ALBANY, NEW YORK

March 14, 1995

3:00 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their places, staff their seats. Ask all to rise in the gallery, too, to join me in the Pledge of Allegiance to the Flag.

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

We're very honored to be joined by the Reverend Peter G. Young of the Blessed Sacrament Church of Bolton Landing to lead us in prayer.

Father Young.

FATHER YOUNG: Let us Pray.

Dear God, we gather in Your name to assist the people of New York State. May our efforts bring care and community to the needy, to the elderly and to the sick. By Your legislative initiatives, as we enjoy the spring fever weather, may we guide our action by Your love. May that love and action bring a spirit of unity in cooperation within Your most holy wishes. We ask You this now and forever. Amen.

ACTING PRESIDENT KUHL: Thank you, Father Young.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 13th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Journal of Sunday, March 12th, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time recognize Senator Larkin?

ACTING PRESIDENT KUHL: The Chair recognizes Senator Larkin.

SENATOR LARKIN: Mr. President, there will be an immediate meeting of the Local Government Committee in Room 332 for six bills.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Local

Government Committee in Room 332, Majority Conference Room.

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 Bruno, are you ready for the Resolution Calendar which is on the members' desks?

SENATOR BRUNO: Yes, Mr. President. I would like, at this time, to move the adoption of the Resolution Calendar with the exception of Resolution 574 and, I believe, Senator Farley may also have a resolution that we would like to accept.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar with the exception of Resolution Number 574. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. On Resolution 592 sponsored by myself and Senator Onorato, Greek Independence Day, I certainly would open that up for anybody who wishes to co-sponsor it, including all my good Irish friend, Senator Farley.

ACTING PRESIDENT KUHL: Senator Skelos, would you like to do everybody?

SENATOR SKELOS: If they want.

ACTING PRESIDENT KUHL: All right. Senator Skelos, with no objection, we'll put all members on the resolution. Anybody who does not want to be on the resolution, please signify to the Secretary as soon as possible.

Senator Holland.

SENATOR HOLLAND: Put me on.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, at

this time, I would like to call up Resolution Number 574. I'd ask that it be read in its entirety and move its adoption.

ACTING PRESIDENT KUHL: The Secretary will read Resolution Number 574 in its entirety.

THE SECRETARY: Legislative Resolution Number 574, by Senator Libous, Legislative Resolution honoring Kathleen A. Ernst, R.N., upon the occasion of her designation as 1994 New York State's Small Business Person of the Year Award.

WHEREAS, individuals who give of their time and energies and serve the best interests of their communities are an asset beyond remuneration and cannot be sufficiently extolled; and

WHEREAS, Kathleen A. Ernst, R.N., has given not only of her time and energies, but also of her competence, intelligence and leadership and consequently has been designated for special honor; and

WHEREAS, this legislative body is

justly proud to honor Kathleen A. Ernst, R.N., upon the occasion of her designation as recipient of the 1994 New York State Small Business Person of the Year Award by the New York State Small Business Advisory Board; and

WHEREAS, this prestigious award is given in recognition of unusual performance by persons, firms, organizations which operate or assist small businesses in New York State; and

WHEREAS, Kathleen A. Ernst is the president and owner of EM Associates, Incorporated. The business incorporated in 1987 is a full service cost containment company which focuses on employer needs in New York State; and

WHEREAS, in 1973, Kathleen A. Ernst began her work in cost management as a nurse case manager in the areas of Workers' Compensation, auto no-fault and disability. She realized that some day the same cost management philosophy could be applied to the area of group health; and

WHEREAS, after implementing a

pre-admission certification program for a Blue Cross plan, Kathleen A. Ernst convinced Blue Cross to implement a managed care program for the more than one half million subscribers which today remains the model for Blue Cross managed care programs; and

WHEREAS, under Kathleen A. Ernst's leadership, EM Associates, Incorporated, has steadily grown over the past six years, employing 16 full-time employees, five part-time employees and 15 physician advisors; and

WHEREAS, Kathleen A. Ernst had a vision to provide cost management services to group health corporations; as health care has undergone reform, more and more self-insured businesses are realizing the importance of cost management. She has positioned her company to fill the need of health care cost management; and

WHEREAS, Kathleen A. Ernst has been called upon to contribute her time and talents to countless civic and charitable endeavors, she has always given of herself

unstintingly; and

WHEREAS, throughout the entire period of her community service, a period of constructive involvement, Kathleen A. Ernst has stood constant in dignity, good grace and humor; and

WHEREAS, rare indeed is the impressive dedication shown by an individual for the benefit of others which Kathleen A. Ernst has displayed throughout her life; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to honor Kathleen A. Ernst, R.N., upon the occasion of her designation as recipient of the 1994 New York State's Small Business Person of the Year Award; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Kathleen A. Ernst, R.N.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Libous on the resolution.

SENATOR LIBOUS: Thank you, Mr.

President and my colleagues.

It is indeed an honor and a pleasure for me to stand before you today and talk about this extraordinary individual.

Kathleen Ernst has set really an example in becoming the Small Business Person of the Year in New York State, and if you think about that, with all the small businesses that we have in this state, with all the people who struggle each day and have tried to do their share in creating jobs and helping this economy, to be recognized and to be called the Small Business Person of the Year, is indeed an honor.

It is -- it's special for me to -- to have her here today because many of her colleagues are joining us up in the gallery from Broome County and from the Chamber of Commerce, and it's a very, very special time when, you know, we're trying to do the right thing in this chamber in promoting business.

Promoting business has been the philosophy in this chamber and particularly now

under the leadership of Senator Bruno, we have done everything that we can just in a short time this year in creating opportunities for jobs.

Kathleen demonstrates that. She has demonstrated that in her success, in our county, her success in New York State and, as I said earlier, not only is this a special honor for me as her representative to stand before you today but also before her colleagues, her peers, in honoring her.

And before I -- Mr. President, before I stop, I do want to add something else. We also have here today Clair Price, his wife Arlene and son Art, and Clair was recognized today again, another small business person from Broome County, but recognized at the luncheon today as the New York State Business Advocate of the Year. So it's kind of a special honor for me to have both individuals here.

Mr. President, I would conclude by saying that they set an example for all small business people in New York State.

ACTING PRESIDENT KUHL: The Chair

recognizes Senator Bruno on the resolution.

SENATOR BRUNO: Mr. President, I would just like to add a word to the comments of Senator Libous. It really is a pleasure and an honor to have someone as outstanding and distinguished as Kathleen here in the chamber with us because, truly as has been stated, the kinds of things that people like you, Kathleen, can do are a model for all of us here in this state and in this country, and all of us have to recognize that all the good things that happen here in this state and in this country come from people like Kathleen who have the courage to do the kinds of things that they believe are of service to the public, and consequently, gain success.

So I just want to add my admiration and respect, the good things that you're doing, not just for yourself, your friends, your family, but for all of the people of this state. Keep up the good work.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in

favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Kathleen Ernst, on behalf of Senator Bruno, Senator Libous, myself and our colleagues here, keep up what you're doing; you do it so well, and thank you for sharing just a small moment of your life with us.

(Applause.)

Senator Bruno, that brings us to the calendar.

SENATOR BRUNO: Mr. President, can we recognize Senator Farley? I think he has something of great consequence to heed, and some of his colleagues.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

You have a resolution there, 589, that honors St. Patrick. Now, unlike Senator

Libous, I do not have St. Patrick here in the chamber. He might be in the gallery, but I notice that there's a number of Senators that are on that resolution. I would like to have it read and offer the resolution to any member that would like to get on the Patron Saint of all Irishmen and friends of Irish people, and I would ask the Journal Clerk to please read the resolution.

ACTING PRESIDENT KUHL: The Secretary will read the resolution.

THE SECRETARY: Legislative Resolution Number 589, by Senator Farley, Legislative Resolution honoring St. Patrick and all Americans of Irish descent upon the occasion of the 1995 celebration of St. Patrick's Day.

WHEREAS, St. Patrick, Patron Saint of Ireland, is cherished for leaving us a great day for the Irish, St. Patrick's Day; and

WHEREAS, captured at age 16 by Irish marauders, Patrick, as legend has it, was sold to the Druid Chief and taken to what is now known as County Antrim, Ireland; and

WHEREAS, while in Ireland, Patrick began a new relationship with God, a relationship which would lead him to a life dedicated to religion and which would have a profound effect upon the people of Erin; and

WHEREAS, this relationship did not begin with a thunder clap from the sky; it simply began with a prayer; and

WHEREAS, in response to the despair and loneliness of his slave existence, Patrick, who by his accounts, had turned away from God, began to pray, falling back upon his childhood prayers; and

WHEREAS, through prayer, Patrick began his journey back to God; and

WHEREAS, driven by visions to return to his native land, Patrick escaped his captors undertaking a perilous journey in the process; and

WHEREAS, upon his return to Scotland, Patrick dedicated his life to religion, becoming a disciple of San Germain on the southern cost of France, where he was

ordained a priest and later consecrated a bishop; and

WHEREAS, it was Pope Celestine I who named him Patricus and who sent him back to Ireland; and

WHEREAS, to the youth of Ireland, Patrick became a Pied Piper, introducing them to the message of God and leading them in great numbers into seminaries and convents; and

WHEREAS, the tradition of exhibiting a sprig of green on St. Patrick's day is done in remembrance of his journey around Ireland utilizing the shamrock as a symbol... symbolic depiction of the mystery of the blessed Trinity; and

WHEREAS, as we honor St. Patrick, we must pause to acknowledge the contributions of those who followed in his footsteps, dedicating their lives to God and his teachings; and

WHEREAS, one such individual is His Eminence John Cardinal O'Connor, Archbishop of New York; and

WHEREAS, a native of Philadelphia, where he was ordained to the Roman Catholic priesthood, His Eminence has studied at a number of colleges and universities and holds advanced degrees in ethics, clinical psychology and political theory; and

WHEREAS, after teaching and parish work in Philadelphia, Cardinal O'Connor entered service as a chaplain with the United States Navy and Marine Corps, serving for 27 years; and

WHEREAS, upon leaving military service, he was ordained a bishop for the Armed Services of United States by Pope John Paul II in 1979; and

WHEREAS, in 1982 he became bishop of Scranton, Pennsylvania and in 1984, archbishop of New York. He was named to the College of Cardinals by Pope John Paul II on April 24, 1985 and created Cardinal and Titular Bishop of the church of Saints John and Paul on May 25, 1985; and

WHEREAS, as the first archbishop

to act as Grand Marshall of the New York City St. Patrick's Day Parade, Cardinal O'Connor embodies the true spirit inherent in the celebration of St. Patrick's Day; and

WHEREAS, as we commemorate the 1995 celebration of St. Patrick's Day, we are mindful of Ireland's history as well as to the troubles which have plagued Northern Ireland; and

WHEREAS, recent events have given this assembled body hope that this St. Patrick's Day will mark the advent of true freedom and peace and for all of the people of Ireland; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to most joyously commemorate St. Patrick's Day, 1995; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the chairman, John Dunleavy and the Grand Marshall, His Eminence John Cardinal O'Connor, of the New York City St. Patrick's Day parade.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

SENATOR FARLEY: As with the Greek Independence Day Resolution, this resolution is open to everybody, Senator Skelos, Senator Paterson, whatever your wishes are, as far as -

ACTING PRESIDENT KUHL: Senator Skelos, shall we put all the members on the resolution, excepting those who signify to the Secretary that they don't wish to be on the resolution?

SENATOR SKELOS: No objection.

ACTING PRESIDENT KUHL: Without objection, the Secretary will note.

Senator Maltese.

SENATOR MALTESE: Mr. President,

with reference to Senate Resolution 585 honoring St. John's University on the occasion of its 125th Anniversary, I would like to have that open for any members that would like to join the resolution.

ACTING PRESIDENT KUHL: Would you like us to take the same approach and put everybody on that?

(Senator Maltese nods head.)

We'll put everybody on.

Senator Gold, it's nice to see you joining the Majority.

SENATOR GOLD: Mr. President. Mr. President.

ACTING PRESIDENT KUHL: All members will be placed on the resolution except those who signify to the Secretary that, in fact, they don't wish to be on the resolution.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yes. In terms of the offer made by Senator Maltese, as confusing

as everything seems to look from this side of the aisle, that's a good idea. I like that one.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Non controversial calendar, please.

ACTING PRESIDENT KUHL: The Secretary will read the non-controversial calendar.

THE SECRETARY: On page 9, Calendar Number 114, by Senator Saland, Senate Print 692, an act to amend the Penal Law, in relation to the minimum period of imprisonment for certain persistent violent felony offenders.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 142, by Senator Saland, Senate Print 2115, an act to amend the Family Court Act, in relation to the placement of children upon disposition of child protective proceedings.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 100th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 144, by Senator Farley, Senate Print 267, an act to amend the Arts and Cultural Affairs Law, in relation to use of permanent durable paper and other durable media.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 1st day of July.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 149, by Senator Farley, Senate Print 90, an act to amend the Banking Law, in relation to the licensing of money transmitters.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 150, by Senator Farley, Senate Print 1379, an act to amend the Banking Law and the Criminal Procedure Law, in relation to the regulation of licensed transmitters of money.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 152, by Senator Maltese, Senate Print 494, an act to amend the Election Law and the Education Law, in relation to sample ballots used for educational purposes.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 158, by Senator Rath, Senate Print 899-A, an act to amend the State Administrative Procedure Act, in relation to guidance and compliance documents.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 162, by Senator LaValle, Senate Print 1720, an act to amend the Public Authorities Law, in relation to the financing and construction of certain facilities.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, is there any housekeeping that's necessary, members?

David, I won't ask if you have anything to say, but -- but we appreciate the cooperation today, the fact that we've completed the non-controversial calendar and there's not

even a controversial calendar to go on to.

(Laughter)

Do you anticipate any corrections to the Journal tomorrow?

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: In honor of St. Patrick's Day and Greek Independence Day, I have tried to keep a unified chamber here.

I would also like the record to reflect that St. Patrick's Day, which is actually March the 17th, was actually the collaborative agreement between two rival groups in Irish government; one believed St. Patrick's Day was on March 8th, the other on March the 9th, so they added the two days together and got March 17th, and I found yesterday that, because of the graciousness of you, Mr. President, who recognized something I was trying to point out in the Journal and the fact that Senator Jones offered an amendment that was actually negotiated with Senator Holland, this

cooperation, I hope, will set the scale for the rest of the year, and that's why there will be no more controversial calendar. I doubt that I will object to anything from now until probably about July.

Thank you, Mr. President.

SENATOR SKELOS: We appreciate that -

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: -- Senator Paterson, and obviously in the spirit of St. Patrick, there are no snakes in this chamber.

Are there any reports of -

ACTING PRESIDENT KUHL: There is no housekeeping at the desk, Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Wednesday, March 15th, 1995, at 11:00 a.m. sharp.

SENATOR PATERSON: Slow roll call.

(Laughter)

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Wednesday at 11:00 a.m.

(Whereupon, at 3:25 p.m., the Senate adjourned.)