ALBANY, NEW YORK

April 11, 1995

3:01 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, the staff to take their places. Ask everyone in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

We're very pleased today to be joined by the Reverend Khatchig Megerdichian of the Holy Cross Armenian Apostolic Church in Troy.

Father Megerdichian.

FATHER KHATCHIG MEGERDICHIAN: Let us pray. Dear God, we thank You for the gift of life and for granting us the honor and privilege of living in this great land of freedom and opportunity, where each and every one of us has the freedom to worship in the faith of their ancestors. We thankfully dedicate our lives to Your glory, to the service of our fellow man, to freedom, justice,

righteousness and the democratic way of life.

We humbly pray that You preserve and protect this great nation, the United States of America, and all of its federal and state and municipal agencies. We humbly pray that Your divine wisdom illuminate the hearts and souls and minds of our President, cabinet and Congress and especially, our Governor, state Senate and Assembly.

As we gather here today on the occasion of the 80th Anniversary of the Armenian genocide, we remember and honor and pay tribute to the blessed memory of over one and a half million innocent Armenian men, women and children who became victims of the first genocide of the 20th Century at the hands of the Ottoman Turks between 1915 and 1923.

We pray that the grievous wrongs of brutal massacre, mass deportation and starvation committed against the Armenian people be known to the world and set right, so that the sacred blood of our ancestors will not have been shed in vein.

Dear God, may the trials and tribulations which the Armenian people experienced throughout their long, illustrious history not be experienced by any nation of the world again.

And now, Dear God, we pray. Grant us faith, hope and love. Make us instruments of Your peace. Teach us to glorify Your holy name, humbly serve our fellow man and unceasingly strive for freedom and justice all the days of our lives. Amen.

ACTING PRESIDENT KUHL: Amen.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 10th. The Senate met pursuant to adjournment. The Journal of Sunday, April 9th, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no 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.

The Chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Levy, on page 23, I offer the follow amendments to Calendar Number 377, Senate Print 3941, and I ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President, at this time if we could adopt the Resolution Calendar.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar. All those favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Is there any other housekeeping at this time? If not, I would like to take up the non-controversial calendar.

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

THE SECRETARY: Calendar Number 192, by Senator Levy, Senate Print 1413, an act to amend the Transportation Law, in relation to establishing the New York State Interagency Task Force.

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

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 229, by Senator Levy, Senate Print 3488, an act to amend the Public Authorities Law, in relation to requiring the Metropolitan Transportation Authority to implement and maintain subway station signs.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 266, by Senator Skelos, Senate Print 607, an act to amend the Education Law, in relation to massage advertisements.

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

THE SECRETARY: Section 4. 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 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 267, by Senator LaValle, Senate Print 2136, an act to amend the Education Law, in relation to registration as a pharmacy.

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.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 39, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 276, by Senator Leibell, Senate Print 3480, an act to amend the Administrative Code of the city of New York and the Emergency Tenant Protection Act of 1974.

ACTING PRESIDENT KUHL: Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, may we request, with the permission of the Majority, a day on this bill for Senator Kruger who had an emergency and isn't in the chamber right now; he'd like to speak on this bill?

ACTING PRESIDENT KUHL: Senator Leibell, would you like to lay the bill aside for the day?

SENATOR LEIBELL: Lay it aside.

ACTING PRESIDENT KUHL: The Senator consents to laying the bill aside for the day. Lay the bill aside for the day.

The Secretary will continue to call the non-controversial calendar.

THE SECRETARY: Calendar Number 293, by Senator Seward, Senate Print 2699, an act to amend the Real Property Law, in relation to the contents of registration statements.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 299, by Senator Padavan, Senate Print 3380, an act to amend the General Municipal Law, the Personal Property Law, the Public Authorities Law, the Administrative Code of the city of New York.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 302, by Senator Johnson, Senate Print 3420, an act to amend the Real Property Tax Law, in relation to a senior citizen rent exemption and tax abatement program.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, that completes the non-controversial and controversial calendar.

SENATOR SKELOS: Would you recognize Senator Maltese, please?

ACTING PRESIDENT KUHL: The Chair recognizes Senator Maltese.

SENATOR MALTESE: Mr. President, in connection with the Armenian Martyrs' Resolution which was passed by this house, co-sponsored by the members of this house and in conjunction with the executive proclamation issued by the Governor declaring April 24th, 1995 Armenian Martyrs' Day, we have in the chamber two representatives of the Armenian

National Committee, Mr. Grigorian and Dr. Ara Caprielian, and I wish the house to acknowledge their presence and welcome them.

ACTING PRESIDENT KUHL: Dr. Caprielian and Mr. Grigorian, thank you for joining us. We appreciate your taking the time out of your busy schedules to be with us.

Thank you.

(Applause.)

SENATOR LEVY: Mr. President.

ACTING PRESIDENT KUHL: Senator Levy.

SENATOR LEVY: Yes. I ask unanimous consent to be recorded in the negative on Calendar 293.

ACTING PRESIDENT KUHL: Without objection, Senator Levy will be recorded in the negative on Calendar Number 293.

SENATOR SKELOS: Mr. President, at this time if we could return to reports of standing committees, I believe there's a report from the Finance Committee.

ACTING PRESIDENT KUHL: Senator

Skelos, there is a report from the Finance Committee here. I'll ask the Secretary to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Jeffrey Sweet of Peekskill, member of the Workers' Compensation Board.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT KUHL: The motion is on the nomination of Jeffrey Sweet of Peekskill to an appointment as a member of the board of the Workmen's Compensation. All those on -

The Chair recognizes Senator Leibell on the confirmation.

SENATOR LEIBELL: Just briefly if I could, Mr. President.

I'm pleased to once again have the opportunity to speak on behalf of a nominee

who has been sent to us by the Governor.

Jeffrey Sweet has had a distinguished career. He has had a career that has well equipped him for the position when - which he is before us today to serve as a member of the Workers' Compensation Board. His experience, not only in local government, his experience in -- with the Westchester County Medical Center where he has served as personnel -- assistant personnel director from 1970 to the present, his responsibility in the areas of labor relations with -- dealing with a large - very large staff and multiple unions, his duties including disciplinary matters and negotiating settlements with unions, grievances, individual problems, contract administration, all of these things we have found in Westchester County have made him a great servant to that community, and I'm certain he will do a great job for the state of New York in his -- in the current position he is seeking, and I would move the nomination.

Thank you.

ACTING PRESIDENT KUHL: The

question is on the confirmation of Jeffrey Sweet of Peekskill to become a member of the Workmen's Compensation Board. All those in favor of the confirmation signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

We're very pleased to have Jeffrey Sweet in the chamber with us, together with his mom, Barbara Sweet, his sister Judy Riscica and also his sister-in-law, Caroline Sweet, and they're accompanied by the mother of our governor, Margaret Pataki. They're in the gallery. Welcome to the chamber.

(Applause.)

Senator Skelos.

SENATOR SKELOS: If we could take up the nomination of Karl A. Henry.

ACTING PRESIDENT KUHL: The Secretary will read.

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

following nomination: Karl A. Henry of Buffalo, member of the Workers' Compensation Board.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Rath on the nomination.

SENATOR RATH: Yes, Mr. President and my colleagues, it gives me a great deal of pleasure to speak on behalf of one of my former colleagues, Karl Henry of Buffalo.

Karl and I served in the county legislature. I know I'm everlastingly telling you about an experience I had in the county legislature. Well, now today it gives me a great deal of pleasure to have one of my colleagues from the county legislature here and, not only was his experience in public service in the county legislature, but he also served as the mayor of the village of Hamburg in our great Southern Tier area below Buffalo in the suburban areas but, of course, beyond that, I want to tell you that Karl's -- much of Karl's professional life has been spent in various capacities in the medical and personnel areas as they interlock and have interwoven throughout

the Niagara Frontier for the last number of years. He is eminently qualified.

Karl is a self-starter and someone that I know will serve us all very proudly on the Workmen's Compensation Board. I urge your consideration for approval.

Thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Volker.

SENATOR VOLKER: Mr. President, I also want to second the nomination of Karl Henry and just say that he's an old friend and colleague in government who has served for many years in various capacities, and I would like to congratulate the Governor on this nomination and wish Karl the very best as part of the Workers' Compensation Board.

ACTING PRESIDENT KUHL: The question is on the confirmation of Karl A. Henry of Buffalo, New York, to become a member of the Workers' Compensation Board. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Karl Henry is with us in the chamber. Congratulations, Mr. Henry. We welcome you to the chamber and wish you good luck in your task.

(Applause.)

Senator Skelos.

SENATOR SKELOS: Mr. President, could we take up the nomination of Anthony H. Gioia?

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Anthony H. Gioia of Buffalo, Director of the New York State Urban Development Corporation.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Volker on the confirmation.

SENATOR VOLKER: Mr. President, this is a great day, I think, for those of us

that come from Western New York and for myself personally.

The gentleman who we are about to confirm, Tony Gioia, has been a friend of myself and my family for some 25 years. He was one of the leaders that -- in the community -- I was about to say he was one of the founders of Gioia Macaroni, but it was actually his grandfather who was the founder of Gioia Macaroni, and he and his brothers ran the company for many, many years until just a few years ago when it was sold.

He runs a large company now in the Buffalo area, has been a long-time member of community boards, including Childrens Hospital and Roswell Park Hospital -- Memorial Hospital and has been one of the pillars of our community, and I think he'll bring a long knowledge of business to the Urban Development Corporation and information about Western New York which, I think, will be very important and will give us somebody on the board who is very knowledgeable about the operations of various

business entities in Western New York and throughout the state.

So I'm proud to be able to offer up the nomination of Tony Gioia.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Rath on the confirmation.

SENATOR RATH: Yes. Along with Senator Volker, I too am very proud to have two very good friends and colleagues in various capacities being confirmed today, and regarding Tony Gioia, he will bring to this position the skills not only of his own family business but the skills of a community leader.

There are very few fund-raising -- successful fund-raising activities, success ful anything that have happened throughout the volunteer world in the Western New York area that Tony has not been involved with in the last number of years. He has contacts far and wide that will serve him very well in this position, and I would urge your consideration for his approval.

Thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Nanula on the confirmation.

SENATOR NANULA: Mr. President, I rise too in support of Mr. Gioia for the director's position of the UDC.

I know Tony Gioia in a number of different capacities. First of all, I know him as a businessman, and his family and mine have long roots in the food business and he, along with his brothers and father, were very successful in building one of Western New York's most successful food manufacturing companies in Gioia Macaroni.

After selling that company, Mr. Gioia and his brother developed Gioia Management Company which has reinvested a lot of their family resources into New York State and into Western New York, which I commend him for and, I think, shows his commitment to the state and certainly to our region.

In addition to that, Senators Rath and Volker have mentioned Tony Gioia has been a great community active citizen. He's

been very involved in helping our standard of living and contributing to the quality of life for Western New Yorkers. I think that he brings a unique combination of community service and business background and, certainly from a selfish position, I feel fortunate and I think we in Western New York, our delegation, should feel fortunate to have Tony Gioia in such an auspicious position. I know he's going to do a great job, and I urge my colleagues here to support this nomination.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I, too, want to rise as a member of the Western New York delegation to add some positive comments of Anthony Gioia.

Mr. Gioia is a businessman, and I can't add any more than what Senators Rath and Volker and Nanula said, other than that he's a fine community leader. There's not a cause in

Western New York that's not been taken up by the Gioia family, be it the Buffalo Philharmonic, the Buffalo Zoo, or whatever, that Tony Gioia is not actively participating in, and I want to rise in support of his nomination also, Mr. Chairman.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Marchi on the confirmation.

SENATOR MARCHI: Mr. President, I'm sure that many observers of history will - are familiar with the fact that Flavio Gioia in the 13th Century invented the compass. Some have taken issue with that claim, but no one can deny Mr. Gioia's mastery in entrepreneurial, enlightened leadership.

He appeared before our Committee on Corporations, Commissions and Authorities and was responsive and also indicated that, with that sturdy compass of his, he will be able to navigate those shoals with great credit to the Governor who named him to this position and we wish him well.

So I rise to second that

nomination.

ACTING PRESIDENT KUHL: The question is on the confirmation of Anthony H. Gioia of Buffalo to the position of Director of the New York State Urban Development Corpora tion. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Senator Skelos.

SENATOR SKELOS: Yes. Would you recognize Senator Levy, please?

ACTING PRESIDENT KUHL: The Chair recognizes Senator Levy.

SENATOR LEVY: Yes, Mr. President. I would like to call up -- I would like to reconsider the vote by which Calendar 229 passed.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar 229, by

Senator Levy, Senate Print 3488, an act to amend the Public Authorities Law, in relation to requiring the Metropolitan Transportation Authority to implement and maintain subway station signs.

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which Calendar Number 229 passed this chamber. The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: Senator Levy.

SENATOR LEVY: Star it for an amendment.

ACTING PRESIDENT KUHL: Place a sponsor's star on Calendar Number 229.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a motion to discharge from

Senator Waldon at the desk. May we take it up at this time?

ACTING PRESIDENT KUHL: Senator Skelos, there is a motion to discharge at the desk dealing with Senate Bill Number 1915-A.

The Chair recognizes Senator Waldon for the purposes of making the motion to discharge.

Senator Waldon.

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

Native Americans have played a significant role and a crucial role in this country's history.

If we go back to the time of the American Revolutionary War, I believe that it would not have been possible for the colonials -- colonialists to win if it had not been for our native American brothers supporting our effort.

An example: The Oneida Nation people hiked in mid-winter with 600 bushels of corn on their backs to feed George Washington's

starving army at Valley Forge, and even though the continental army had no money and could not send the necessary supplies, later on in gratitude for the Oneidas' loyalty and courage, the United States signed a treaty in 1794 guaranteeing the Oneida Nation their sovereign right to govern their lands and affairs. However, the promise to protect and support the rights of native Americans like so many others was all too soon forgotten.

It has been very difficult -- I should say it has been difficult to reconcile these and other actions of our state and federal governments to native Americans who, by tradition, expect those they deal with to honor their promises of the past.

This legislation cannot correct those errors of the past. It cannot change the past. However, it can honor the steadfast loyalty by native Americans those many years ago, their firm resolve to trust in the future of our young nation and our common determination for all people to live in peaceful harmony.

Mr. President, my colleagues, I think that this is a good day to discharge this bill and to allow us to vote on it, considering some of the rhetoric that's appeared in the newspapers and the confrontational postures by all sides in regard to the budget negotiations and the denigration of the dialogue to a level that does not bespeak the goodness of the people of the state of New York. I think that this is a good time to recognize the gifts of native Americans traditionally classified in this country as a minority, though they were the people who were here first. I think it would go far towards promoting better relationships between all people, people of color, people who are from the European experience, people who are, like my family, from the African experience.

I would hope that this body in its wisdom would see fit to do this today so that not only will we recognize the great gifts of native Americans to this state and to this nation, but we will also take a step towards

healing the wounds of divisiveness which have surfaced during the last few weeks in the budget negotiations.

I move the motion, Mr. President.

ACTING PRESIDENT KUHL: The motion is to discharge Senate Bill Number 1915-A from committee. All those in favor of discharging the bill from committee, signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(Response of "Nay".)

The motion is lost.

The Chair recognizes Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. Is there any other housekeeping at the desk or any member -

ACTING PRESIDENT KUHL: No housekeeping at the desk.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Wednesday, April 12th, 1995 at

11:00 a.m. sharp.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, April 12th at 11:00 a.m.

(Whereupon, at 3:29 p.m., the Senate adjourned.)