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ALBANY, NEW YORK

May 5, 1993

12:34 p.m.

REGULAR SESSION

LT. GOVERNOR STAN LUNDINE, President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

2 THE PRESIDENT: Senate will come
3 to order. Senators will please find their
4 places.

5 I'd like to ask everyone present
6 to rise and repeat the Pledge of Allegiance with
7 me.

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

10 The prayer this morning will be
11 given by Rabbi Simcha Scholar, Congregation
12 Scjaare Shalom and the National Executive
13 Director of Chai Lifeline.

14 Rabbi Scholar.

15 RABBI SIMCHA SCHOLAR: Almighty
16 God. (Hebrew was briefly spoken.) You,
17 Almighty God, imbues knowledge to individuals.

18 I pray that the knowledge of
19 intellect, the knowledge of emotion and the
20 knowledge of understanding be to this
21 assemblage.

22 I most especially say that the
23 knowledge of understanding the needs of a sick

1 child and the sick and needy in our communities
2 should also be understood. It is my wish and my
3 prayer that this assemblage should do good for
4 all social order and for all humanity.

5 Let us all say amen.

6 THE PRESIDENT: Amen.

7 Secretary will read the Journal.

8 THE SECRETARY: In Senate,
9 Tuesday, May 4. The Senate met pursuant to
10 adjournment. Senator Farley in the chair upon
11 designation of the Temporary President. Prayer
12 by Bishop Muriel Grant of Brooklyn, New York.
13 The Journal of Monday, May 3, was read and
14 approved. On motion, Senate adjourned.

15 THE PRESIDENT: Hearing no
16 objection, the Journal stands approved as read.

17 Presentation of petitions.

18 Messages from the Assembly.

19 Messages from the Governor.

20 Reports of standing committees.

21 Reports of select committees.

22 Communications and reports from
23 state officers.

1 Motions and resolutions.

2 Senator Bruno.

3 SENATOR BRUNO: Is there a
4 resolution at the desk?

5 THE PRESIDENT: There is a
6 resolution at the desk.

7 SENATOR BRUNO: I would ask that
8 its title be read and move its immediate
9 adoption.

10 THE PRESIDENT: Secretary will
11 read.

12 THE SECRETARY: Legislative
13 Resolution, by Senator Bruno and others,
14 commending the New York State recipients of the
15 United States Small Business Administration's
16 1993 awards.

17 THE PRESIDENT: On the
18 resolution. All those in favor, say aye.

19 (Response of "Aye.")

20 Those opposed, nay.

21 (There was no response.)

22 The ayes have it. The resolution
23 is adopted.

1 Senator Nozzolio.

2 SENATOR NOZZOLIO: Thank you, Mr.
3 President. I wish to call up Calendar Number
4 583, Assembly Print Number 5401.

5 THE PRESIDENT: Secretary will
6 read.

7 SENATOR NOZZOLIO: Assembly Print
8 583 -- Calendar Number 583.

9 THE SECRETARY: Assembly Bill
10 Number 5401, an act to amend the Election Law,
11 in relation to federal write-in ballots.

12 SENATOR NOZZOLIO: I now move to
13 reconsider the vote by which this Assembly bill
14 was substituted for my bill, Senate Print Number
15 3183, on May 3.

16 THE PRESIDENT: The Secretary
17 will call the roll on reconsideration.

18 (The Secretary called the roll on
19 reconsideration.)

20 THE SECRETARY: Ayes 45.

21 THE PRESIDENT: The bill is
22 before the house.

23 SENATOR NOZZOLIO: I now move

1 that Assembly Bill Number 5401 be recommitted to
2 the Committee on Elections and my Senate bill be
3 restored to the order of the Third Reading
4 Calendar.

5 THE PRESIDENT: So ordered,
6 without objection.

7 SENATOR NOZZOLIO: Mr.
8 President, I now offer the following
9 amendments.

10 THE PRESIDENT: Amendments
11 received.

12 Secretary will read.

13 THE SECRETARY: On page 4 of
14 today's calendar, Senator Stafford moves to
15 discharge the Committee on Finance from Assembly
16 Bill Number 6857 and substitute it for the
17 identical Calendar Number 621.

18 Also, on page 4, Senator Larkin
19 moves to discharge the Committee on Finance from
20 Assembly Bill Number 6856 and substitute it for
21 the identical Calendar Number 622.

22 Senator Lack moves to discharge
23 the Committee on Consumer Protection from

1 Assembly Bill Number 2929 and substitute it for
2 the identical Calendar Number 624.

3 On page 5, Senator Mega moves to
4 discharge the Committee on Cities from Assembly
5 Bill Number 3644 and substitute it for the
6 identical Calendar Number 629.

7 On page 8, Senator Skelos moves
8 to discharge the Committee on Judiciary from
9 Assembly Bill Number 5866 and substitute it for
10 the identical Calendar Number 649.

11 Also, on page 8, Senator Hannon
12 moves to discharge the Committee on Judiciary
13 from Assembly Bill Number 4349 and substitute it
14 for the identical Calendar Number 650.

15 Senator Tully moves to discharge
16 the Committee on Health from Assembly Bill
17 Number 4750 and substitute it for the identical
18 Calendar Number 655.

19 On page 9, Senator Volker moves
20 to discharge the Committee on Codes from
21 Assembly Bill Number 6439 and substitute it for
22 the identical Calendar Number 664.

23 On page 11, Senator Goodman moves

1 to discharge the Committee on Transportation
2 from Assembly Bill Number 63 an and substituted
3 it for the identical Senate Bill 56A.

4 THE PRESIDENT: Without objection
5 substitutions ordered.

6 Senator Libous.

7 SENATOR LIBOUS: Thank you, Mr.
8 President. I'd like to put a sponsor's star on
9 Calendar Number 581, Senate Print 4294. The
10 bill is being amended.

11 THE PRESIDENT: Without
12 objection, so ordered.

13 (Whereupon, Senator Farley was in
14 the chair.)

15 ACTING PRESIDENT FARLEY: Any
16 other motions on the floor?

17 (There was no response.)

18 Hearing none, Senator Present.

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

22 ACTING PRESIDENT FARLEY:
23 Secretary will read non-controversial.

1 THE SECRETARY: On page 18,
2 Calendar Number 215, by Senator Lack, Senate
3 Bill Number 1322A, an act to amend the Labor
4 Law.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 45, nays
13 one, Senator Libous recorded in the negative.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 225, by Senator LaValle, Senate Bill Number
18 1398, an act relating to providing for extended
19 school days.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.
3 (The Secretary called the roll.)
4 THE SECRETARY: Ayes 46.
5 ACTING PRESIDENT FARLEY: The
6 bill is passed.
7 THE SECRETARY: Calendar Number
8 287, by Senator Tully, Senate Bill Number 724B,
9 an act to amend the Public Health Law.
10 ACTING PRESIDENT FARLEY: Read
11 the last section.
12 THE SECRETARY: Section 2. This
13 act shall take effect immediately.
14 ACTING PRESIDENT FARLEY: Call
15 the roll.
16 (The Secretary called the roll.)
17 THE SECRETARY: Ayes 46.
18 ACTING PRESIDENT FARLEY: That
19 bill is passed.
20 THE SECRETARY: Calendar Number
21 346, by Senator Skelos, Senate Bill Number
22 3868A.
23 SENATOR GOLD: Lay it aside.

1 ACTING PRESIDENT FARLEY: Lay it
2 aside.

3 THE SECRETARY: Calendar Number
4 429, by Senator Padavan, Senate Bill Number
5 116A, an act to amend the Education Law.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 48.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 492, by Senator Wright, Senate Bill Number 4302,
18 an act to amend the Public Authorities Law.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 48.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 499.

8 SENATOR PRESENT: Lay it aside
9 for the day, please.

10 ACTING PRESIDENT FARLEY: Lay it
11 aside for today.

12 THE SECRETARY: Calendar Number
13 502, by Senator Mega, Senate Bill Number 4105,
14 Uniform Justice Court Act.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 49.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 507, by Senator Skelos, Senate Bill Number 3310,
4 an act to amend the Real Property Tax Law.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 49.

13 ACTING PRESIDENT FARLEY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 512, by Senator Johnson, Senate Bill Number
17 1700, an act to amend the State Finance Law, in
18 relation to the purchase of American made goods.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 49.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 514, by Senator Johnson, Senate Bill Number
8 2553A, an act to amend the State Finance Law.

9 SENATOR GOLD: Lay it aside.

10 ACTING PRESIDENT FARLEY: Lay
11 that bill aside.

12 THE SECRETARY: Calendar Number
13 517, by Senator Johnson, Senate Bill Number -

14 SENATOR GOLD: Lay it aside.

15 ACTING PRESIDENT FARLEY: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 525, by Senator Stafford, Senate Bill Number
19 2778, an act to amend the Vehicle and Traffic
20 Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 48, nays
6 one, Senator DeFrancisco recorded in the
7 negative.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 526, by Senator Levy, Senate Bill Number 4000,
12 Vehicle and Traffic Law, in relation to speed
13 limits in work areas.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 49.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 537, by Senator LaValle, Senate Bill Number
3 1432, an act to amend the General Municipal Law.

4 SENATOR GOLD: Lay it aside.

5 ACTING PRESIDENT FARLEY: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 546, by Senator Larkin, Senate Bill Number 2736,
9 Real Property Tax Law.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 51.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 548, by Senator Seward, Senate Bill Number 2957,
22 legalize and validate the issuance of serial
23 bond anticipation notes.

1 ACTING PRESIDENT FARLEY: There
2 is a home rule message here at the desk.

3 Read the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 51.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 555, by Senator Kuhl, Senate Bill Number 3282A,
14 General Municipal Law, in relation to economic
15 development zones.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 51.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 568, by Senator Cook, Senate Bill Number 4156,
5 authorize the Commissioner of General Services
6 to sell and convey certain land in the town of
7 Ulster.

8 SENATOR GOLD: Lay it aside.

9 ACTING PRESIDENT FARLEY: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 569, by Senator Cook, Senate Bill Number 4157,
13 Commissioner of General Services to sell and
14 convey to the New York State Association for
15 Retarded Children certain state owned lands.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 52.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 572, by Senator Maltese, Senate Bill Number
5 2115, an act to amend the Correction Law, in
6 relation to retaking.

7 ACTING PRESIDENT FARLEY: Read
8 the last section.

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 52.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 573, by Senator Marino, Senate Bill Number 3588,
19 Executive Law, in relation to discretionary
20 release on parole.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 52.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: 574, by Senator
9 Johnson, Senate Bill Number 1961, Environmental
10 Conservation Law.

11 SENATOR JOHNSON: Lay it aside
12 for today, please.

13 ACTING PRESIDENT FARLEY: Lay it
14 aside for today.

15 THE SECRETARY: 575, by Senator
16 Johnson, Senate Bill Number 4086, Environmental
17 Conservation Law, in relation to used oil
18 retention facilities.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 52.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: 576, by Senator
7 Johnson, Senate Bill Number 4126, Environmental
8 Conservation Law, in relation to lobsters.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 52.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 SENATOR GALIBER: Mr. President.

20 ACTING PRESIDENT FARLEY: Senator
21 Galiber.

22 SENATOR GALIBER: Yes, Mr.
23 President, on Bill Number 573, was that passed?

1 ACTING PRESIDENT FARLEY: I
2 believe it was.

3 SENATOR GALIBER: Could I make a
4 motion to reconsider the vote by which it
5 passed.

6 ACTING PRESIDENT FARLEY: Wait a
7 second. Let us find the bill.

8 The Secretary will call the roll
9 on reconsideration.

10 (The Secretary called the roll on
11 reconsideration.)

12 THE SECRETARY: Ayes 52.

13 ACTING PRESIDENT FARLEY: The
14 bill is before the house.

15 SENATOR GALIBER: Lay it aside,
16 please.

17 ACTING PRESIDENT FARLEY: Lay the
18 bill aside.

19 SENATOR GALIBER: Thank you.

20 THE SECRETARY: Calendar Number
21 578, by Senator Cook, Senate Bill Number 4387,
22 authorize the Commissioner of Environmental
23 Conservation to lease certain state owned lands.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 52.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 580, by Senator Levy, Senate Bill Number 1405,
13 an act to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 52.

22 ACTING PRESIDENT FARLEY: No.

23 THE SECRETARY: Ayes 51, nays 1,

1 Senator Saland recorded in the negative.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 582, by Senator Libous.

6 SENATOR LIBOUS: Mr. President,
7 could you just lay that aside temporarily.

8 ACTING PRESIDENT FARLEY: Lay it
9 aside temporarily.

10 THE SECRETARY: Calendar Number
11 584, by Senator Maltese, Senate Bill Number
12 3255, Election Law and the Education Law, in
13 relation to sample ballots.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 52.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: 585, by Senator
2 Nozzolio, Senate Bill Number 4005, Election Law,
3 in relation to the term of the chairman of the
4 state Board of Elections.

5 SENATOR GOLD: Lay it aside.

6 ACTING PRESIDENT FARLEY: Lay it
7 aside.

8 THE SECRETARY: Calendar Number
9 587, by Senator Present, Senate Bill Number
10 1592, Agriculture and Markets Law.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 55.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: 590, by Senator
22 Nozzolio, Senate Bill Number 4102, Agriculture
23 and Markets Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 55.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 591, by Senator Kuhl, Senate Bill Number 4426,
13 an act to amend the Agriculture and Markets Law.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 55.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Excuse me. Ayes
2 54, nays 1, senator Leichter recorded in the
3 negative.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 592, by Senator Kuhl, Senate Bill Number 4428,
8 an act to amend the Agriculture and Markets Law,
9 in relation to agricultural assessments.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 56.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: 595, by Senator
21 Kuhl, Senate Bill Number 2667, an act to amend
22 the Navigation Law, in relation to sanitary con
23 ditions aboard craft on Canandaigua, Cayuga,

1 Lakes.

2 SENATOR KUHL: Lay it aside for
3 the day.

4 ACTING PRESIDENT FARLEY: Lay it
5 aside for today.

6 THE SECRETARY: Calendar Number
7 597, by Senator Kuhl, Senate Bill Number 4160,
8 amends Chapter 468 of the Laws of 1990.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 56.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 611, by Senator Cook, Senate Bill Number 4773,
21 authorizing Greene County to sell and convey
22 certain lands.

23 ACTING PRESIDENT FARLEY: Before

1 you read the last section. There is a home rule
2 message here at the desk. Now you can read the
3 last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 56.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 Senator Present, that's the first
13 time through.

14 SENATOR PRESENT: Mr. President,
15 let's go through a second time and take up
16 controversial bills.

17 ACTING PRESIDENT FARLEY:
18 Controversial. Secretary will read them.

19 THE SECRETARY: On page 22,
20 Calendar Number 346, by Senator Skelos, Senate
21 Bill Number 3860A, in relation to directing the
22 Crime Victims Board.

23 SENATOR GOLD: Explanation.

1 ACTING PRESIDENT FARLEY:

2 Explanation has been asked for. Lay it aside.

3 THE SECRETARY: Calendar Number
4 514, by Senator Johnson, Senate Bill Number
5 2553A, an act to amend the State Finance Law.

6 SENATOR HALPERIN: Explanation.

7 ACTING PRESIDENT FARLEY:

8 Explanation. Senator Johnson.

9 SENATOR JOHNSON: Mr. President,
10 this bill provides that monies made available
11 for State Police expenses dealing with a
12 reduction of auto theft should also be used for
13 the investigation of carjacking. It's a simple
14 bill. There is money in the budget, the State
15 Police budget, apparently, to do this already.

16 SENATOR HALPERIN: Mr. President.

17 ACTING PRESIDENT FARLEY: Senator
18 Halperin.

19 SENATOR HALPERIN: Will Senator
20 Johnson yield to a question?

21 ACTING PRESIDENT FARLEY: Senator
22 Johnson, will you yield, please?

23 SENATOR JOHNSON: Yes.

1 SENATOR HALPERIN: I'm not sure I
2 understood your explanation of this legislation,
3 Senator. As I read this, it limits monies now
4 available for general operations of the State
5 Police to specific purposes which are related to
6 car theft and carjacking. Is that accurate,
7 Senator?

8 SENATOR JOHNSON: No, not
9 exactly, Senator. This adds carjacking to the
10 general requirement that they now detect,
11 prosecute, and reduce automobile theft. There
12 was a fund set aside for that purpose.

13 SENATOR HALPERIN: Well, Senator,
14 I refer you to lines 6 and 7 of the
15 legislation. There's bracketed language there,
16 and it states that it's -- that the state
17 operation expenses of the Division of State
18 Police, "including but not limited to." Now,
19 you are taking out the term "not limited to".

20 So it is now going to read,
21 "shall be made available for the costs of the
22 Division of State Police activities relating to
23 the investigation, detection, prosecution, and

1 reduction of automobile theft, carjacking
2 related purposes."

3 So it seems to me that you're
4 saying that monies that are now available to the
5 State Police for a wide range of purposes can
6 now only be used for specific purposes.

7 SENATOR JOHNSON: Do you have a
8 "B" copy or something of this bill?

9 SENATOR HALPERIN: No.

10 SENATOR JOHNSON: I don't have
11 any brackets on my bill. I don't know where the
12 brackets come from, Senator. I don't know what
13 you are referring to.

14 SENATOR HALPERIN: We're
15 discussing 2553.

16 SENATOR JOHNSON: We have
17 underlined things which are added in. I don't
18 have anything excluded here on my bill. I don't
19 know what you are referring to.

20 SENATOR HALPERIN: So you are
21 talking about an "A" version.

22 SENATOR JOHNSON: Yes.

23 SENATOR HALPERIN: I'm sorry, I

1 don't have the "A" version.

2 SENATOR JOHNSON: Well, this just
3 adds carjacking and defines what carjacking is.
4 Otherwise, it just expands their mission.

5 SENATOR HALPERIN: So this will
6 let it be used -

7 SENATOR JOHNSON: It lets them do
8 that. Because now that's not theft of a car.
9 It's holdup and robbery of a car. We want to
10 make sure they don't exclude that, which is a
11 growing crime in our city and our state.

12 SENATOR HALPERIN: Thank you very
13 much, Senator.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 56.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 517, by Senator Johnson, Senate Bill Number
3 3659, establish a moratorium on the promulgation
4 of state regulations.

5 SENATOR LEICHTER: Explanation.

6 ACTING PRESIDENT FARLEY: Did you
7 ask for an explanation, Senator Leichter?

8 SENATOR LEICHTER: Yes, sir.

9 ACTING PRESIDENT FARLEY: Senator
10 Johnson, an explanation has been asked for by
11 Senator Leichter.

12 SENATOR JOHNSON: I think there
13 is no question, Mr. President, that excessive
14 regulation and red tape impose a tremendous
15 economic burden upon the businesses and upon the
16 individual consumers of products in this state.
17 There's got to be a way to get regulations down
18 to a minimum, and stop the constant promulgation
19 of new regulations, which may or may not be
20 beneficial to our people and certainly cost a
21 lot of additional money.

22 Our economy is in trouble in this
23 state and in this nation. Anybody who read

1 today's papers know that the message that which
2 Willie Clinton got, our President Clinton, a few
3 months back is, "The economy, Stupid, is still
4 there," and the economy is our primary concern.

5 So we have to try to restrain our
6 ambition to put on further regulations, and we
7 have to re-examine those regulations which are
8 out there and see if they have the benefit which
9 we ascribed to them when they were first put
10 into effect, whether those regulations are in
11 accordance with the laws which are ostensibly
12 the basis of those regulations, and whether any
13 of those regulations could be eliminated and
14 still do the job which the Legislature, on
15 behalf of the people, feel should be done in
16 this state.

17 So this bill simply says that we
18 should have a four-month period where no new
19 regulations shall be put into place. During
20 that period of time, the agency shall examine
21 their regulations, see which ones can be
22 eliminated without any harm to the mission they
23 are supposed to serve, which ones can be

1 eliminated to help economic development rather
2 than hinder economic development, make a report,
3 recommend -- either eliminate themselves or
4 recommend to us changes in the law so we can
5 eliminate some of those regulations, and have
6 some oversight in the name of a working task
7 force on competitiveness in New York State which
8 will continue indefinitely after that period and
9 it will consist of members of the
10 Assembly-Senate Administrative Regulation Review
11 Commission, members of the Committee on Public
12 Management Systems, Public/Private Cooperation,
13 the Assembly and Senate chairman of Commerce,
14 and the chairman of Finance and Ways and Means,
15 and the Department of Economic Development
16 Commissioner will be the chairman of their task
17 force.

18 This is a chance for us to get
19 New York State on the growth track. Anybody
20 who's read any recent reports knows that not
21 only have we lost business and jobs but we've
22 lost population. This is the Empire State.

23 This was one of the leading

1 states of this nation for the 200-plus years of
2 our existence, and now we're relegated to kind
3 of a backwater state losing, constantly losing
4 out, doing programs which are unnecessarily
5 expensive and driving business and jobs out of
6 this state.

7 I don't know if any of you have
8 asked for copies of the reports of the
9 businesses leaving your area, but I've got a
10 couple. And last month, three people filed
11 reports of intention to close their business and
12 leave this state, over 640 jobs just in my
13 district, and I haven't got the ones for the
14 last year or so. They must be delivering
15 thousands of them in all your districts.

16 You wonder where the 600,000 jobs
17 went that we lost? They went from everybody's
18 district. Find out about that. Regulation
19 along with high taxes and electric rates are
20 some of the reasons why people are leaving this
21 state.

22 All we're saying is let's step
23 back, take a deep breath, see where we are, see

1 what we've done to ourselves, try to straighten
2 out the problems we've created as a government
3 and government agencies, and let business get
4 back to work making jobs and bringing prosperity
5 to our state.

6 Thank you.

7 SENATOR LEICHTER: Mr. President.

8 ACTING PRESIDENT SKELOS: Senator
9 Leichter.

10 SENATOR LEICHTER: Yes, Mr.
11 President. This is one of these "stop the world
12 I want to get off" bills, and my good friend
13 Senator Johnson knows the respect and the
14 fondness I have for him; but, you know, what
15 these conservatives often do is they want to get
16 back to the womb -- you know, when things were
17 easier and better and so on.

18 Senator, you're right. We're in
19 economic trouble in New York State, and I don't
20 know whether you were at the breakfast that the
21 Rockefeller Institute had yesterday with Sam
22 Ehrenhalt, who set forth statistics -- I know
23 Senator Stafford was there and maybe some other

1 members -- and showed some really very
2 frightening statistics about the economic
3 difficulties in this state.

4 But, Senator, maybe part of the
5 problem we have in this state, and it's just
6 part of the problem, is that we respond with
7 these sort of bills, another study commission,
8 another this, another that. That's part of the
9 problem.

10 The other part of the problem is
11 failing to understand, I think, what the problem
12 that we're facing is and being unable to,
13 therefore, deal with the reality. Reality is,
14 Senator Johnson, that what the president of the
15 Bundesbank does happens to be more significant,
16 most often, for the economy of this state than
17 what the Governor of this state does. We're
18 part of a global economy, and we're particularly
19 dependent upon international trades.

20 We've obviously been badly hurt
21 by the recession in Europe, a recession in
22 Japan. None of these have anything to do with
23 regulations. It's nice to believe, "Oh, the

1 reason business can't function is because of
2 regulation." Hogwash. Hogwash. I'm not saying
3 that there aren't some instances where that is a
4 problem and that, therefore, we may not be as
5 attractive to businesses as other places, but
6 that's not the problem we have, Senator, and
7 even if it were, your prescription, I submit to
8 you, is not the answer.

9 First of all, we've had all of
10 these years a Legislative Administrative
11 Regulation Review Commission. What have they
12 been doing? I know that Senator Present was the
13 head of it. He used to get up occasionally and
14 talk about some regulations. I'm not willing to
15 say they weren't doing the job. In fact, they
16 probably were doing as good a job as they were
17 capable of doing.

18 But the whole point is, Senator,
19 is that these regulations that they were looking
20 at, that other people were looking at, in most
21 instances were necessary. It happens to be a
22 very complicated society we have. We are
23 becoming more interdependent, and that means

1 that you are going to have more laws and more
2 regulations, and many of those are helpful to
3 businesses. So we had that Administrative
4 Regulation Review Commission that did really the
5 very thing that this group that your bill
6 provides for is supposed to be doing.

7 Secondly, I think the idea of a
8 moratorium is one of these, you know, "I would
9 like to go back to the way it was 40 or 50 years
10 ago." Can't turn the clock back, Senator. I
11 would like to turn it back in many things that I
12 do, but I can't, and we can't do it as far as
13 business in this state is concerned.

14 But to say that for four months
15 we're not going to have any regulations -- and I
16 understand you have a procedure where if there
17 is an emergency then you have to go this task
18 force, Senator, there are a lot of things that
19 need to be done in those four months, and you
20 just can't say we're going to have a
21 moratorium. If anything that would be extremely
22 harmful to business and jobs in this state.

23 Finally, I notice that this task

1 force that you set up, you ignore the Minority.
2 Yesterday, we heard the Majority Leader. I
3 loved some of the things he was saying. "We need
4 democracy. No tyrrany. And we got to be
5 involved. EVERYBODY'S got to be involved."
6 Senator, I quote those words to you because if
7 you are going to set up any meaningful group, a
8 task force, a commission, that has legislative
9 input, then it also has to have legislative
10 input from the Minority both in the Senate and
11 in the Assembly.

12 So for all these reasons,
13 Senator, I submit to you, your bill, while
14 obviously well-intentioned as all of your
15 efforts are well-intentioned but I think
16 unfortunately highly ineffective, is really
17 harmful, harmful in the sense that it keeps us
18 from doing some of the things that we really
19 should be doing that maybe could help jobs and
20 industry in this state. I'll just mention two
21 of them to you.

22 One of them is the whole problem
23 of economic conversion. One of the reasons

1 we're losing jobs is because of the cutback in
2 the military. What are we doing about economic
3 conversion, about training? How are we helping
4 communities such as Rome, New York, where an air
5 base is going to close? We ought to be out there
6 helping instead of saying keep the air base open
7 because that ain't going to happen. What are we
8 doing about economic conversion? So that's
9 certainly one.

10 Another one that we ought to do
11 much more on is biomedical and biotech research
12 and helping those institutions that we have in
13 this state. We have wonderful hospitals; we
14 have wonderful universities; we have teaching
15 hospitals. We could do so much more in that
16 area, and I haven't seen really us do anything
17 or hardly anything.

18 Those are just two ideas. There
19 are many others. This is certainly not a
20 prescription to deal with the economic ills of
21 New York State.

22 ACTING PRESIDENT SKELOS: Last
23 section.

1 SENATOR JOHNSON: Mr. President,
2 I would like to respond briefly to Senator
3 Leichter.

4 Senator, I think we all know
5 we're in a world economy. In fact, that's one
6 of the reasons why our people can't compete
7 because not only the president of the Bundesbank
8 but the president of Mexico and the premier of
9 Malaysia, they all have an influence on what's
10 manufactured and sold in this country and around
11 the world and the prices of those products, and
12 I'm well aware of that, Senator.

13 But I do think -- I do think that
14 your, should I say assertion that regulation is
15 hogwash and is not really a problem is an
16 overstatement. I mean I think everybody in this
17 chamber has been approached by members of the
18 regulated communities in their district and
19 saying, "This agency is taking six months to do
20 this and they didn't do it, and I can't move
21 ahead with my plans," or "They won't give me an
22 answer," or "They told me to do it this way and
23 now they are telling me to do it that way."

1 There's no question that regulations are
2 ambiguous and overdone and creating an awful lot
3 of problems.

4 Senator, we can't turn the clock
5 back, but we can turn the clock ahead. We can
6 learn from the mistakes we've done this year or
7 the previous year or the previous ten or twenty
8 years and correct those things. Yes, we can't
9 turn the clock back, but we can do it by turning
10 it ahead maybe twenty hours to a new era
11 reminiscent of the past where there was less
12 government interference in business and more
13 economic opportunities for entrepreneurs and for
14 consumers as well, to get a lower priced product
15 that does the job just as well without a lot of
16 expenses added on gratuitously by government
17 intervention.

18 As far as your comment on no
19 input from Minority, as you are aware, it may
20 not be the Minority but the Majority in both
21 houses. So both parties are well represented in
22 this bill, Senator. And if you think we ought
23 to have 20 members instead of 10 members on this

1 board, I have no problem with that. We can
2 certainly do that. But both houses are
3 represented and I think both parties, and their
4 philosophies are, therefore, represented in this
5 bill.

6 The other thing I would say that,
7 as you are probably aware, we have done the
8 Defense Department conversion bill in this
9 state, defense industry conversion. We passed
10 that bill to encourage conversion. We haven't
11 got any input, any support in the other house to
12 do that bill; but we should certainly do it,
13 Senator; and I would encourage you to encourage
14 your cohorts of the Democrat Party in the other
15 house to move ahead with that defense industry
16 conversion bill. It would be very helpful.

17 And this bill, of course, would
18 just be icing on the cake. It would let all
19 businesses convert and move ahead economically
20 to create the jobs that we certainly need in
21 this state and the prosperity that we're looking
22 forward to in the future once this bill is
23 adopted by both houses and signed by the

1 Governor.

2 Thank you.

3 ACTING PRESIDENT SKELOS: Read
4 the last section.

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

7 ACTING PRESIDENT SKELOS: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 54, nays 3.
11 Senators Gold, Halperin and Leichter recorded in
12 the negative.

13 ACTING PRESIDENT SKELOS: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 537, by Senator LaValle, Senate Bill Number
17 1432.

18 SENATOR LAVALLE: Lay it aside.

19 ACTING PRESIDENT SKELOS: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 568, by Senator Cook, Senate Bill Number 4156.

23 SENATOR PRESENT: Lay it aside

1 temporarily.

2 ACTING PRESIDENT SKELOS: Lay it
3 aside temporarily.

4 THE SECRETARY: Calendar Number
5 573, by Senator Marino, Senate Bill Number 3588.

6 SENATOR PRESENT: Lay it aside.

7 ACTING PRESIDENT SKELOS: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 582, by Senator Libous, Senate Bill Number 4340,
11 Education Law.

12 ACTING PRESIDENT SKELOS: Senator
13 Dollinger.

14 SENATOR DOLLINGER: I just -- I
15 raised a question during the deliberation of the
16 Alcoholism and Drug Abuse Committee, and the
17 chairman has provided me with information that
18 suggests that this bill is an appropriate step,
19 and I will join in supporting the bill.

20 I thank the chairman for the
21 information on the bill.

22 ACTING PRESIDENT SKELOS: Read
23 the last section.

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

3 ACTING PRESIDENT SKELOS: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 57.

7 ACTING PRESIDENT SKELOS: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 585, by Senator Nozzolio, Senate Bill Number
11 4005, Election Law, in relation to the term of
12 the chairman of the state Board of Elections.

13 ACTING PRESIDENT SKELOS: Read
14 the last section.

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

17 ACTING PRESIDENT SKELOS: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 57.

21 ACTING PRESIDENT SKELOS: The
22 bill is passed.

23 Senator Present, that completes

1 the calendar.

2 SENATOR PRESENT: Mr. President,
3 there being no further business, I move we
4 adjourn until Monday, May 10.

5 ACTING PRESIDENT SKELOS: Senator
6 Present. If we could, one minute?

7 SENATOR PRESENT: Sure.

8 ACTING PRESIDENT SKELOS: Senator
9 Libous.

10 SENATOR LIBOUS: Thank you, Mr.
11 President. On behalf of Senator Saland, I wish
12 to call up his bill, Print Number 2363A,
13 recalled from the Assembly which is now at the
14 desk.

15 ACTING PRESIDENT SKELOS:
16 Secretary will read.

17 THE SECRETARY: By Senator
18 Saland, Senate Bill Number 2363A, an act to
19 amend the Social Services Law and the Public
20 Health Law.

21 ACTING PRESIDENT LIBOUS: Mr.
22 President, I now move to reconsider the vote by
23 which this bill was passed.

1 ACTING PRESIDENT SKELOS: The
2 Secretary will call the roll on reconsideration.

3 (The Secretary called the roll on
4 reconsideration.)

5 THE SECRETARY: Ayes 57.

6 ACTING PRESIDENT SKELOS: The
7 bill is before the house.

8 SENATOR LIBOUS: Mr. President, I
9 offer up the following amendments.

10 ACTING PRESIDENT SKELOS:
11 Amendments are received.

12 Senator Larkin.

13 SENATOR LARKIN: Mr. President,
14 would you please star the following two bills:
15 Calendar 63, Senate Bill 191; Senate Bill 195B,
16 Calendar 277, for Senator Levy.

17 ACTING PRESIDENT SKELOS: So
18 ordered.

19 Senator Present.

20 SENATOR PRESENT: I think we can
21 have it now. Mr. President, there being no
22 further business, I move we adjourn until
23 Monday, May 10, 2:30 p.m., intervening days

1 being legislative days.

2 ACTING PRESIDENT SKELOS: Senate

3 is adjourned.

4 (Whereupon, at 1:17 p.m., Senate

5 adjourned.)

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