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ALBANY, NEW YORK

March 23, 1993

3:39 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT FARLEY: Senate
3 will come to order. Senators will please find
4 their seats.

5 Please rise with me for the
6 Pledge of Allegiance to the Flag.

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

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

12 (Whereupon, there was a moment of
13 silence.)

14 Secretary will begin by reading
15 the Journal.

16 THE SECRETARY: In Senate,
17 Monday, March 22. The Senate met pursuant to
18 adjournment. Senator Farley in the chair upon
19 designation of the Temporary President. The
20 Journal of Sunday, March 21, was read and
21 approved. On motion, Senate adjourned.

22 ACTING PRESIDENT FARLEY: Hearing
23 no objection, the Journal will stand approved as

1 read.

2 The order of business:

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 We have a report of a standing

8 committee.

9 Secretary will read it.

10 THE SECRETARY: Senator Stafford,

11 from the Committee on Finance reports the

12 following nominations:

13 Member of the State Council on

14 Home Care Services, the Reverend Harold D.

15 Avery, of Syracuse; Audrey Morris Petersen of

16 Jamaica; Vivienne Torres-Suarez of Bayside.

17 Member of the Administrative

18 Review Board for Professional Medical Conduct,

19 Winston S. Price, M.D., of Brooklyn.

20 Member of the Palisades

21 Interstate Park Commission, Mary A. Fisk of New

22 York City.

23 Member of the Taconic State Park,

1 Recreation and Historic Preservation Commission,
2 William Sloan Greenawalt of Hartsdale.

3 Member of the Central New York
4 State Park, Recreation and Historic Preservation
5 Commission, Adrienne Kay Mannion of
6 Fayetteville.

7 Member of the Genesee State Park,
8 Recreation and Historic Preservation Commission,
9 Mary M. Miskell of Geneseo.

10 Commissioner of the Interstate
11 Sanitation Commission, Donna Birch Gerstle of
12 Staten Island.

13 ACTING PRESIDENT FARLEY: On the
14 appointments, on the confirmation. All those in
15 favor, aye.

16 (Response of "Aye.")

17 Those opposed, nay.

18 (There was no response.)

19 Members are confirmed.

20 Senator Present.

21 SENATOR PRESENT: Mr. President.

22 I move that we adopt the Resolution Calendar.

23 ACTING PRESIDENT FARLEY: All in

1 favor of adopting the Resolution Calendar.

2 SENATOR GOLD: Hold it, sir. Mr.
3 President.

4 SENATOR MEGA: Mr. President.

5 ACTING PRESIDENT FARLEY: Senator
6 Mega.

7 SENATOR MEGA: On behalf of
8 Senator Farley, I would like to place a sponsor
9 star on Calendar 204, Bill Number 992.

10 ACTING PRESIDENT FARLEY: Senator
11 Farley's bill is starred.

12 SENATOR MEGA: Mr. President.
13 Recommit Senate Print Number 3615, Calendar
14 Number 210, to the Finance Committee.

15 ACTING PRESIDENT FARLEY: Without
16 objection.

17 SENATOR MEGA: Mr. President. On
18 page 15, I offer the following amendments to
19 Calendar Number 169, Senate Print Number 1257,
20 and ask that said bill retain its place on Third
21 Reading Calendar, on behalf of Senator Goodman.

22 Thank you.

23 ACTING PRESIDENT FARLEY: Without

1 objection.

2 Senator Gold?

3 SENATOR GOLD: Yes. Mr.

4 President. With regard to the Resolution

5 Calendar, Number 803, by Senator Maltese, I

6 understand he is agreeable to allow members to

7 co-sponsor it. This is the resolution

8 commemorating the publication of the first issue

9 of the Minority Business Times. And there may

10 be members that want to be on that. That is

11 803.

12 And 798, commending Head Coach

13 Brian Mahoney of St. John's College upon the

14 occasion of his designation as the 1992-93 Big

15 East Coach of the Year, I know certainly Senator

16 Stachowski wants to be on that, and there may be

17 some others also.

18 Other than that, I have no

19 objection to the calendar being adopted.

20 ACTING PRESIDENT FARLEY: Senator

21 Maltese, what's your pleasure?

22 SENATOR MALTESE: Mr. President.

23 I would appreciate the record indicating that

1 had I been present yesterday, Calendar Number
2 176, I would have voted in the affirmative. I
3 was on Senate business at a hearing at 270
4 Broadway.

5 ACTING PRESIDENT FARLEY: The
6 record will so state.

7 Do you wish to open your two
8 resolutions?

9 SENATOR MALTESE: Yes, Mr.
10 President.

11 ACTING PRESIDENT FARLEY: They are
12 open. Approach the desk if you want to be a
13 co-sponsor.

14 SENATOR COOK: Mr. President.

15 ACTING PRESIDENT FARLEY: Senator
16 Cook.

17 SENATOR COOK: I would like to
18 suggest that Senator Gold be a co-sponsor on all
19 of Senator Maltese's resolutions in the future.

20 SENATOR GOLD: Mr. President. I
21 want to thank Senator Cook for his advice. As
22 usual, I can't take it.

23 ACTING PRESIDENT FARLEY: All

1 right. All in favor of adopting the Resolution
2 Calendar, say aye.

3 (Response of "Aye.")

4 Those opposed, nay.

5 (There was no response.)

6 The Resolution Calendar is
7 adopted.

8 Senator Spano.

9 SENATOR SPANO: Can I place a
10 sponsor star on a bill, Calendar Number 197,
11 2746A?

12 ACTING PRESIDENT FARLEY: 197 is
13 starred at the request of the sponsor.

14 SENATOR SPANO: Thank you.

15 ACTING PRESIDENT FARLEY: Senator
16 Present.

17 SENATOR PRESENT: Mr. President.
18 Would you recognize Senator Hannon, please.

19 ACTING PRESIDENT FARLEY: Senator
20 Hannon.

21 SENATOR HANNON: Mr. President.
22 I believe there is a resolution at the desk. I
23 ask that be called up, be read and then a chance

1 to say a few comments in regard to it.

2 ACTING PRESIDENT FARLEY:

3 Secretary will read the title of the
4 resolution. Do you want the entire resolution
5 read or just the title?

6 SENATOR HANNON: The entire
7 resolution, Mr. President.

8 ACTING PRESIDENT FARLEY: Entire
9 resolution.

10 THE SECRETARY: Legislative
11 Resolution Number 4666, by Senator Hannon and
12 others, urging the New York State Congressional
13 Delegation to propose a Constitutional Amendment
14 for ratification by the states which would
15 specify that the Congress of the United States
16 shall have the power to prohibit the physical
17 desecration of the American Flag.

18 Whereas, although the right of
19 free expression is part of the foundation of the
20 United States Constitution, very carefully drawn
21 limits on expression in specific instances have
22 long been recognized as legitimate means of
23 maintaining public safety and decency as well as

1 orderliness and productive value of public
2 debate.

3 Certain actions, although
4 arguably related to one person's free
5 expression, nevertheless raise issues concerning
6 public decency, public peace and the rights of
7 expression and sacred values of others.

8 There are symbols of our national
9 soul such as the Washington Monument, the United
10 States Capitol Building, the Tomb of the Unknown
11 Soldier, the Vietnam Memorial and memorials to
12 our greatest leaders which are the property of
13 every American and are therefore worthy of
14 protection from desecration and dishonor.

15 The American Flag to this day is
16 a most honorable and worthy banner of a nation
17 which is thankful for its strengths and
18 committed to curing its faults and remains the
19 destination of millions of immigrants attracted
20 by the universal power of the American ideal.

21 The law as interpreted by the
22 United States Supreme Court no longer accords to
23 the Stars and Stripes that reverence, respect

1 and dignity befitting the banner of the most
2 noble experiment of a nation-state.

3 It is only fitting that people
4 everywhere should lend their voices to the
5 forceful call for the restoration to the Stars
6 and Stripes of a proper station under the law of
7 decency; now, therefore, be it

8 Resolved, that the legislative
9 body respectfully urge the New York State
10 Congressional Delegation to propose an amendment
11 to the United States Constitution for
12 ratification by the states specifying that
13 Congress and the states shall have the power to
14 prohibit the physical desecration of the Flag of
15 the United States; and be it further

16 Resolved, that copies of this
17 resolution, suitably engrossed, be transmitted
18 to all members of the Congressional Delegation
19 from the state of New York.

20 ACTING PRESIDENT FARLEY: Senator
21 Hannon on the resolution.

22 SENATOR HANNON: Yes. A
23 procedural point, first of all. Some people

1 have inquired if they could become co-sponsors.
2 There is a number of co-sponsors already, but I
3 ask that you might make it available at the desk
4 for anybody else who would like to be
5 co-sponsor.

6 ACTING PRESIDENT FARLEY: If the
7 members would approach the desk to be a sponsor
8 of this resolution, Senator Hannon will be
9 pleased to let you on it.

10 Senator Hannon on the resolution.

11 SENATOR HANNON: Yes. Mr.
12 President. We citizens of the United States are
13 quite fortunate to be afforded the freedoms that
14 are granted to us in our Constitution.

15 In fact, we're probably among the
16 most fortunate peoples that are here on this
17 world. But we recognize sometimes that there
18 are abuses of those freedoms, and there are
19 times when we have to draw lines which are
20 necessary.

21 Where it comes to areas of free
22 speech, we have often said there are lines, such
23 as we don't call for fires in crowded theaters.

1 And when it comes to the issue in regard to the
2 American Flag, I might quote from what Justice
3 Rehnquist said a couple of years ago in the
4 decision that dealt with this issue, when he
5 said that the American Flag is more than a
6 symbol. It's not just another, quote, "idea" or
7 point of view that is competing for recognition
8 in the marketplace of ideals. It's the American
9 Flag that brings all of us together.

10 So I would think it would be
11 fitting that this Senate once again, as we have
12 done in the past, with respect to our veterans
13 and all our people, take a stand and request
14 that our delegation in Congress introduce and
15 pass a resolution that would amend our U. S.
16 Constitution and make constitutional protections
17 for our flag against its physical desecration.

18 Thank you, Mr. President.

19 ACTING PRESIDENT FARLEY: Senator
20 DeFrancisco.

21 SENATOR DeFRANCISCO: I'm very
22 produced to rise as a co-sponsor of this
23 resolution. And it's particularly appropriate

1 today that it is going to be voted on when so
2 many members of the state American Legion are
3 present in our chambers.

4 Three, in particular, I would
5 like to introduce. We have the state Commander,
6 William H. Purcell; we have the Adjutant,
7 Richard M. Pedro; and the Legislative Chairman,
8 John DePersis, here today. And I know that this
9 particular resolution is extremely important to
10 all the members of the American Legion and all
11 veterans groups.

12 As Senator Hannon has mentioned,
13 there are limits to free speech. And the
14 Supreme Court certainly has a right to interpret
15 the Constitution as they see fit. And we, as
16 legislators, certainly have the right to attempt
17 to amend the Constitution in view of what their
18 decision was.

19 And I would hope that we would
20 have unanimous support for this resolution so
21 that a Constitutional Amendment can, in fact,
22 happen and that the people in this country who
23 respect and honor this flag will be placed where

1 they should be, behind that flag, a flag that's
2 not going to be desecrated in the future.

3 Thank you.

4 ACTING PRESIDENT FARLEY: Senator
5 Maltese.

6 SENATOR MALTESE: Mr. President,
7 I rise in support of the resolution put forth by
8 Senator Hannon. I think, as the Senator has
9 indicated, it is indeed fitting that the
10 resolution come before this body in the presence
11 of the officers and members of the American
12 Legion.

13 I myself am a member of the
14 Garrity Post in Ridgewood Queens, New York.

15 Mr. President. This issue as an
16 issue has come up so many times not only before
17 this body but before our national Legislature.
18 As I think back as a youth, when Pearl Harbor
19 was attacked, the honor that our nation's flag
20 was held in by so many persons in America,
21 especially the immigrants. I remember being
22 brought up in an immigrant neighborhood and
23 having people cry as they held and clutched the

1 flag of our country when we heard about the
2 heroism of so many Americans at Pearl Harbor and
3 afterwards.

4 And as a youth, I remember Colin
5 P. Kelly, Jr. , and his heroism as he lost his
6 life at the beginning of the Second World War,
7 and what this flag has meant to the heros of our
8 country through all the wars, and I especially
9 remember Iwo Jima and what a flag, the raising
10 of a flag meant, not only to the heros of the
11 Pacific but the heros of the Second World War
12 and the people that eventually carried us to
13 victory.

14 I am saying, Mr. President, that
15 obviously our country needs this amendment.
16 Obviously our country needs this legislation.
17 Because there are those, unfortunately, among us
18 who would tread upon our country and tread upon
19 our country's traditions and tread upon our
20 country's flag.

21 It brings to mind an original
22 flag, an early flag of our nation that held a
23 snake and the words "Don't tread on me." Mr.

1 President, I believe that what this amendment
2 says is, "Do not tread on our country's flag.
3 Do not tread on our country's honor."

4 I rise in favor of this
5 resolution.

6 ACTING PRESIDENT FARLEY: Senator
7 Leichter.

8 SENATOR LEICHTER: Mr.
9 President. We've debated this resolution before
10 with similar such measures, and I'm not going to
11 go on at any great length. I'm glad that
12 Senator Maltese had an opportunity to make his
13 very impassioned plea.

14 But, you know, I heard Senator
15 Maltese say, "We need this." And I wracked my
16 brain and tried to see, "Wait a second. Was the
17 flag in danger of being desecrated? Was there a
18 real problem out there? Was it Americans failed
19 to honor the flag?"

20 Couple years ago, you had one nut
21 in Texas who burns a flag, and you want to amend
22 the Constitution. I don't understand it. There
23 is no need for this. Of course, you honor the

1 flag. Of course, it's horrible to desecrate the
2 flag. But every time that we get one nut, one
3 wacko who does something which is offensive,
4 we're going to amend the Constitution? I can't
5 understand it.

6 And let me also say -- and I want
7 to say and acknowledge also the fact that we
8 hear from the people of the American Legion, and
9 we have great respect for the Legion and
10 particularly for the people who served their
11 country and who are now members of the American
12 Legion, and I appreciate and understand their
13 concern about patriotism.

14 But patriotism is the way you
15 act, the way you behave, the love of your
16 country, and it's expressed really in your
17 member of your community, your member of your
18 neighborhood, the way you support your
19 government, the way you practice democracy.

20 Symbols, of course, play a role
21 and are significant, but what is really
22 important is the American way of life, the
23 Constitution, which is wonderful. It is the

1 best one in this country. And yes, we have a
2 symbol which is an important symbol, the
3 American Flag. But I don't think that you need
4 to express that love that we have for our flag
5 in this sort of a rigid way, and it may be
6 something -- you know, if you can't clean up the
7 environment, Senator Hannon, and if you can't
8 take care of the roads and you can't take care
9 of the high property taxes and you can't provide
10 enough money for your school system and you
11 can't provide enough mental health care and you
12 can't deal with the problems of the state, it
13 may be satisfying to send a resolution to the
14 Congress and to beat the drums of patriotism.

15 I think maybe we ought to deal
16 with the problems that we have in this state and
17 not tinker in this manner with the Constitution.

18 So, Mr. President, I'm going to
19 vote against this resolution.

20 ACTING PRESIDENT FARLEY: Senator
21 Larkin.

22 SENATOR LARKIN: Mr. President,
23 we're talking about a symbol here of

1 Americanism. We have today in the galleries and
2 up front here members of the American Legion.

3 Oh, yes, there are legions that have been here
4 and all of our veterans, they fought under that
5 flag. Those other countries that fought side by
6 side with us in some of the far off lands, they
7 too, expressed appreciation. And their concern
8 was that it was a great flag representing a
9 great country.

10 Take a picture in 1945 at Mount
11 Suribachi, when they raised that flag, that
12 picture was all over the world, every press.
13 And, you know, as our troops went overseas,
14 everybody was very proud to wave that flag. And
15 when the troops came home, they all wanted to be
16 part of that, especially politicians, to show
17 how much they supported that.

18 But we have to rise above that
19 right now and say to the Congress, "Wake up."
20 We are the greatest country in the world, and
21 that flag out there represents us. And many of
22 us who served in combat and served overseas
23 appreciate it. And the young men and women of

1 our country who have given their life, made the
2 supreme sacrifice under the auspices of that
3 flag, let's not turn around and say to them,
4 "Your life and that flag doesn't mean
5 anything." That flag means a lot, and I think
6 it's about time we in this chamber stood up and
7 said my flag and my country and thank you to the
8 veterans.

9 ACTING PRESIDENT FARLEY: Senator
10 Gold.

11 SENATOR GOLD: Thank you, Mr.
12 President. Senator Larkin, I couldn't agree
13 with you more when you say that the people in
14 this room should stand up and be thankful for
15 flag and for country, and that's why I wonder at
16 the beginning of every session why so few of us
17 lead by example and come in and salute the
18 flag.

19 I offered an amendment to the
20 rules of this house which said rather than start
21 our session with the salute to the flag, when we
22 all know very few people are here, that we wait
23 until a more appropriate time like right now and

1 salute the flag. Let's show the world that we
2 respect our flag.

3 This morning -- or this
4 afternoon, rather, I had the honor of saluting
5 our flag with Senator Cook and DeFrancisco and
6 Farley and Holland and LaValle, Mega, Present,
7 Sears, Volker and some Democrats. But perhaps,
8 while we're doing this resolution, we ought to
9 pause right now, now that we have more than just
10 the 25 percent of the Republican Party here, and
11 we all ought to now salute our flag, those of us
12 who missed that opportunity, the 75 percent.
13 Why don't we stand up now. Salute the flag. I
14 will do it again. I will do it five times a
15 day. I'm proud of my flag.

16 But if you want people to love
17 that flag and respect the flag, well, that's
18 what I hope we're teaching society by our
19 example. I hope that's what youngsters are
20 learning in the schools. But you can't force
21 people to respect anything if you don't show the
22 example or if society on a day-to-day basis
23 doesn't give them, in reality, fulfillment of

1 the dreams that that flag represents.

2 Senator Leichter pointed out that
3 we go through this debate annually. I guess if
4 somebody wanted to make an argument for a part
5 time Legislature, one thing you could do is take
6 the 75 or 80 percent of things that we do year
7 after year and just the first month play them on
8 videotape and maybe they wouldn't have to have
9 us come in to Albany all the time. We can come
10 and do the 25 percent that's new.

11 But we have had this before, and
12 one of the arguments I remember we made -- and
13 it was on a day when we were blessed with
14 veterans in Albany visiting us, and we said why
15 don't we honor these veterans by making sure
16 that their children get the scholarships and go
17 to college and that the Office of Veteran
18 Affairs stays open in Washington and in the
19 state and that the hospitals for veterans are
20 there and we take care of these people and show
21 that when they honored our flag and went to
22 battle, we don't forget them. That's how you
23 honor the flag.

1 You honor your teachers, your
2 parents, your country, by living day by day by
3 those principles not by telling some nut -- as
4 Senator Leichter put it, that if there is one
5 nut running around the country the entire
6 country is going to come down on that one nut
7 and then we're going to go back and forget the
8 veterans and forget their children that they get
9 the scholarships and whatever.

10 So I don't understand this. I
11 really don't. I don't understand why we have
12 bills that say you must -- if you're going to go
13 to a college and have a commencement, you must
14 do the flag, you must play the National Anthem,
15 you must do this, you must do that. The
16 Legislature must start by saluting the flag, but
17 nobody comes. Nobody comes.

18 I think there is an overwhelming
19 amount of hypocrisy right in this room in terms
20 of what we preach to the public as opposed to
21 the way we live our lives. You want people to
22 respect that flag, let's start right now. Why
23 doesn't the next Republican stand up, suggest

1 that we suspend the rules and salute the flag.
2 I will second the motion. We'll go from there.
3 And let's show people what we think before we
4 get into this political nonsense.

5 ACTING PRESIDENT FARLEY: Senator
6 DeFrancisco.

7 SENATOR DeFRANCISCO: You know,
8 that was a great exhibition of misdirection.
9 These items are not mutually exclusive. We can
10 provide scholarships for veterans' children. We
11 can provide better hospital care and better
12 long-term care. We can salute the flag seven
13 times a day. But that doesn't mean because we
14 do that we can't change the law of the United
15 States.

16 And unfortunately, it is not just
17 one nut. It happens to be nine members of a
18 Supreme Court saying the law of the United
19 States of America is such that we may, if we
20 choose to, desecrate the flag.

21 By passing this resolution and
22 the Congress passing the resolution and the
23 constitutional change taking place, that doesn't

1 mean that that nut can't still burn the flag.
2 It means that that nut can be punished for it.

3 And I think we have to show a
4 message, I believe, to our children, and right
5 now we are sending mixed messages to them;
6 namely, we see a program on TV where someone is
7 desecrating the flag, and then we see a
8 requirement or a group of children pledging
9 allegiance every day.

10 I think it's important. It is
11 more than just a symbol, and it is more than
12 just misdirection. We can do all of these
13 things, and we should do all of these things.

14 And I would urge each of the
15 Senators to support this resolution.

16 ACTING PRESIDENT FARLEY: On the
17 resolution. All those in favor aye.

18 (Response of "Aye.")

19 Those opposed, nay.

20 (Response of "Nay.")

21 The resolution is adopted.

22 And on behalf of the New York
23 State Senate, Commander, we are delighted to

1 have you here and the other members of the
2 American Legion, and come back and visit us
3 again.

4 SENATOR LEICHTER: Mr.
5 President. I just wanted the record to show
6 that I voted in the negative, since the clerk
7 didn't take the actual ayes and nays.

8 ACTING PRESIDENT FARLEY: The
9 record will show that Senator Leichter is in the
10 negative. Senator Galiber is in the negative,
11 Senator Waldon, Senator Gold, Espada.
12 Ohrenstein is in the negative. Recorded in the
13 Journal.

14 Senator Present.

15 SENATOR PRESENT: Mr. President.
16 Will you recognize Senator Sears, please.

17 ACTING PRESIDENT FARLEY: Senator
18 Sears.

19 SENATOR SEARS: Yes, Mr.
20 President. At the desk, I have a privileged
21 resolution sponsored by myself and Senator
22 Hoffmann, and I would ask you to read the full
23 resolution. It is not that long. And I would

1 defer and move its adoption. And I will defer
2 my comments because the resolution speaks for
3 itself.

4 ACTING PRESIDENT FARLEY: Senator
5 Sears' resolution. Would you please read it,
6 Mr. Secretary.

7 THE SECRETARY: Legislative
8 Resolution, by Senators Sears and Hoffmann,
9 calling upon the federal Base Reassignment and
10 Closure Commission, United States Secretary of
11 Defense Les Aspin and President Bill Clinton, to
12 reverse the decision to realign Griffiss Air
13 Force Base, Rome, New York.

14 Whereas, it is the sense of this
15 legislative body to memorialize certain federal
16 officials in an effort to reverse the apparent
17 decision to realign Griffiss Air Force Base
18 located in Rome, New York.

19 Griffiss Air Force Base has been
20 on the flight line for 51 years, proudly and
21 steadfastly assisting in the defense efforts of
22 the United States of America to keep our nation
23 free and retain its status as leader of the free

1 world.

2 Griffiss Air Base stands proudly
3 memorializing the first airman to lose his life
4 in the line of duty in Europe during World War
5 II, Lieutenant Colonel Townsend E. Griffiss of
6 Buffalo, New York.

7 The proposed realignment would,
8 under the federal government's plan, strip
9 Griffiss Air Force Base of active flying
10 missions and would result in the loss of 3,338
11 military personnel and 1,191 civilian positions,
12 a total of 4,429 jobs.

13 Griffiss Air Base currently
14 employs 8,581 men and women and generates a 750
15 million impact on the region's economy, making
16 it the region's largest employer with a great
17 impact on the economy of the entire Central New
18 York Region.

19 Realignment of such massive
20 proportions would mean devastation not only to
21 the Rome community but for the entire Central
22 New York region.

23 Faced with the loss of the 416th

1 Bomb Wing, the ten B52s it flies, and the 3,613
2 military and civilian personnel assigned to it;
3 loss of the 509th Air Refueling Squadron, the
4 nineteen KC135 tankers it flies and the 375
5 uniformed personnel assigned to it, local
6 leaders have gathered together to prevent such
7 massive downsizing.

8 Those local leaders include
9 elected federal, state, and local officials,
10 business and community leaders and concerned
11 residents and citizens, working together to
12 reverse the plan to realign Griffiss Air Force
13 Base with its resultant devastation upon the
14 community; now, therefore, be it

15 Resolved, that this legislative
16 body call upon the federal Base Realignment and
17 Closure Commission, U. S. Secretary of Defense
18 Les Aspin and President Bill Clinton to reverse
19 the decision to realign Griffiss Air Force base;
20 and be it further

21 Resolved, that copies of this
22 resolution, suitably engrossed, be transmitted
23 to the Base Realignment and Closure Commission,

1 U. S. Secretary of Defense Les Aspin, President
2 Bill Clinton, Governor Mario M. Cuomo,
3 Congressman Sherwood Boehlert; and Brad Johnson,
4 Director of the New York State Office of Federal
5 Affairs.

6 ACTING PRESIDENT FARLEY: On the
7 resolution. All those in favor, say aye.

8 (Response of "Aye.")

9 Those opposed, nay.

10 SENATOR LEICHTER: Mr.
11 President.

12 ACTING PRESIDENT FARLEY: Senator
13 Leichter.

14 SENATOR LEICHTER: On the
15 resolution.

16 ACTING PRESIDENT FARLEY: On the
17 resolution?

18 SENATOR LEICHTER: I would like
19 to explain my vote.

20 ACTING PRESIDENT FARLEY: Just a
21 moment. The resolution is adopted.

22 Go ahead.

23 SENATOR GOLD: Wait a minute.

1 This is on the resolution.

2 ACTING PRESIDENT FARLEY: He
3 wants to speak on the resolution. Okay. The
4 resolution is not adopted. We will call it
5 again.

6 SENATOR LEICHTER: I'm just going
7 to explain my vote. I'm going to vote against
8 this resolution. We all know that the military
9 is going to be cut back for very good reasons,
10 and we don't need the same military as we needed
11 at the height of the Cold War. And obviously,
12 you can't cut back the military without actually
13 cutting some of the bases and some of the men
14 and women and some of the equipment that have
15 been part of the military, and that's going to
16 happen in every state.

17 Now, I guess we could say, "Well,
18 we think it ought to be done because all of us
19 are against unnecessary government spending, but
20 do it in other states." Well, I guess you could
21 take that position; or if there are some people
22 here who are brilliant military strategists and
23 could say, "Well, I can show you that this base

1 is the base that ought to remain open," maybe
2 I'll be convinced.

3 But what I would like to hear as
4 a resolution which I think would be helpful and
5 what I would like to see, maybe, is an amendment
6 to the budget. I am concerned about losing jobs
7 in this state. There are people involved. And
8 to send a resolution, "Please don't close this
9 base," which probably isn't going to do any good
10 anyhow, is not the way to help these people. I
11 would like to see a program of economic
12 conversion. I have put a bill in on it. I
13 would like to see a resolution saying that we
14 have an obligation to the Rome community and to
15 the people who work at this base, and I would
16 like to see a program of retraining. I would
17 like to see a program of help to that community
18 to see that that base is used to create
19 non-military jobs. That's the approach, I
20 think, that we ought to take.

21 It may make us feel good. It's
22 like the flag resolution, makes maybe good press
23 releases, but I question what it really does.

1 And I think it is somewhat inconsistent to call
2 for a reduction in the federal budget, to say
3 that the military has got to be cut back, and at
4 the same time when it's a base in your home
5 town, a base in your back yard, you say, well,
6 this base can't be closed.

7 ACTING PRESIDENT FARLEY: Senator
8 Hoffmann.

9 SENATOR HOFFMANN: On the
10 resolution. Thank you, Mr. President.

11 I agree with some of the things
12 that my colleague Senator Leichter said, and I
13 would agree with more of them if, in fact, this
14 was a level playing field and if this was a
15 process in which the so-called peace dividend
16 was being analyzed evenly across the nation and
17 without politics, without favoritism.

18 That, however, does not appear to
19 be the case, and I rise to correct a few of the
20 misconceptions that perhaps Senator Leichter may
21 have because he is not as familiar with the
22 issue around Griffiss Air Force base as Senator
23 Sears, who has represented that area for many

1 years, and I are, after I represented it for the
2 last eight years.

3 Let me just share with my
4 colleague for a moment the simple fact that we
5 are partners with the United States Air Force in
6 a number of missions at Griffiss Air Force Base
7 as a result of their invitation. We rose, as a
8 state, to the call to become partners in a
9 technology transfer experiment by which we, as
10 taxpayers of this state, committed the tens of
11 millions of dollars to photonics and other high
12 tech research that has benefited the military as
13 well as the academic and the scientific
14 community throughout upstate New York, and in
15 fact, the nation, if not the world.

16 Having followed the suggestions
17 of the Air Force to join shoulder to shoulder
18 with them in entering a new era where military
19 and nonmilitary activities would take place on
20 the same base, we can rightly feel offended now
21 at suddenly finding the rug about to be pulled
22 out from underneath our feet.

23 This discussion, Senator

1 Leichter, is not limited to whether or not B52
2 bombers are no longer necessary in our national
3 defense. And, in fact, the Base Closure
4 Preliminary Report does not even say that B52
5 bombers are no longer necessary. Under the
6 preliminary plan put forth by the Pentagon, the
7 B52s would not be eliminated. They would be
8 simply moved further into the country to another
9 military base.

10 So if, in fact, we are now going
11 to become forced to re-examine our contractual
12 relationship with the Air Force, our scientific
13 relationship with the Air Force, and our
14 involvement with that community, we will all
15 have to become military experts in the process.
16 But we will try to do it in such a way that we
17 protect jobs and we recognize the future of our
18 military is a changing system of defense.

19 We are not trying to protect some
20 archaic form of military patriotism which is
21 solely symbolic, as you might like to believe.
22 This is a very real military and economic
23 urgency. This resolution is well-founded and is

1 greatly needed.

2 And I would hope that Senator
3 Leichter and all of the rest of the members of
4 this chamber would join in unanimously endorsing
5 what Senator Sears and I hope the Congress of
6 the United States and the Base Closure
7 Commission and our President will consider in a
8 more earnest way than has been considered by the
9 preliminary Air Force Advisory Panel that put
10 this ridiculous list together.

11 ACTING PRESIDENT FARLEY: Senator
12 Sears.

13 SENATOR SEARS: Very briefly on
14 the resolution.

15 Mr. President. You know, there
16 are some who believe in a strong defense of this
17 country and there are others who don't. Those
18 have you who read the first part of the
19 resolution, it says that Griffiss Air Force Base
20 stands proudly memorializing the first airman to
21 lose his life in the line of duty in Europe
22 during World War II, Colonel Townsend E.
23 Griffiss.

1 This air base has been on the
2 flight line for fifty-one years, proudly and
3 steadfastly assisting in the defense efforts of
4 the United States of America to keep our nation
5 free and retain its status as leader of the free
6 world. That is my main concern with this
7 resolution.

8 Jobs cannot -- can in the future
9 always be replaced somehow or other. Our area
10 has come back many, many times in its history
11 and we will again, regardless of what the
12 realignment commission does. But we should have
13 learned the lesson at Pearl harbor. And with
14 certain foreign countries today buying every
15 weapon that they can get their hands on, if you
16 think that is a good idea, to downsize our
17 military throughout this country, then you've
18 got another thought coming.

19 I, for one, disagree with
20 downsizing our military might. Because, just
21 remember, there can be and might be another
22 Pearl Harbor.

23 I move the resolution.

1 SENATOR GOLD: Mr. President.

2 ACTING PRESIDENT FARLEY: Senator
3 Gold.

4 SENATOR GOLD: I hadn't planned
5 to speak because I thought Senator Hoffmann and
6 others had covered it; but after that speech,
7 I've got to. I'm going to support the
8 resolution but not because of anything Senator
9 Sears said. I don't want anybody to think that
10 I don't support downsizing the military, but
11 there is a very important concept here.

12 When I first got into office, I
13 got a call from a postal employee who wanted a
14 promotion in the Post Office Department, and he
15 said he needed a letter from me. And I said,
16 "Wait a minute. I don't know how good you
17 are. I don't know who the other people are.
18 How can I give you a letter?"

19 He said, "Well, I need the letter
20 because everybody else has a letter from their
21 Senator." And he says, "That's how you level
22 the playing field."

23 Well, I don't know what's going

1 to happen in Washington, but I think we have to
2 level the playing field. Have all the
3 legislatures of all these states pass all these
4 resolutions saying, "Close everybody else except
5 us," and then we've got a level playing field.
6 Then the commission and everybody will do what
7 is right, but at least it's a level playing
8 field.

9 God forbid they took a look and
10 they said, "My God, we've got resolutions from
11 every state for all the places except for
12 Griffiss, so we'll close that one because there
13 is no resolution." Now, we wouldn't want that
14 to happen.

15 So, Senator, I'm going to vote
16 for it. I think that that leveling of playing
17 field argument by Senator Hoffmann hit me right
18 here, and I'm going to support you on that. But
19 please, in my vote, disassociate me from the
20 remarks that want to continue to arm this
21 country.

22 ACTING PRESIDENT FARLEY: Senator
23 Connor.

1 SENATOR CONNOR: Mr. President,
2 my first reaction to this resolution was that I
3 thought I might oppose it. Because, you know,
4 it's fine to say cut back on the military
5 expenditures, reconfigure the military to meet
6 today's threats, not the threats of a decade
7 ago, and then say but not in my back yard.

8 But I think, as Senator Gold
9 pointed out, it's important that this
10 Legislature go on record as wanting New York
11 treated fairly.

12 Let me say -- but, again, what
13 Senator Sears said, the base is 51 years old. I
14 had a Navy base in my district that is 151,
15 that's 200 years old, the Brooklyn Navy Yard.
16 How many employees do you have? That had 55,000
17 civilian employees in one neighborhood in
18 Brooklyn. That got closed 20 or 30 years ago.
19 It wreaked economic havoc on the neighborhood.
20 It wreaked economic havoc on Brooklyn and New
21 York City. We survived.

22 I had a Navy base in my district
23 until you redrew my district in Stapleton.

1 Frankly, on that one, I think I might have
2 gotten caught up a number of years ago when they
3 were going to open it in a little bit of home
4 town rah-rah enthusiasm. Because it costs the
5 city tens of millions of dollars to fix up
6 piers, once the problem with nuclear and not
7 nuclear weapons was eliminated. They don't have
8 nuclear weapons there in Stapleton. They based
9 the Surface Action Task Force there. Three
10 years later, they want to close it.

11 Now, between 200-year-old bases
12 and 3-year-old bases, I can think of a good
13 reason why you'd want to keep a 200-year-old
14 base open and an even better reason why, having
15 spent all this money on a brand new thing three
16 years ago, you might want to keep it open.

17 Fifty years? Well, I don't
18 know. Maybe it's ready to retire, Senator
19 Sears. The fact is it's not old enough to be
20 historic, and it's not quite young enough to
21 say, "Gee, it's a brand new facility; how can we
22 waste it?" So I don't think that argument goes
23 anywhere, Senator Sears.

1 The fact is, though, I want to
2 see New York treated on the same footing and as
3 fairly as any other state. But we do have to -
4 I mean it would be foolish. Senator Sears
5 thinks we should be armed and prepared to
6 refight Pearl Harbor. I think the reason there
7 was a Pearl Harbor is because we were armed and
8 prepared in 1941 to fight Manila Bay, and we
9 can't afford to be armed and prepared to fight
10 the last war or three wars ago or 50 years ago.

11 The United States has to have its
12 military very strong and prepared to meet the
13 challenges of the future not to refight the old
14 wars that are long since gone. So I will
15 support this but not with any sense that I'm
16 against the federal government redoing the
17 military, making it more efficient, saving money
18 yet keeping enough strength there to meet any
19 possible future challenges.

20 ACTING PRESIDENT FARLEY: Senator
21 Nozzolio.

22 SENATOR NOZZOLIO: Mr.
23 President. On the resolution.

1 Mr. President, my colleagues. I
2 rise in support of the resolution and compliment
3 its sponsors. Unlike the last speaker, though,
4 I believe that this process is a process that
5 should be scrutinized fully, that the Pentagon
6 has been playing petty Pentagon politics with
7 much of the base closures throughout our recent
8 history, and that's the purpose that the Base
9 Realignment and Closure Commission was
10 formed in the first place, that we want
11 these decisions to be made on the merits on
12 behalf of the taxpayers; and that I am sure
13 that, as the sponsors of this resolution are
14 sure, that Griffiss would rise on its
15 merits.

16 I represent, Mr. President and my
17 colleagues, a base in the Central Finger Lakes
18 area that is not getting that type of review. I
19 represent the Seneca Army Depot, a depot that
20 employs a thousand civilian employees which,
21 because of the nature of our economy, having
22 that loss would certainly be a devastating loss
23 to our economy.

1 But the people at the Seneca Army
2 Depot are saying, very simply, that they wish
3 they had the luxury of having that base on the
4 BRCC list. If that Seneca Army Depot was
5 considered under the procedures listed by BRCC,
6 we're confident that the Pentagon would consider
7 -- would continue the operation of that
8 institution. Unfortunately, though, the
9 Pentagon has refused to make these decisions, at
10 least in the case of Seneca on its merits.

11 Seneca is a depot that has gotten
12 high grades, is a depot that would in effect
13 meet the tests of BRCC. We are as confident as
14 Senator Sears and Senator Hoffmann are that
15 Griffiss will meet the tests of BRCC. I only
16 wish that the Pentagon had placed the Seneca
17 Army Depot on the BRCC list so we could face
18 that same type of review on behalf of our
19 taxpayers.

20 I support the resolution, Mr.
21 Speaker, and applaud its sponsors.

22 ACTING PRESIDENT FARLEY: On the
23 resolution. All those in favor say aye.

1 (Response of "Aye.")

2 Those opposed nay.

3 (Response of "Nay.")

4 The resolution is adopted.

5 Senator Present.

6 SENATOR PRESENT: Mr. President.

7 Will you recognize Senator Volker, please.

8 ACTING PRESIDENT FARLEY: I

9 certainly will.

10 Senator Volker.

11 SENATOR VOLKER: Mr. President.

12 Yesterday, we adopted a resolution, Senate 810,

13 commending three winners of the Department of

14 Treasury, United States Savings Bond Division,

15 National Poster Contest awards. The three

16 winners are here today. They were unable to

17 here yesterday, and I would just like to

18 announce their names, and they are up in the

19 gallery to the left.

20 The first place winner was

21 William R. Tuttle of Hamburg, which happens to

22 be in my district. Second place winner was

23 Brian K. Moore of Rochester, which is Senator

1 Jones' and Senator Daly's district. And the
2 third place winner, Geren Horsley of Bellport,
3 New York, which is in Senator Trunzo's
4 district.

5 And I would just like to say we
6 presented them with the resolution today and
7 congratulate them on their achievement and wish
8 them the best of luck in Albany and in the
9 future.

10 ACTING PRESIDENT FARLEY: It is
11 my understanding they are in the gallery. Is
12 that correct, Senator Volker?

13 To the awardees and winners,
14 we're proud to have you with us here.
15 Congratulations. We passed a resolution
16 honoring you yesterday. And we wish you well.

17 (Applause.)

18 Motions and resolutions.

19 We have some substitutions.

20 Shall we go forward with those, Senator
21 Present?

22 SENATOR PRESENT: Yes.

23 THE SECRETARY: On page 6 of

1 today's calendar, Senator Marchi moves to
2 discharge the Committee on Environmental
3 Conservation from Assembly Bill Number 3778 and
4 substitute it for the identical Calendar Number
5 250.

6 ACTING PRESIDENT FARLEY:
7 Substitution is ordered.

8 THE SECRETARY: On page 9,
9 Senator Nozzolio moves to discharge the
10 Committee on Elections from Assembly Bill Number
11 4921 and substitute it for the identical
12 Calendar Number 223.

13 ACTING PRESIDENT FARLEY:
14 Substitution is ordered.

15 Senator Present.

16 SENATOR PRESENT: Recognize
17 Senator Leichter, please.

18 ACTING PRESIDENT FARLEY: Senator
19 Leichter.

20 SENATOR LEICHTER: Mr.
21 President. I was unavoidably out of the chamber
22 yesterday when Calendar 176 was voted on in a
23 slow roll call. If I had been here, I would

1 have voted in the negative.

2 ACTING PRESIDENT FARLEY: The
3 Journal will so indicate, that if you were here
4 you would have voted in the negative.

5 Senator Present.

6 SENATOR PRESENT: Mr. President.
7 May we take up the non-controversial calendar.

8 ACTING PRESIDENT FARLEY:
9 Secretary will read, non-controversial.

10 THE SECRETARY: On page 14,
11 Calendar Number 138, by Senator Saland, Senate
12 Bill Number 2363A, an act to amend the Social
13 Services Law and the Public Health 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 57.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 177, by Senator Hannon.

3 SENATOR GOLD: Lay it aside.

4 ACTING PRESIDENT FARLEY: Lay
5 that bill aside.

6 THE SECRETARY: Calendar Number
7 202, by Senator Johnson, Senate Bill Number
8 1704, an act to amend the Education Law.

9 SENATOR GOLD: Lay it aside.

10 ACTING PRESIDENT FARLEY: Lay
11 that bill aside.

12 THE SECRETARY: Calendar Number
13 205, by Senator Libous, Senate Bill Number 1361,
14 an act to amend the Vehicle and Traffic Law, in
15 relation to authorizing senior citizens to renew
16 motor vehicle registrations annually.

17 ACTING PRESIDENT FARLEY: Read
18 the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 57.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 206, by Senator Skelos, Senate Bill Number 2272,
6 an act to amend the Real Property Tax Law, in
7 relation to real property tax exemption.

8 ACTING PRESIDENT FARLEY: Read
9 the last section.

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

12 ACTING PRESIDENT FARLEY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 57.

16 ACTING PRESIDENT FARLEY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 207, by Senator Skelos, Senate Bill Number 2609,
20 an act to amend Chapter 208 of the Laws of 1992.

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 57.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 211, by Senator Holland, Senate Bill Number 86A,
10 an act to amend the Social Services Law, in
11 relation to the Child Assistance Program.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 57.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 213, by Senator Holland, Senate Bill Number

1 2738, Social Services Law, in relation to
2 amounts for which the state and social services
3 districts are responsible.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 57.

12 ACTING PRESIDENT FARLEY: That
13 bill is passed.

14 Senator Present.

15 SENATOR PRESENT: Mr. President.
16 Let's take the controversial calendar.

17 ACTING PRESIDENT FARLEY:
18 Controversial calendar.

19 Secretary will read it.

20 THE SECRETARY: On page 16,
21 Calendar Number 177, by Senator Hannon, Senate
22 Bill Number 644, an act to amend the Emergency
23 Tenant Protection Act of 1974.

1 SENATOR GOLD: Explanation.

2 ACTING PRESIDENT FARLEY:

3 Explanation. Senator Hannon.

4 SENATOR HANNON: Yes, Mr.

5 President. This bill would amend the laws in
6 regard to conversion for co-ops and condominiums
7 so as to effect the three counties of the state
8 that are under the Emergency Tenant Protection
9 Act. Those are three suburban counties which
10 would be Westchester, Nassau and Rockland.

11 What the bill would do would be
12 to make a change so that the law in those
13 suburban counties would be the same as it now is
14 for the city of New York. For whatever reason
15 this law now has the effect of rendering
16 virtually as abandoned certain units in
17 converted buildings in those three counties, for
18 the reason that the law essentially guarantees
19 that anybody who is a tenant can remain as a
20 tenant forever.

21 In contrast to that, in the city
22 of New York, when a tenant is in a building in a
23 non-eviction plan at the time of conversion they

1 are, quite rightfully, given that protection.
2 They have decided not to buy. It is a
3 non-eviction plan, and they should be, so as
4 long as they pay their rent, able to stay
5 there. In the suburbs, whether they are there
6 at the time of conversion or whether five years
7 down the road after somebody has brought that
8 unit and perhaps they get transferred to another
9 state for a while and decide to rent it, that
10 subsequent tenant could then remain forever,
11 somewhat of an anomaly, and this is what the
12 bill would straighten out.

13 In so doing, it solves the
14 purpose of helping affordable housing in those
15 areas. Because, at present, those units stand
16 empty. Banks won't lend to buyers who want to
17 purchase those units. Consequently, if somebody
18 has one of those units and gets a job in
19 California -- and frankly, we have lost a lot of
20 jobs in the area so it's happened more than once
21 -- they are going to have to leave that unit
22 empty.

23 What we are trying to do is move

1 things along here. It has little to do with a
2 lot of the arguments that have been thrown up by
3 people who would otherwise use this as a smoke
4 screen for the traditional landlord/tenant
5 battles.

6 And as an illustration of that,
7 from last year's memo in opposition by the New
8 York State Tenant and Neighborhood Coalition, I
9 quote, "Thousands of apartments are sitting
10 vacant in buildings converted to co-ops or
11 condo's in Westchester, Rockland and Nassau."
12 And why, do they say? They say, "Because
13 conversion sponsors won't drop sales prices
14 enough to sell these units in today's weak
15 market, and they refuse to rent them."

16 Well, that's baloney. The reason
17 they can't sell them is they can't get
18 financing. There's ads in the papers, in the
19 New York Times and the other metropolitan area
20 papers that take the ads in the banks that
21 exclude these types of buildings.

22 All we're trying to do is let
23 them go back on the market. It would thus

1 conform the law in the suburbs to what now
2 exists in New York City.

3 Mr. President. I move the bill.

4 ACTING PRESIDENT FARLEY: Senator
5 Espada.

6 SENATOR ESPADA: Yes. This may
7 come as a revelation to some, but I think the
8 protections afforded to New York City vis-a-vis
9 the counties in question, Rockland County,
10 Westchester County, Nassau County, is not the
11 issue here. The issue is whether or not these
12 protections which were clearly articulated that
13 would really look out for tenants and really
14 protect them against the kind of profiteering
15 that really is the genesis of the problem.

16 We have apartments that were once
17 affordable being converted on a speculative
18 manner for profit. Warehoused units then
19 result, and the fruits of speculation that turn
20 sour are there now to be freed up for whom? For
21 people in need of housing? No, I say not. If,
22 indeed, it were for the people who need quality
23 and affordable housing, we would continue to

1 keep the protection in full force and, indeed,
2 push these landlords on to rent to people. If
3 there is a shortage of renters or people seeking
4 these kinds of dwellings in these counties, that
5 would come as a great surprise.

6 But, indeed, a surprise that
7 could be rectified, because I would certainly
8 volunteer many of the homeless and many of the
9 people in my district in need of such to go up
10 to these three counties in search of affordable
11 and quality housing.

12 So I say that the best way to
13 preserve quality housing is to keep this
14 protection intact, sir.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 SENATOR GOLD: Slow roll call.

20 ACTING PRESIDENT FARLEY: Slow
21 roll call. Ring the bell. There were five. I
22 saw five stand up.

23 THE SECRETARY: Senator Babbush,

1 excused. Senator Bruno.

2 SENATOR BRUNO: Yes.

3 THE SECRETARY: Senator Connor.

4 SENATOR CONNOR: No.

5 THE SECRETARY: Senator Cook.

6 SENATOR COOK: Yes.

7 THE SECRETARY: Senator Daly.

8 SENATOR DALY: Yes.

9 THE SECRETARY: Senator

10 DeFrancisco.

11 SENATOR DeFRANCISCO: Yes.

12 THE SECRETARY: Senator

13 Dollinger.

14 SENATOR DOLLINGER: Yes.

15 THE SECRETARY: Senator Espada.

16 (There was no response.)

17 Senator Farley.

18 SENATOR FARLEY: I vote aye.

19 THE SECRETARY: Senator Galiber.

20 SENATOR GALIBER: No.

21 THE SECRETARY: Senator Gold.

22 SENATOR GOLD: No.

23 THE SECRETARY: Senator

1 Gonzalez.
2 (There was no response.)
3 Senator Goodman.
4 (There was no response.)
5 Senator Halperin.
6 (There was no response.)
7 Senator Hannon.
8 (There was no response.)
9 Senator Hoffmann.
10 (There was no response.)
11 Senator Holland.
12 SENATOR HOLLAND: Yes.
13 THE SECRETARY: Senator Johnson.
14 SENATOR JOHNSON: Aye.
15 THE SECRETARY: Senator Jones.
16 SENATOR JONES: Yes.
17 THE SECRETARY: Senator Kuhl.
18 SENATOR KUHL: Aye.
19 THE SECRETARY: Senator Lack.
20 SENATOR LACK: Aye.
21 THE SECRETARY: Senator Larkin.
22 (There was no response.)
23 Senator LaValle.

1 SENATOR LAVALLE: Aye.
2 THE SECRETARY: Senator Leichter.
3 SENATOR LEICHTER: No.
4 THE SECRETARY: Senator Levy.
5 SENATOR LEVY: Aye.
6 THE SECRETARY: Senator Libous.
7 SENATOR LIBOUS: Aye.
8 THE SECRETARY: Senator Maltese.
9 SENATOR MALTESE: Aye.
10 THE SECRETARY: Senator Marchi.
11 SENATOR MARCHI: Aye.
12 THE SECRETARY: Senator Marino.
13 (Indicating "Aye.")
14 THE SECRETARY: Aye. Senator
15 Markowitz.
16 (There was no response.)
17 Senator Masiello.
18 (There was no response.)
19 Senator Mega.
20 SENATOR MEGA: Yes.
21 THE SECRETARY: Senator Mendez.
22 SENATOR MENDEZ: No.
23 THE SECRETARY: Senator

1 Montgomery.
2 (There was no response.)
3 Senator Nolan.
4 SENATOR NOLAN: Yes.
5 THE SECRETARY: Senator
6 Nozzolio.
7 SENATOR NOZZOLIO: Aye.
8 THE SECRETARY: Senator
9 Ohrenstein.
10 (Indicating "Nay.")
11 THE SECRETARY: No. Senator
12 Onorato.
13 SENATOR ONORATO: No.
14 THE SECRETARY: Senator
15 Oppenheimer.
16 (There was no response.)
17 Senator Padavan.
18 SENATOR PADAVAN: No.
19 THE SECRETARY: Senator Pataki.
20 (There was no response.)
21 Senator Paterson.
22 SENATOR PATERSON: No.
23 THE SECRETARY: Senator Present.

1 SENATOR PRESENT: Aye.
2 THE SECRETARY: Senator Saland.
3 SENATOR SALAND: Aye.
4 THE SECRETARY: Senator
5 Santiago.
6 SENATOR SANTIAGO: No.
7 THE SECRETARY: Senator Sears.
8 (There was no response.)
9 Senator Seward.
10 SENATOR SEWARD: Yes.
11 THE SECRETARY: Senator Sheffer.
12 SENATOR SHEFFER: Yes.
13 THE SECRETARY: Senator Skelos.
14 (There was no response.)
15 Senator Smith.
16 SENATOR SMITH: No.
17 THE SECRETARY: Senator Solomon,
18 excused. Senator Spano.
19 SENATOR SPANO: No.
20 THE SECRETARY: Senator
21 Stachowski.
22 SENATOR STACHOWSKI: No.
23 THE SECRETARY: Senator

1 Stafford.

2 SENATOR STAFFORD: Aye.

3 THE SECRETARY: Senator

4 Stavisky.

5 (There was no response.)

6 Senator Trunzo.

7 SENATOR TRUNZO: Yes.

8 THE SECRETARY: Senator Tully.

9 SENATOR TULLY: No.

10 THE SECRETARY: Senator Velella.

11 SENATOR VELELLA: No.

12 THE SECRETARY: Senator Volker.

13 SENATOR VOLKER: Yes.

14 THE SECRETARY: Senator Waldon.

15 (There was no response.)

16 Senator Wright.

17 SENATOR WRIGHT: Aye.

18 ACTING PRESIDENT FARLEY:

19 Absentees.

20 THE SECRETARY: Senator Espada.

21 SENATOR ESPADA: No.

22 THE SECRETARY: Senator Gonzalez.

23 (There was no response.)

1 Senator Goodman.

2 (There was no response.)

3 Senator Halperin.

4 SENATOR HALPERIN: No.

5 THE SECRETARY: Senator Hannon.

6 SENATOR HANNON: Mr. President.

7 I would like to explain my vote.

8 ACTING PRESIDENT FARLEY: Senator

9 Hannon to explain his vote.

10 SENATOR HANNON: Senator Espada,

11 I believe, repeated what is basically a myth

12 about this bill in regard to what is happening

13 with these units and whether or not they are

14 being warehoused.

15 Anybody who is a serious student

16 of the real estate market will never encounter

17 such a result in looking at what has happened

18 like that as a result of this bill. When I look

19 at a report from the Westchester Reporter

20 Dispatch last February, they noted that they had

21 over 3,000 vacant apartments in Westchester

22 because of the effects of this law.

23 If we were to analyze the cost to

1 this state of any of its housing programs and
2 did compute how much it would be to come up with
3 3,000 apartments, we would be near the hundreds
4 of millions. Nobody, not one tenant has ever
5 complained about this proposal.

6 A negative vote on this bill
7 jeopardizes not only the real estate market but
8 also the entire fabric of how we come up with
9 affordable housing. We can do more by letting
10 the market economy work and by simply allowing
11 tenants the very protections that they have in
12 New York City if we were to let this bill go.

13 Mr. President, I vote aye.

14 ACTING PRESIDENT FARLEY: Senator
15 Hannon is in the affirmative.

16 Continue the roll.

17 THE SECRETARY: Senator Hoffmann.

18 SENATOR HOFFMANN: Aye.

19 THE SECRETARY: Senator Larkin.

20 SENATOR LARKIN: Yes.

21 THE SECRETARY: Senator

22 Markowitz.

23 SENATOR MARKOWITZ: Yes.

1 THE SECRETARY: Senator
2 Masiello.
3 SENATOR MASIELLO: No.
4 THE SECRETARY: Senator
5 Montgomery.
6 SENATOR MONTGOMERY: No.
7 THE SECRETARY: Senator
8 Oppenheimer.
9 SENATOR OPPENHEIMER: No.
10 THE SECRETARY: Senator Pataki.
11 SENATOR PATAKI: Yes.
12 THE SECRETARY: Senator Sears.
13 SENATOR SEARS: Yes.
14 THE SECRETARY: Senator Skelos.
15 SENATOR SKELOS: Yes.
16 THE SECRETARY: Senator
17 Stavisky.
18 (There was no response.)
19 Senator Waldon.
20 SENATOR WALDON: No.
21 ACTING PRESIDENT FARLEY:
22 Results.
23 THE SECRETARY: Ayes 35, nays

1 22.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 202, by Senator Johnson, Senate Bill Number
6 1704.

7 SENATOR GOLD: Explanation.

8 ACTING PRESIDENT FARLEY:
9 Explanation, Senator Johnson.

10 SENATOR JOHNSON: Mr. President.
11 This bill would modify the Education Law to
12 provide that a regulation shall be established
13 requiring the recitation of the Pledge of
14 Allegiance and the performance of the National
15 Anthem at all graduation ceremonies of the State
16 University.

17 ACTING PRESIDENT FARLEY: Read
18 the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 SENATOR GOLD: Mr. President.

2 ACTING PRESIDENT FARLEY: Senator
3 Gold.

4 SENATOR GOLD: I just wanted to
5 alert the chamber that last year we debated
6 this, and Senators Connor and Galiber and myself
7 and Leichter, Montgomery, Ohrenstein, Solomon
8 and Waldon did vote in the negative.

9 ACTING PRESIDENT FARLEY:
10 Continue the roll.

11 THE SECRETARY: Those recorded in
12 the negative on Calendar Number 202 are Senators
13 Connor, Galiber, Gold, Leichter, Montgomery,
14 Ohrenstein, Smith, and Waldon, also Senator
15 Santiago. Ayes 48. Nays 9.

16 ACTING PRESIDENT FARLEY: The
17 bill is passed.

18 SENATOR PRESENT: Mr. President,
19 there being no further announcements or motions
20 and there being no further business, I move that
21 we adjourn until tomorrow at 11:30 a.m.

22 ACTING PRESIDENT FARLEY: The
23 Senate will stand adjourned until tomorrow at

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11:00 a.m.

(Whereupon, at 4:50 p.m., Senate
adjourned.)