ALBANY, NEW YORK

April 27, 1994

11:15 a.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order.

Please rise for the Pledge of Allegiance to the Flag.

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

Today, in the absence of clergy, we'll bow our heads for a moment of silent prayer.

(Whereupon, there was a moment of silence.)

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, April 26. The Senate met pursuant to adjournment. Senator Kuhl in the chair upon designation of the Temporary President. Prayer by the Reverend Robert Hess of the Delmar Reform Church of Delmar, New York. The Journal of Monday, April 25, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing

no objection, the Journal stands approved as read.

The order of business:

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 Johnson, do you have a motion?

SENATOR JOHNSON: Mr. President. On behalf of Senator Trunzo, on page 22, I offer the following amendments to Calendar Number 586, Senate Print Number 7057, and ask the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the bill will retain its place.

We have some substitutions, Senator Present.

Read the substitutions.

THE SECRETARY: Senator Levy moves to discharge the Committee on Transportation from Assembly Bill Number 682A and substitute it for the identical Calendar Number 675.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: Senator Seward moves to discharge the Committee on Energy from Assembly Bill Number 7626 and substitute it for the identical Calendar Number 680.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: Senator Velella moves to discharge the Committee on Codes from Assembly Bill Number 4136 and substitute it for the identical Calendar Number 688.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: Senator Volker moves to discharge the Committee on Codes from Assembly Bill Number 6869 and substitute it for the identical Calendar Number 694.

ACTING PRESIDENT FARLEY:

Substitution is ordered.

THE SECRETARY: Senator Goodman moves to discharge the Committee on Investigations, Taxation, and Government Operations from Assembly Bill Number 6114C and substitute it for the identical Calendar Number 709.

ACTING PRESIDENT FARLEY:

Substitution is ordered.

Senator Present.

SENATOR PRESENT: Will you recognize Senator Tully, please.

ACTING PRESIDENT FARLEY: Senator Tully, you are recognized.

SENATOR TULLY: Thank you, Mr. President. I believe there is a privileged resolution at the desk. I ask that it be read in its entirety.

ACTING PRESIDENT FARLEY: Will the Secretary please read Senator Tully's privileged resolution in its entirety.

THE SECRETARY: Legislative

Resolution Number 3308, by Senator Tully, honoring the eight Regional Nurses of Distinction and commemorating the week of May 6 through May 12, 1994, as "Nurses of Distinction" Week in the State of New York.

Whereas, the period between May 6 through May 12, 1994, is Nurses Week in New York State.

The Nurses of New York have by their commitment to the improvement of the health and dignity of their fellow New Yorkers contributed significantly to the well being of the citizens of our state.

The New York State Legislature developed the Nurse of Distinction Award Program to pay tribute to New York State's registered professional nurses for their steadfast commitment and support of the health and betterment of fellow New Yorkers.

The outstanding achievements of thousands of our State's registered professional nurses have been acknowledged through the 1994 Nurse of Distinction Award Program and 394

distinctive nurses were nominated for the Award.

Eight Regional Nurses of Distinction were selected by nursing peers from throughout the state for their professional excellence and unequivocal dedication in support of the health and betterment of their fellow New Yorkers.

On Wednesday, April 27, 1994, eight regional nurses of distinction will visit in the chambers of the New York State Senate; now, therefore, be it

Resolved, That this Legislative Body pause to express its deep respect and appreciation to all of New York State's distinguished nurses and to recognize the unique contributions made by the eight Regional Nurses of Distinction: Patricia A. Ames, Westchester County Medical Center, Valhalla; Constance Colter, Long Island Jewish Medical Center, New Hyde Park; Margery A. Manly, New York City Department of Health, Manhattan; Darlene Paduano, University Medical Center, Stony Brook;

Anne H. Skelly, University at Buffalo School of Nursing; Sherry Strammiello, Genesee Hospital Rochester; Gilberta M. Trani, Home Health Providers, Incorporated, Syracuse; and Patricia Waniewski of St. Peter's Hospital, Albany; and be it further

Resolved, That this Legislative Body seek to encourage statewide recognition of those valued nursing professionals serving our communities; and be it further

Resolved, That this Legislative Body pause in its deliberations to acknowledge the week of May 6 through May 12, 1994, as Nurses Week in New York State; and be it further

Resolved, That copies of this resolution, suitably engrossed, be transmitted to the eight 1994 New York State Legislature's Regional Nurses of Distinction with our pride and gratitude.

ACTING PRESIDENT FARLEY: Senator Tully on the resolution.

SENATOR TULLY: Thank you, Mr.

President. My colleagues.

This is the time of the year when two significant health-related happenings take place in our state. The first is the commemoration of Nurses Week, and the second is the gathering of our professional nurses at the annual New York State Legislature's Nurse of Distinction Conference.

The conference culminates the Nurse of Distinction Award Program year, and this is the sixth year of our program.

I'm pleased to serve as Legislative Coordinator for the Nurse of Distinction Program and pleased also that 394 health entities chose to join with the Legislature to honor the members of their staffs by nominating nurses for this recognition.

Our nominees represent a wide range of nursing specialties, clinical specialties and services, working in a variety of settings including hospitals, schools, state and community agencies, long-term and home care facilities, health maintenance organizations and

industry.

These distinguished nurse nominees remind us, once again, how fortunate we are in this state to have such a dynamic force of health care providers meeting the challenge of health care in the '90s.

It is because of the challenges we have yet to face that I initiated this year a new component of the Nurse of Distinction Award program, the availability of eight $2,000 continuing education grants. Only those nurses nominated in the 1994 program may apply for the grants which will be awarded in September of this year.

On the Senate calendar today is the resolution just read, acknowledging the upcoming Nurses Week in New York State as well as the 394 nurses from throughout our state who are being honored at the Nurse of Distinction Conference.

Eight nurses have been chosen as Regional Nurses of Distinction, and I'd like to take the time now to introduce them to you in

recognition of their own considerable accomplishments and as representatives of our outstanding New York State professional nurses.

I would ask you to stand so you can be recognized as I call your name:

From Long Island, Darlene Paduano, Nurse Manager of the Diabetes Center at the University Medical Center in Stony Brook.

(Applause.)

From Greater New York Region 2, which includes Kings and Queens Counties, Constance Colter, a Pediatric Nurse Practitioner for the Division of Immunology at the Long Island Medical Center in New Hyde Park.

(Applause.)

And, Connie, later on, Senator Padavan is going to talk to you at the luncheon, and he is going to claim that Long Island Jewish Medical Center is in his district in New York City. I read the address, New Hyde Park. That's in Nassau County, Senator Padavan.

From the Northern Metropolitan Region, Patricia Ames, a Clinical Nurse

Specialist in the AIDS Management Program at the Westchester County Medical Center in Valhalla.

(Applause.)

From the Northeastern Region, Patricia Waniewski, Manager of the Wellness Center at St. Peter's Hospital in Albany.

(Applause.)

From the Central New York Region, Gilberta Trani, Primary Nurse with the Home Health Providers in Syracuse.

(Applause.)

This lady retired and came back again. That Gilberta is something very, very special.

From the Finger Lakes Region, Sherry Strammiello, Senior Infection Control Practitioner at the Genesee Hospital in Rochester.

(Applause.)

From that great Western New York Region, Anne Skelly, Clinical Assistant Professor from the University of Buffalo School of Nursing.

(Applause.)

Finally, from the Greater New York Region 1 which includes Richmond -- Staten Island, Senator Marchi -- New York, and Bronx Counties, the Director of School Children's Health Program at the New York City Department of Health and the 1994 New York State Nurse of Distinction, Margery Manly.

(Applause.)

Let's hear it for Margery.

(Applause.)

On behalf of the Legislature, congratulations to each of you and our deepest thanks for the excellent work you are doing to enhance the quality of life of our State's residents.

Thank you.

ACTING PRESIDENT FARLEY: On the resolution. All in favor, please say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is unanimously

adopted.

On behalf of the New York State Senate, let me say how proud we are of your profession and of you particularly. We're grateful to have you here.

Senator Tully that was an outstanding resolution, and everybody in the Senate is so proud of our nurses in New York State, and what you do for our health care and best wishes to you. Come back and visit us again.

Thank you very much.

Senator Present.

Senator Gold.

SENATOR GOLD: Thank you, Mr. President. On behalf of Senator Kruger, I believe there is a privileged resolution at the desk. Can we handle that?

ACTING PRESIDENT FARLEY: Read the title of Senator Kruger's resolution.

THE SECRETARY: Legislative Resolution, by Senator Kruger, commending John T. Torrente, Past President, upon the occasion

of his designation for special honor by the Kiwanis Club of Sheepshead Bay, Thursday, April 28, 1994.

ACTING PRESIDENT FARLEY: On the resolution. All in favor, please say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President. I believe Senator Marino has a privileged resolution. I ask that it be read in its entirety.

ACTING PRESIDENT FARLEY: This is the resolution for President Nixon. The Secretary will read Senator Marino's resolution in its entirety.

SENATOR COOK: Mr. President.

ACTING PRESIDENT FARLEY: Senator Cook.

SENATOR COOK: Will you please call for order.

ACTING PRESIDENT FARLEY: I'm sorry?

SENATOR COOK: Will you please call for special attention.

ACTING PRESIDENT FARLEY: Yes. I am going to ask -- this is a very serious resolution for our President that just passed away, and I would ask that there be a little order in the chamber.

Thank you, Senator Cook. Your point is well taken.

Secretary will read the resolution.

THE SECRETARY: Legislative Resolution, by Senators Marino, Marchi, Maltese, and other members of the Senate, expressing sincerest sorrow upon the occasion of the death of the Honorable Richard Milhous Nixon, the 37th President of the United States.

Whereas, in the course of the evolving development of this Beloved Nation, if the ingredients of shared concern and responsive endeavor combined in the symmetry of commitment

to principle, there have emerged among the distinguished administrations of the United States certain leaders who warrant special commemoration.

It is the sense of this Legislative Body to express sincerest sorrow upon the occasion of the death of an American President of such magnanimous conduct and bearing, Richard M. Nixon, commemorating, in turn, his enduring achievements.

Richard M. Nixon entered public life, after serving as a naval officer in World War II, as a representative of the United States Congress from California from 1947 to 1950.

He continued his public service by representing the State of California as a United States Senator from 1950 to 1953.

Richard M. Nixon joined President Dwight D. Eisenhower as his Vice-President and served with distinction from 1953 to 1961.

It has become increasingly apparent that President Nixon's administration marks a watershed in the history of our nation,

that his leadership and his resilience have given renewed definition to those very principles of freedom upon which this Nation was first founded.

In 1968, Richard M. Nixon was elected 37th President of the United States; four years later, he won a second term in one of the largest landslides on record.

In the vital area of foreign policy, President Nixon's achievements have been unparalleled: He literally opened the door to United States relations with Communist China; through his personal initiative, he ended decades of silence and paved the way for future negotiations with what was then the second largest Communist power in the world.

While committed to a policy of strong national defense, President Nixon, nevertheless, in 1972, entered into the first significant arms limitation with what was then the Soviet Union.

In 1970, the Nixon administration helped desegregate more schools in the South

than any of its predecessors.

On the domestic front, President Nixon made significant contributions calling for welfare and health care reforms and advocating a clean environment.

President Richard M. Nixon at great personal cost and effort won his way painfully back from the Watergate affair to a position of respected elder statesman, political analyst and author.

The very viability of democratic procedure, the most paradigmatic attribute of its sovereignty, remains an unswerving commitment to freedom, to those balanced principles of individual endeavor and shared concern which constitute the essence of democratic governments.

This is the legacy of President Richard M. Nixon that this beloved nation should evolve in a manner constant with the dreams and aspirations of our forefathers, of those who, at the price of great suffering, first enunciated the ultimate end and purpose of our American

experience.

For future generations of Americans, there is no substitute, no alternative to the full implementation of that prerogative, namely, President Nixon's insistence that the discretionary power and inherent in governance be weighed in favor of the individual, in favor of the people of this Beloved Nation.

This Legislative Body is greatly moved to acknowledge the unique and enduring contributions of this President, of this American leader who so valiantly gave renewed hope to the American people and, indeed, to the nations of our world; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to commemorate the life and career of the 37th President of the United States, the Honorable Richard Milhous Nixon, fully confident that his personal courage and his love for the American people vindicate and yet sustain an indomitable spirit; and be it further

Resolved, That a copy this resolution, suitably engrossed, be transmitted to the family of Richard M. Nixon, 37th President of the United States.

ACTING PRESIDENT FARLEY: On the resolution. All in favor, please say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

Senator Present.

SENATOR PRESENT: Mr. President. May I suggest that all members of the Senate be part of that resolution except for those who decline; and if they do, notify the desk.

ACTING PRESIDENT FARLEY: Yes. All members of the Senate will be sponsors of the Nixon resolution. If you choose not to be, please notify the desk.

Senator Present.

SENATOR PRESENT: Mr. President. I would like to informed members that when we

adjourn today's session, we will do so in memory of Richard M. Nixon, 37th President of the United States.

Mr. President. There being no further business, I move that we adjourn until Monday, May 2, 1:00 p.m., intervening days being legislative days. Members should be advised that they are subject to the call of the Majority Leader for session upon 24 hours notice.

ACTING PRESIDENT FARLEY: Also, Senator Present, there will be a 21-gun salute on the steps of the Capitol at 11:45 for the late President Nixon.

The Senate will stand adjourned until Monday at the regular hour -- 1:00 o'clock, I'm sorry. That's 1:00 o'clock on Monday, intervening legislative days. All members are subject to the call of the Majority Leaders.

(Whereupon, at 11:35 a.m., Senate adjourned.)