3658, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: It will be done, sir.

SENATOR PRESENT: Mr. President, on behalf of Senator Levy, on page 38, I offer the following amendments to Calendar Number

1017, Senate Print 5051, and ask that it retain its place.

ACTING PRESIDENT MARCELLINO: It will be done. The amendments are received and the bill will retain its place.

SENATOR PRESENT: Finally, Mr. President, on behalf of Senator Cook, on page 42, I offer the following amendments to Calendar Number 866, Senate Print 4644, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are accepted and the bill will retain its place on the Third Reading Calendar.

Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I would like to give notice, as is required under Rule XI of the Senate, that tomorrow Senator Connor moves to discharge Senate Bill 5493 and Senate Bill 5494 from the Senate Rules Committee. We move to suspend the rules and discharge those bills.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: It is our notice that these motions are untimely

and, therefore, cannot be accepted.

Senator Kuhl.

SENATOR KUHL: Is there any other housekeeping?

ACTING PRESIDENT MARCELLINO: Senator Paterson, I'm sorry.

SENATOR PATERSON: Just to respond. We returned to motions and resolutions, which is what I was informed earlier today is the seasonable period to file these motions.

Being no further business, I move we adjourn until tomorrow.

ACTING PRESIDENT MARCELLINO: Just let me get the clarification on this one. Hold on a minute, Senator.

SENATOR KUHL: Mr. President.

ACTING PRESIDENT MARCELLINO: The motions are received, Senator Paterson.

Senator Kuhl.

SENATOR KUHL: There being no further business, I will move that the Senate stand adjourned subject -- get this -- subject to the call of the Majority Leader. If there is no call from the Majority Leader before 10:00

a.m. tomorrow, June 18th, we will convene the next session of the Senate tomorrow morning at 10:00 a.m.

ACTING PRESIDENT MARCELLINO: The Senate will stand adjourned subject to the call of the Majority Leader. If there is no call prior to 10:00 a.m., the Senate will convene or reconvene at 10:00 a.m., June 18th.

(Whereupon, at 3:40 p.m., the Senate adjourned.)