ALBANY, NEW YORK

May 5, 1993

12:34 p.m.

REGULAR SESSION

LT. GOVERNOR STAN LUNDINE, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

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

Rabbi Scholar.

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

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

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

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

Let us all say amen.

THE PRESIDENT: Amen.

Secretary will read the Journal.

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

THE PRESIDENT: 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.

Senator Bruno.

SENATOR BRUNO: Is there a resolution at the desk?

THE PRESIDENT: There is a resolution at the desk.

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

THE PRESIDENT: Secretary will read.

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

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

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The ayes have it. The resolution is adopted.

Senator Nozzolio.

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

THE PRESIDENT: Secretary will read.

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

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

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

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is before the house.

SENATOR NOZZOLIO: I now move

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

THE PRESIDENT: So ordered, without objection.

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

THE PRESIDENT: Amendments received.

Secretary will read.

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

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

Senator Lack moves to discharge the Committee on Consumer Protection from

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

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

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

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

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

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

On page 11, Senator Goodman moves

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

THE PRESIDENT: Without objection substitutions ordered.

Senator Libous.

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

THE PRESIDENT: Without objection, so ordered.

(Whereupon, Senator Farley was in the chair. )

ACTING PRESIDENT FARLEY: Any other motions on the floor?

(There was no response. )

Hearing none, Senator Present.

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

ACTING PRESIDENT FARLEY: Secretary will read non-controversial.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 287, by Senator Tully, Senate Bill Number 724B, an act to amend the Public Health Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 46.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 346, by Senator Skelos, Senate Bill Number 3868A.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 499.

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

ACTING PRESIDENT FARLEY: Lay it aside for today.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The

bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

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

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR JOHNSON: Lay it aside for today, please.

ACTING PRESIDENT FARLEY: Lay it aside for today.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR GALIBER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Galiber.

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

ACTING PRESIDENT FARLEY: I believe it was.

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

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

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR GALIBER: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay the bill aside.

SENATOR GALIBER: Thank you.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: No.

THE SECRETARY: Ayes 51, nays 1,

Senator Saland recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 582, by Senator Libous.

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

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

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

Lakes.

SENATOR KUHL: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for today.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Before

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

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

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

ACTING PRESIDENT FARLEY: Controversial. Secretary will read them.

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

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY:

Explanation has been asked for. Lay it aside.

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

SENATOR HALPERIN: Explanation.

ACTING PRESIDENT FARLEY:

Explanation. Senator Johnson.

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

SENATOR HALPERIN: Mr. President.

ACTING PRESIDENT FARLEY: Senator Halperin.

SENATOR HALPERIN: Will Senator Johnson yield to a question?

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

SENATOR JOHNSON: Yes.

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

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

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

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

reduction of automobile theft, carjacking related purposes."

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

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

SENATOR HALPERIN: No.

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

SENATOR HALPERIN: We're discussing 2553.

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

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

SENATOR JOHNSON: Yes.

SENATOR HALPERIN: I'm sorry, I

don't have the "A" version.

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

SENATOR HALPERIN: So this will let it be used -

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

SENATOR HALPERIN: Thank you very much, Senator.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR LEICHTER: Explanation.

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

SENATOR LEICHTER: Yes, sir.

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

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

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

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

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

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

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

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

This was one of the leading

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

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

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

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

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

Thank you.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT SKELOS: Senator Leichter.

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

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

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

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

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

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

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

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

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

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

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

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

Finally, I notice that this task

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

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

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

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

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

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

ACTING PRESIDENT SKELOS: Last section.

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

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

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

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

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

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

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

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

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

Governor.

Thank you.

ACTING PRESIDENT SKELOS: Read the last section.

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

ACTING PRESIDENT SKELOS: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT SKELOS: The bill is passed.

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

SENATOR LAVALLE: Lay it aside.

ACTING PRESIDENT SKELOS: Lay it aside.

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

SENATOR PRESENT: Lay it aside

temporarily.

ACTING PRESIDENT SKELOS: Lay it aside temporarily.

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

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT SKELOS: Lay it aside.

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

ACTING PRESIDENT SKELOS: Senator Dollinger.

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

I thank the chairman for the information on the bill.

ACTING PRESIDENT SKELOS: Read the last section.

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

ACTING PRESIDENT SKELOS: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SKELOS: The bill is passed.

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

ACTING PRESIDENT SKELOS: Read the last section.

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

ACTING PRESIDENT SKELOS: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SKELOS: The bill is passed.

Senator Present, that completes

the calendar.

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

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

SENATOR PRESENT: Sure.

ACTING PRESIDENT SKELOS: Senator Libous.

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

ACTING PRESIDENT SKELOS: Secretary will read.

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

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

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SKELOS: The bill is before the house.

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

ACTING PRESIDENT SKELOS: Amendments are received.

Senator Larkin.

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

ACTING PRESIDENT SKELOS: So ordered.

Senator Present.

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

being legislative days.

ACTING PRESIDENT SKELOS: Senate is adjourned.

(Whereupon, at 1:17 p.m., Senate adjourned. )