ALBANY, NEW YORK

June 30, 1993

2:30 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

If you will please rise for the Pledge of Allegiance to the Flag.

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

Today, in the absence of a visiting clergy, we will bow our heads for a moment of silent prayer.

(Whereupon, there was a moment of silence.)

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, June 29. The Senate met pursuant to adjournment. The Journal of Monday, June 28, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as read.

The order of business.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

We have a report of a standing committee.

The Secretary will read it.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bills directly for third reading:

Senate Bill Number 478, by Senator Stavisky, an act to amend the Surrogate's Court Procedure Act.

3407B, by Senator Kuhl, an act to amend the Executive Law.

3719B, by Senator Jones, authorize county of Monroe to convey Powder Mill Park.

3800A, by Senator Maltese, an act to amend the Criminal Procedure Law.

3807B, by Senator Wright, State Administrative Procedure Act.

4071, by Senator Seward, Retirement and Social Security Law.

4569A, by Senator Marino, allowing Pauline Ogus to receive service credit.

4639A, by Senator Levy, an act to amend the Canal Law.

5305, by Senator Velella, Transportation Law.

3569, by Senator Padavan, Real Property Tax Law.

5520A, by Senator Bruno, certain persons to obtain retroactive membership in Tier I.

5777A, by Senator Stachowski, permitting George R. Blair, Jr., to purchase service credit.

5985, by Senator Mega, Uniform City Court Act.

5997A, by Senator Johnson, Local Finance Law.

6013A, by Senator Skelos, Estates, Powers and Trusts Law.

6016, by Senator Cook, authorize

the city of Port Jervis, Orange County, to discontinue the use of certain portion of the street.

6017, by Senator DeFrancisco, to authorize Stephen Kenyon to transfer credit.

6018, by Senator Daly, New York State Urban Development Corporation Act.

6029, by Senator Holland, authorize Tier I status for Joseph Flanagan.

6033, by Senator DeFrancisco, in relation to setting the taxable status date of real property.

6046, by the Committee on Rules, an act to amend the Tax Law.

6047, by the Committee on Rules, an act to amend the General Municipal Law.

And 6048, by the Committee on Rules, an act to amend the Tax Law.

All bills -- excuse me.

Also 6055, by Senator Lack, amends Chapter 994 of the Laws of 1984, creating the Suffolk County Sewer District Number 21.

All bills reported directly for

third reading.

ACTING PRESIDENT FARLEY: All bills are reported to third reading.

Continuing:

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT FARLEY: Senator Skelos.

SENATOR SKELOS: On page number 40, I offer the following amendments to Calendar Number 62, Senate Print Number 80, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR SKELOS: On page number 29, I offer the following amendments to Calendar Number 1220, Senate Print Number 5147A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR SKELOS: On behalf of Senator Larkin, on page number 18, I offer the following amendments to Calendar Number 547, Senate Print Number 2737A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR SKELOS: And, Mr. President, on page number 5, I offer the following amendments to Calendar Number 168, Senate Print Number 441A, and ask that said bill retain its place on the third reading.

ACTING PRESIDENT FARLEY: Without objection, the bill will retain its place.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On behalf of Senator Velella, I wish to call his bill up. It's Senate Print Number 3156, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: The Secretary will read Senator Velella's bill.

THE SECRETARY: By Senator Velella, Senate Bill Number 3156, an act to amend the Insurance Law.

SENATOR KUHL: Mr. President. I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR KUHL: I offer up the following amendments.

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its place.

Senator Kuhl.

SENATOR KUHL: Also, Mr. President, on behalf of Senator LaValle, I wish

to call up his bill, Senate Print Number 1432, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read 1432.

THE SECRETARY: By Senator LaValle, an act to amend the General Municipal Law.

SENATOR KUHL: I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR KUHL: I offer up the following amendments.

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its place.

SENATOR KUHL: Mr. President, on behalf of Senator Tully, I wish to call up his bill, Senate Print Number 724B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: The Secretary will read Senator Tully's bill.

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

SENATOR KUHL: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: The bill is before the house.

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

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its

place. Senator Skelos.

SENATOR SKELOS: On behalf of Senator Levy, would you please remove the star on Calendar Number 62.

ACTING PRESIDENT FARLEY: 62, the star is removed at the request of the sponsor.

Senator Volker.

SENATOR VOLKER: Mr. President, on behalf of Senator Hannon, on page 9, I offer the following amendments to Calendar Number 470, Senate Print Number 3174A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the bill will retain its place.

SENATOR VOLKER: Mr. President, I wish to call up my bill, Senate Print Number 1539 -

ACTING PRESIDENT FARLEY: 1539.

SENATOR VOLKER: -- recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Volker's bill.

THE SECRETARY: By Senator Volker, Senate Bill Number 1539, an act to amend the Executive Law.

SENATOR VOLKER: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Volker.

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

ACTING PRESIDENT FARLEY: Amendments are received. The bill will retain its place on the Third Reading Calendar.

SENATOR VOLKER: Thank you.

ACTING PRESIDENT FARLEY: Are there any other motions on the floor?

SENATOR JOHNSON: Mr. President.

ACTING PRESIDENT FARLEY: Senator Johnson.

SENATOR JOHNSON: Mr. President, on page 32, I offer the following amendments is to Calendar Number 1347, Senate Print Number 5947, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the bill will retain its place.

We have some substitutions. The Secretary will read them.

THE SECRETARY: On page 10 of today's calendar, Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 7884A, and substitute it for the identical Third Reading 546.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 31, Senator Trunzo moves to discharge the Committee on Rules from Assembly Bill Number 7889B and substitute it for the identical Calendar Number 1314.

On page 36, Senator LaValle moves to discharge the Committee on Rules from Assembly Bill Number 3828 and substitute it for the identical Third Reading 1411.

On page 36, Senator Maltese moves to discharge the Committee on Rules from Assembly Bill Number 6859 and substitute it for the identical Third Reading 1413.

On page 37, Senator Sheffer moves to discharge the Committee on Rules from Assembly Bill Number 6115 and substitute it for the identical Third Reading 1414.

On page 37, Senator Sheffer moves to discharge the Committee on Rules from Assembly Bill Number 7008A and substitute it for the identical Third Reading 1415.

On page 38, Senator Connor moves to discharge the Committee on Rules from Assembly Bill Number 8131 and substitute it for the identical Calendar Number 1425.

On page 39, Senator Daly moves to discharge the Committee on Rules from Assembly Bill Number 8604 and substitute it for the

identical Calendar Number 1430.

On page 41, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 6404 and substitute it for the identical Third Reading 259.

ACTING PRESIDENT FARLEY: Substi tutions are ordered. Any other motions on the floor?

Senator Present, I guess we're ready if you are.

SENATOR PRESENT: Ready.

ACTING PRESIDENT FARLEY: Non-controversial?

SENATOR PRESENT: Yes.

ACTING PRESIDENT FARLEY: Non-controversial. The Secretary will read.

THE SECRETARY: On page 5, Calendar Number 174, by Senator Farley, Senate Bill Number 1922, amends Chapter 883 of the Laws of 1980, amending the Banking Law generally.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 3795, by Senator Kuhl.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 471, by Senator Wright, Senate Bill -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

This is Assemblyman Wright.

That was just temporarily, right?

SENATOR PRESENT: Temporarily.

THE SECRETARY: Calendar Number 591, by Senator Kuhl, Senate Bill Number 4426A, Agriculture and Markets Law.

SENATOR GOLD: Will you lay that aside for Senator Leichter, please.

ACTING PRESIDENT FARLEY: Lay it aside for Senator Leichter.

THE SECRETARY: Calendar Number 5978, by member of the Assembly R. Sweeney,

Assembly Bill Number 1335C, an act to amend the Insurance Law, requiring certain health insurance policies to cover necessary treatment of diabetes.

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 34, nays one. Senator Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 688, by Senator Hannon, Senate Bill Number -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR PRESENT: Also lay aside Calendar Numbers 869, 870, 871, and 873.

THE SECRETARY: For the day?

ACTING PRESIDENT FARLEY: No, just temporarily.

THE SECRETARY: Calendar Number 889, substituted earlier today, by member of the Assembly Nieves, Assembly Bill Number 7107B, an act to amend the Banking 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 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 900, by Senator Marchi, Senate Bill Number 3919C, an act to amend Chapter 812.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number

1158, by member of the Assembly Connelly, Assembly Bill Number -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1250, by Senator Hannon.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1251, by Senator Lack.

SENATOR PRESENT: Lay that one aside for the day, please.

ACTING PRESIDENT FARLEY: Lay that aside for the day.

THE SECRETARY: Calendar Number 1262, by Senator Johnson, Senate Bill Number 5900, Environmental Conservation Law.

SENATOR GOLD: Lay it aside.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that one aside.

SENATOR JOHNSON: Lay it aside for the day, Mr. President.

ACTING PRESIDENT FARLEY: Lay that bill aside for the day.

THE SECRETARY: Calendar Number 1311, by Senator Bruno, Senate Bill Number 4186 A, 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 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1314, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7889B, an act to amend the Civil Service 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 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1316, by the Assembly committee -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

1320 is high. Lay it aside.

THE SECRETARY: Calendar Number 1326, by Senator Trunzo -

SENATOR TRUNZO: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for the day.

THE SECRETARY: Calendar Number 1338, by Senator Hannon.

SENATOR GOLD: Lay it aside,

please.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1344, by Senator Volker -

SENATOR VOLKER: Mr. President, lay it aside for the month.

ACTING PRESIDENT FARLEY: Lay it aside for the month?

That means for the day.

THE SECRETARY: Calendar Number 1355, by Senator Tully, Senate Bill Number 7678A, New York State Medical Care Facilities Finance Agency 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 35.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 1364, by Senator Skelos.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it is aside.

THE SECRETARY: Calendar Number 131, by member of the Assembly Lasher.

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1389.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1391.

SENATOR ONORATO: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number

1399, by the Assembly Committee on Rules, Assembly Bill Number 8207, amends Chapter 710 of the Laws of 1988, amending the Social Services Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1408, by Senator Cook, Senate Bill Number 6045, an act to amend the Public Health Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1411, substituted earlier today, by member of the Assembly Tokasz, Assembly Bill Number 3828, General Municipal 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 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1413, substituted earlier today, by member of the Assembly Colman, Assembly Bill Number 6859.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1414, substituted earlier today, by member of the Assembly Pillittere, Assembly Bill Number 6115, Parks, Recreation and Historic Preservation 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 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1415, substituted earlier today, by member of the Assembly Pillittere, Assembly Bill Number 7008A, Parks, Recreation and Historic Preservation 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 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1416, by Senator Daly, Senate Bill Number 4757A, an act to amend the Public Authorities Law and the State Finance Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it

aside.

THE SECRETARY: Calendar Number 1419, by Senator Saland, Senate Bill Number 5111A, Social Services 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1420, by Senator Daly, Senate Bill Number 5255A, Not-for-Profit Corporation Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1421, by Senator Saland, Senate Bill Number 5582A, Domestic Relations Law and the Family

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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator Padavan, Senate Bill Number 5665, amends Chapter 611 of the Laws of 1977.

SENATOR LEICHTER: Lay it aside.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1423, by the Senate Committee on Rules.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1424, by Senator Volker, Senate Bill Number 5756, 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1425, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8131, an act to amend the Election 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1426, by Senator Sheffer, Senate Bill Number 5895, Education Law, in relation to requirements for written prescriptions.

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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator Hannon -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1429, by Senator Cook, Senate Bill Number 6003, Retirement and Social Security Law.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Don't read the bill. Lay it aside.

THE SECRETARY: Calendar Number 1430, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8604, Not-for-Profit Corporation 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 42.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

1431, by the Senate Committee on Rules.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

Senator Present, that's the first time through.

There are four bills with the Rules report. Do you want to go with those right now?

Secretary will read them. And all of the bills are on the top of the members' desks.

THE SECRETARY: Calendar Number 1449.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1452, by the Senate Committee on Rules.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that aside.

THE SECRETARY: Calendar Number

1453.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number -

ACTING PRESIDENT FARLEY: There was no home rule message with it, actually, so we have to lay it aside.

THE SECRETARY: Calendar Number 1454.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: At this time, Mr. President -- it's been discussed with the Majority Leader -- we would like a recess, and I call an immediate meeting of the policy committee and ask that the members of the Democratic Conference stand available for a conference, but right now, there'll be a policy

committee meeting in Senator Ohrenstein's office.

ACTING PRESIDENT FARLEY: The Senate will stand at ease.

The Senate will stand easy, and the Democratic policy committee will meet.

(Whereupon, at 3:03 p.m., the Senate was at ease. )

ACTING PRESIDENT MEGA: Senator Present.

SENATOR PRESENT: I would like to announce an immediate conference of the Majority in Room 332.

ACTING PRESIDENT MEGA: There will be an immediate conference of the Majority in Room 332.

(Whereupon, at 3:07 p.m., the Senate recessed. )

...At 6:24 p.m....

SENATOR PRESENT: The Senate will stand at ease until 8:00 o'clock.

ACTING PRESIDENT LIBOUS: Senator Present?

SENATOR PRESENT: The Senate will stand at ease until 8:00 o'clock.

ACTING PRESIDENT LIBOUS: The Senate will stand at ease until 8:00 o'clock.

(The Senate stood at ease from 6:25 p.m. until 9:39 p.m.)

SENATOR PRESENT: There will be an immediate meeting of the Rules Committee in Room 332. An immediate meeting of the Rules Committee in Room 332.

(The Senate stood at ease from 9:39 p.m. until 9:53 p.m.)

ACTING PRESIDENT FARLEY: The Senate will come to order.

Senator Present, we have motions on the floor. Do you want to do those?

SENATOR PRESENT: Let's do some of the housekeeping.

ACTING PRESIDENT FARLEY: All right. Senator Holland.

SENATOR HOLLAND: Mr. President, I wish to call up my bill, Print Number 3931, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it. Soon as he finds it, he'll read it.

THE SECRETARY: By Senator Holland, Senate Bill Number 3931, an act to amend the Public Authorities Law.

SENATOR HOLLAND: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes -

SENATOR HOLLAND: Mr. President -

THE SECRETARY: Ayes 56.

SENATOR HOLLAND: Mr. President,

I now offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received; bill will retain its place.

SENATOR HOLLAND: Mr. President, I wish to call up my bill Print Number 38... I'm sorry, 3538 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: 3538, by Senator Holland, Education Law.

SENATOR HOLLAND: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

THE SECRETARY: Ayes 56.

SENATOR HOLLAND: I now offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments are received; bill will retain its place.

SENATOR HOLLAND: I now wish to call up my bill, Print Number 464, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Holland, 464, Social Services Law.

SENATOR HOLLAND: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 56.

SENATOR HOLLAND: I now offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received; the bill will retain its place.

SENATOR HOLLAND: I wish to call up my bill, Print Number 86-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Holland's bill.

THE SECRETARY: By Senator Holland, Senate Bill 86-A, Social Services Law.

SENATOR HOLLAND: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

THE SECRETARY: Ayes 56.

SENATOR HOLLAND: I now offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments are received; the bill will retain its place.

Senator Tully.

SENATOR TULLY: Mr. President, I wish to call up my bill, Print Number 723-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Tully's bill.

THE SECRETARY: By Senator Tully,

723-A, Chapter 629 of the Laws of 1986.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 56.

SENATOR TULLY: Very good. Mr. President, I now offer the following amendments.

ACTING PRESIDENT FARLEY: Those amendments are going to be received and the bill will retain its place.

SENATOR TULLY: That's what I was waiting for.

ACTING PRESIDENT FARLEY: Senator Mega.

SENATOR MEGA: Mr. President, my bill, on page 28, I offer the following amendments to Calendar Number 1211, Senate Print Number 4580 and ask that said bill retain its

place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments received. Bill will retain its place.

Senator Spano.

SENATOR SPANO: Mr. President, on behalf of Senator Daly, on page 37, I offer the following amendments to Calendar 1416, Senate Print 4757-A, ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Bill will retain its place.

SENATOR SPANO: On behalf of Senator Libous, page 22, offer the following amendments to Calendar 897, 4636-A, ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR SPANO: Behalf of Senator LaValle, wish to call up his bill 3722-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator LaValle, 3722-A, Education Law.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Spano.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received; the bill will retain its place.

SENATOR SPANO: On behalf of Senator Kuhl, I wish to call up his bill, print 3539, recalled from the Assembly which is now at

the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Kuhl, Senate Bill 3539, Agriculture and Markets Law.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 56.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received, bill will retain its place.

SENATOR SPANO: On behalf of Senator Larkin, on page 17, I offer the following amendments to Calendar 844, 4354-A, ask the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR SPANO: Behalf of Senator Larkin, wish to call up his bill Print 5744, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Larkin, 5744, authorizing the city of Newburgh to issue serial bonds.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 56.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received. Bill will retain its

place.

SENATOR SPANO: Behalf of Senator Velella, wish to call up his bill 4504, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Velella's bill.

THE SECRETARY: By Senator Velella, 4504, Insurance Law.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 56.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments received.

SENATOR SPANO: I wish to call up my bill, Print 2020-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Spano's bill.

THE SECRETARY: By Senator Spano, 2020-A, Mental Hygiene Law.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 56.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT FARLEY: Amendments are received.

Senator -

SENATOR SPANO: On behalf of Senator Lack.

ACTING PRESIDENT FARLEY: Holy Gee.

SENATOR SPANO: I wish to offer the following amendments to Calendar Number

1455, Senate Print Number 6055, ask the bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, amendments received.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, on behalf of Senator Spano, I mean -- I move the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Print Number 6027.

ACTING PRESIDENT FARLEY: Without objection.

Senator Volker.

SENATOR VOLKER: Mr. President, if Senator Spano hasn't done this yet, on page 32, I offer the following amendments to Calendar Number 1344, Senate Print Number 5922, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

Senator Present.

SENATOR PRESENT: Mr. President, can we call up Calendar Number 870, please.

ACTING PRESIDENT FARLEY: 870. Secretary will read 870.

THE SECRETARY: Calendar Number 870, by Senator Hannon, on page 20, Senate Bill Number 4900-B, an act to amend the Emergency Housing Rent Control Law, the Local Emergency Housing Rent Control Law, the Administrative Code of the city of New York.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Wait a minute.

ACTING PRESIDENT FARLEY: Well -

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

First of all, Mr. President, I don't know how you would rule as to the debat ability of a motion to recommit, so I'm not

going to make that motion yet, but I want to explain some things to this house.

I don't have the original print in front of me. I saw it earlier today together with a roll call -- yeah. Mr. President, I think -- I think there's something very fascinating about the way this bill has gotten to the floor.

This is 870? Where is the roll call?

Mr. President, this bill, as I understand it, was reported from the Housing Committee as Senate 4900, and in that condition it did not have many of the provisions it has as 4900-B. Indeed, Mr. President, I believe that 4900-B as in front of us is a fraud because it has not been reported out by the Housing Committee, and while I understand, Mr. President, that it is the custom to have bills reported out and then the sponsor is responsible for making amendments, it seems to me that there are issues of good faith that should be a part of what we in government do.

But in looking at this roll call, I found something very fascinating. We have a Committee on Agriculture, and it's chaired by Senator Kuhl, and those people in this legislative body have 61 men and women who exercise their choice and preference to be on that committee, as Senator Cook and LaValle, Present, Seward, Sheffer, on our side Senator Hoffmann, who is interested in the problems of the farm country, Senator Nolan, Stachowski and Senator Waldon.

We have a Committee on Cities and it's chaired by my colleague from Queens County Senator Padavan. And who else is on the Committee on Cities? Senator Marchi from New York City, Senator Goodman from New York City, Senator Velella from New York City and, of course, there are some others and on our side we've got Senator Gonzalez and Waldon and Senator Dollinger from the great county of Monroe, city of Rochester, people interested, very much interested in what happens to our cities.

We also have a Committee on Local Government, and that's chaired by Senator Larkin and on that committee are people like Senator Cook and Senator Trunzo and Present and DeFrancisco, and again we have Senator Jones from upstate New York and Senator Hoffmann and Stachowski, people who are very, very interested in what happens to our local governments.

And then we have this bill which, in its original print, not the print before you, was voted out by the Housing Committee, and I said I ought to take a look at it. And who is the Housing Committee? Obviously the people in this chamber who represent our tenant population, obviously people in this chamber who care about housing and care about where people live and their lives; so naturally the chairman is Senator Hannon, from outside the city of New York. But that's O.K., because we also have from the Republican Party, Senator Daly who lived a mile or two from the city of New York, Senator Kuhl, Senator Cook, Senator Farley, Larkin, Sears, Pataki -- wait a minute. I must

-- I must have the wrong list. I don't see Senator Goodman from the city of New York or Senator Padavan or Senator Mega or Senator Marchi or Senator Velella.

It can't be. Housing? The committee that deals with the life blood of millions of people, and not one member from the city of New York selected to be on that committee, to stand up in the committee process itself for the tenants of the city of New York. I could tell you on our side of the aisle we have Senator Espada, Senator Markowitz, Montgomery, Paterson, Gonzalez. They could have put in for Banks and Insurance and for everything else in the world. This was important.

So, number one, I'm not shocked at all of the garbage that comes out of that committee against the tenant population of this state, and it's no coincidence that the members on your side of the aisle from the city of New York won't go near that committee with a ten-foot pole.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR GOLD: No, I won't yield, Senator.

SENATOR DALY: Mr. President.

SENATOR GOLD: No, I won't yield, Senator Daly.

At any rate, having said what I said, Mr. President, I move that this house, as a matter of decency, recommit not 4900 which was voted out of the committee, but 4900-B which is a different bill, which was not considered by the Housing Committee even without a fair representation of the majority party in this house, and then if the Housing Committee or some other committee wants to send it back, we can deal with it at that point.

But I so move to recommit, Mr. President.

ACTING PRESIDENT FARLEY: On the -

SENATOR DALY: Will the Senator

yield now?

ACTING PRESIDENT FARLEY: Would you yield for a question from Senator Daly?

SENATOR GOLD: Yeah, of course, I will.

SENATOR DALY: Mr. President, would the Senator tell me the name of a Democrat member of this house from upstate New York or outside New York City who's on the Housing Committee?

SENATOR GOLD: None.

SENATOR DALY: Thank you, Mr. President.

SENATOR GOLD: Having added - having asked the question and given you the answer, Senator Daly, the answer is none, and I will let my colleagues from upstate New York answer for their actions.

After all, I've got Senator Hoffmann, who is not on the committee and all she seemed to be worried about are the farmers and the local governments and the problems in her area. If you want to brand her with that,

my friends, you go ahead and do it.

Senator Jones, on the Local Government Committee, she can answer for her self because she doesn't need any defense of the people in Rochester and the people in Monroe County, who know she's up here understanding the problems of local government and fighting on those committees. And just like the two Senators I mentioned --happen to be ladies. It's a problem you have on your side; you can't point to any -- but, Senator, the fact of the matter is that, let your members from New York City go back and explain why, in all of the glory of their committee assignments, not one of them has elected to be on the Housing Committee to stand up for the tenants of the city of New York at the committee meetings.

Now, listen, I want to be fair, and I said something in public earlier today and I'll repeat it in public now. I think Senator Goodman and Senator Padavan have been making wonderful efforts in order to try to help this process move along. But I know the game of good

guy/bad guy, everybody here knows the game of good guy/bad guy.

There's an issue that's going to come before this house that affects my district and Senator Stavisky's district, and I can tell you there are members on this side of the aisle who have said to me, "Look, I don't know that much about it," or "Yes, I've heard this on this side, this on the other side but, Manny, if it's in your district and you need my help fine."

But you guys don't do that; it's good guy/bad guy. I think that it is disgusting if Roy Goodman, who has worked so hard or Frank Padavan, who has worked so hard, come to this floor and get no support from anybody on that side of the aisle. Nobody. Every day you call upon Roy Goodman and Frank Padavan and Chris Mega and Guy Velella and John Marchi and Serph' Maltese, et cetera, to help you up in upstate New York. Two-thirds votes; you can't pass some of your local bills without two-thirds votes.

And not only are your people

here, we're here. And are you telling me that in an hour and 50 minutes you are going to make a fool of Roy Goodman? Because not one of you gentlemen are willing to understand the problem that he has representing these constituents? And that's an effort he's made and I commend him for the effort but I say, shame on you all that you would take the efforts of Goodman and Padavan and humiliate them in front of their constituents, telling the world they have no real power, telling the world they're unpersuasive. I don't think they deserve that and that's what you're talkin' about.

You're talkin' about taking the real estate money, putting it in your pockets in your campaigns, and telling three or four of your colleagues that if they go down the toilet, that's their problem. Well, that's your problem and maybe the public won't understand what good guy/bad guy is all about.

ACTING PRESIDENT FARLEY: Senator Hannon, why do you rise?

SENATOR HANNON: Point of order.

I'd suggest to the chair that the contents of the debate has left the bounds of decorum that one would expect on the floor of this body.

SENATOR GOLD: I would think that it's equal to the quality of your bill, Senator.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly, why do you rise?

SENATOR DALY: Mr. President.

SENATOR GALIBER: Mr. President, point of order.

ACTING PRESIDENT FARLEY: Senator Daly has the floor, Senator Galiber.

SENATOR GALIBER: Point of order.

ACTING PRESIDENT FARLEY: What's your point of order?

SENATOR GALIBER: There's a point of order that you've not ruled on. Would you rule on that point of order that the Senator from outside the city of New York has made?

ACTING PRESIDENT FARLEY: I'm

sorry. What is -- what is the point of order?

SENATOR GALIBER: The point of order that the Senator from outside the city of New York made. You did not rule on that point of order.

ACTING PRESIDENT FARLEY: Would you restate your point of order again, Senator Hannon? I thought it was rhetorical.

SENATOR HANNON: I think my point was well made, as the Senator whose debate I had questioned has finished speaking.

SENATOR GOLD: Only for one minute.

ACTING PRESIDENT FARLEY: I don't think it requires a ruling.

Senator Daly.

SENATOR DALY: Mr. President, you've all heard the expression, those who live in glass houses should not throw stones, and I found the Deputy Minority Leader's comments quite interesting in accusing this side of loading up upstate as far as members of the Housing Committee and then I noted -- noted that

all of the members from the Democratic Minority who serve on the Housing Committee are from New York City. There is no one from upstate.

Perhaps that means to on the other side of the aisle that upstate has no housing problems, and I would share with you all and would agree that our housing problems are less than yours, and maybe one of the reasons for that is the subject that is before us tonight. But, again, if you're going to make and particularly take exception and agree with Senator Hannon that some of the personal accusations made by Senator Gold, which truly disappointed me, because while I served as chairman of Housing for ten years and I served in the best interests of the state and, if Senator Gold wants to remain objective and talk about the issue at hand, I will, of course, as usual respect him. But to hear the snide remark and the snide accusation does not -- it demeans Senator Gold. It demeans this house.

And again, let me remind you that there are problems upstate. We have the

affordable home ownership program, the housing trust opportunity, and other housing problems. Thank God we don't have the problems of the city of New York, and I'm taken back in memory to the time so often when rent control was on -- the other side attempted to shove rent control down our throats which we refused to accept.

So, Mr. President, and Senator Gold knows, I have the utmost respect and personal liking for him, but I do think he was out of line. I do think that -- that his comments, his personal comments, were not necessary and really all they're going to do is raise the emotions in this house, and on an issue that is as emotional as housing we don't need this exacerbation of this issue.

ACTING PRESIDENT LACK: Thank you, Senator Daly.

Senator Gold, I believe we are considering your motion with respect to 4900-B.

SENATOR GOLD: Yes. May I speak on the motion?

ACTING PRESIDENT LACK: You may

speak on your motion.

SENATOR GOLD: Thank you.

I would like to respond to my colleague, Senator Daly, who knows the admiration I have for him, and, Senator Daly, there isn't a doubt in my mind when you chaired the Housing Committee you did what you thought was right from the perspective that you had.

What I'm saying, Senator, is that this Senate is made up of not one person or 61 people elected from one city or one town; it's people elected from all over the state who are supposed to meet together to get various perespectives, and this committee doesn't have that, and it's a shame.

And if you think I was being snide, Senator, you're wrong. I wasn't being snide. I was in front of a tenant group earlier today, and I spoke from my heart and I said I felt badly that Senator Goodman was putting up a gallant fight and getting no support. That's not snide. You know, I've said this before. How does a political issue get born? It gets

born by one group of people doing the wrong thing and being stubborn about it. All we have to do, Senator Daly, is to stop forcing tenants to grovel to Albany every two years, stop making unions grovel every two years, et cetera, et cetera, and just pass our laws and then there's no issue.

If we had had this extender passed two or three weeks ago, we wouldn't have an issue, political or otherwise. We would have done the right thing and we would have been gone. So there's nothing snide about my feeling badly that you, on your side of the aisle, two or three perhaps people who are working very hard to try to get this issue gone and out of everybody's hair -- maybe you got two people who care about the tenants of the City and want these people to have some comfort -- but if they are not supported by the other members of your house, of your party, then everything I've said is absolutely true. It's not snide. It's mathematical.

I want to tell you, Senator Daly,

I would always rather see the right thing happen and me be wrong. You prove I'm wrong. Bring out a two-year extender or bring out a permanent bill, and you people over there give enough votes to pass it and then I was wrong, and I'll have to eat my words, and I'll be delighted to do it because we would have protected the people who need protection.

But if it turns out that I'm right, Senator Daly, there's nothing snide about it. I've just stated the fact.

ACTING PRESIDENT LACK: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President.

I must say the response that Senator Gold's comments inspired just makes me think that he's hit a sore nerve, that I didn't hear him say anything that in any way demeaned this house. I think he made an accurate political assessment. Unfortunately, it's a true assessment. I didn't hear him use any language that would be considered improper. I

think he pointed out, I think with some sorrow, that the members of the Majority from the city of New York are treated like junior members.

When the Senator from the Adirondacks, my very distinguished and dear friend says, "Nothing in my district, you're not going to buy -- have the state buy any land," that becomes the policy of the majority. When Senator Goodman and Senator Padavan and Senator Velella and others say, "This drives a stake through the heart of the middle class and working people in New York," you yawn. Forget it, because you want to make a political statement.

But I want to get back to the point that Senator Gold first made, and I think it's an important point which is, is this a proper bill before us? When the calendar was called, and I looked, 870 and I saw, Oh-oh, we're going to debate something has to do with treble damages, rent over-charge, and so on. Next thing I know, we're having a full-fledged debate on a so-called luxury decontrol, actually

a bill that undermines and scuttles rent control and rent protection for the millions of tenants in the city of New York and throughout the state.

There is no relationship between the bill that was reported out of committee and the bill that is before us. This makes a mockery, a mockery, out of the committee system. This bill should not be considered, and I think Senator Gold's point was that people who have some understanding and knowledge of housing, and he regrets the fact that that committee doesn't include Majority members from the city of New York, but it does include some very knowledgeable people from our side of the aisle who are on this committee, who understand the housing issues certainly as it pertains to rent control to an extent that the distinguished chairman and again, my friend and a very like able fellow, but he doesn't understand housing in the city of New York.

And if you take a look at the bill, and we'll have more chance to debate it

although I hope very much that you will do the right thing and recommit it, because it's not properly before us, you'll see it raises 101 issues that need to be considered carefully by a committee of knowledgeable members because it's full of loopholes. It doesn't work. First of all, it doesn't work because of the extent to which it undermines rent control.

Well, let me just raise some of the technical questions, then we'll have maybe more opportunity later on to deal with some of the policy issues and they're terribly important. They affect, as I said, millions of people. They affect whether we're going to be able to keep the middle class in New York and working people in the city of New York. They affect the working of the city of New York and, Senator Daly, you know, some of your comments about the city of New York and so on, and I trust you love the city, I think you were born there and came from there, although at times I must say I see a great deal of New York City bashing going on, and this bill, unfortunately,

is also New York City bashing.

So we need to discuss some of the greater policy issues. Ut I want to point to some of the technical questions because I think they make the point that Senator Gold tried to drive home, which is the importance of having a bill that's reported out of committee on our floor that reflects the work of the committee and not a bill that's reported out and then you find a totally different bill, not a bill on treble damages. Just take a look at 870, 4900, as first reported by the committee, two pages, a few lines, dealing with penalties. The memorandum states this bill provides that treble damages in rent over-charge cases may not be assessed solely on the basis that an owner has failed to timely file a registration statement.

Senator Hannon, you completely changed the bill. There's no relationship to what was reported out of committee. Now, we have a bill that talks about something that's airily described in here as luxury decontrol, poorly defined, poorly worded, poorly thought

out, most harmful in its effect.

And again, take a look at some of the technical questions that were never considered, that needed to be addressed in a committee. Primary residence. What is primary residence? That's an incredibly complex issue, not defined, not dealt with in a sensible understandable manner. The bill fails to specify how the owner is to serve the income certification on his tenant or the manner to be used in returning the certification to the owner.

The orders of decontrol make no sense. They come in at different times. The income verification, how many income verification proceedings would DHCR have to conduct each year. How much staff would be needed? How would this function be funded?

The whole issue that for the first time in the state of New York, we're saying that tax returns can be made public to another agency for hundreds of thousands of New Yorkers. We're breaching -- we're breaching a

confidentiality and a privacy that even a district attorney may not pierce. Nevertheless you airily provide that the Department of Taxation will make tax information available on hundreds and thousands of New Yorkers.

What limits are there on the requirement that tenants provide, quote, "such information as the DHCR and the Department of Taxation and Finance shall require?" Will tenants be given the opportunity to appear and explain any questions that may arise concerning such information? Suppose Taxation makes a mistake. Under this bill, it doesn't matter. You're out.

How does the Department of Taxation and Finance determine the total income if the additional information has been provided by DHCR? The bill requires that this information be provided to the DHCR within 45 days. Which agency makes the determination?

Would tenants be in default if an uncooperative or unavailable co-tenant refused to provide information requested by DHCR? Could

a hostile co-tenant cause a tenant's apartment to be decontrolled by refusing to respond to DHCR's notice requesting additional information?

If an occupant has insufficient income to file a tax return for the preceding year, why would that person's income from a prior year be used to determine the total house hold income for the preceding year? And I can go on and on.

My colleagues, we're dealing with an extremely sensitive issue, an issue that affects millions of New Yorkers. It has the gravest consequence for the city of New York and other communities in New York State. It's -- if you're going to go down this road, it needs to be done carefully. It needs to be done with intelligence. It needs to be done with consideration. Needs to be done by a committee, needs to have input. You need to have public hearings. I don't believe there was ever a public hearing on this bill as amended.

Don't pass political statements. Leave that for the stump box, if you will. But

what you're doing now is playing with the lives of people. But first of all, as Senator Gold pointed out, you also are playing with the rules of this house. You're making a mockery of the procedures that we have, and Senator Gold is absolutely correct, this bill should not be before us.

You want to put out a bill, send it through the committee, have the committee consider it and then put it out. This bill is not properly before us, and I want to support Senator Gold's motion.

ACTING PRESIDENT LACK: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I rise in support of Senator Gold's motion, and I think, you know, some of the issues that Senator Leichter pointed to, that the committee never had an opportunity to explore, that their staff never had an opportunity on which to give counsel, raise grave concerns.

Example: A police officer, two police officers, they're married to each other. With overtime, length of service on the force, some other factors, their income reaches a certain level, perhaps one of the spouses has income in excess of $100,000 from whatever endeavor. But the police officer is shot in the line of duty, total disability, gets disability income, tax-exempt under state law, doesn't have to report that, doesn't have to file a tax return, but is an occupant of the apartment.

What does this bill say? Well, go back to before he got shot protecting us on our streets and look at what his income was then. Maybe he had to moonlight. Maybe he owned a business then. Maybe he did other things. His income was high. Now he's totally disabled.

Did anybody consider this? Did any of the committee staff consider this? Was it an issue? I don't know the answers. I suspect that, under this bill, that police officer, totally disabled in the line of duty, his family could be jeopardized by this, that an unfair

standard could be used. They go back to when you had healthy -- when you had healthy, non-injured wage earners. That's the last tax return, because that's before the disability.

Did anybody consider this? Do you really want to hurt a family like that? I'm not -- I don't, you know, I'm not sure. Maybe the question ought to be asked, a line of duty widow, the widow of a police officer or the widower of a police officer killed in the line of duty, I don't know. I really don't know the answer. I look around for some counsel but somebody ought to say, Gee, is that taxable income, that pension? Well, Gee, it's not, then you go back and you look at when, before the police officer was killed and you look at that income. Is that a fair evaluation of that family's income for today for purposes, for present purposes of whether they ought to be rent protected?

Your bill is making income the standard. So let's look at it. A family of very -- I can give you a large family, seven or

eight children, very moderate income, 20-, $25,000 a year, 30-, $40,000 a year, $50,000 a year. Lo and behold, four or five of the children volunteer for the military. One's in Europe, one's in Korea, proudly wearing our nation's uniform, earning income.

What's their primary residence? Well, I've done a lot of residence cases in connection with election proceedings. It's clear under the law of the state of New York and under federal law, that they're entitled to maintain their primary residence in New York at the parents' home, and many, many do. Many do for what -- you know, you're assigned in Germany. Where else are you going to vote from but your last U. S. residence. You don't lose your residence. You can be away for 20 years in the military and your primary residence is the place you left.

Now, do we take all those adult children serving their country and add up the five or six incomes involved and add it to the parents' income and say, What a wealthy family.

Let's kick 'em out of the apartment. Let's reward them for this patriotic family that has five or six children joining the military or four or five.

Did anybody consider this? I'd like to hear from the committee staff that worked on this. I'd like to have my colleagues at a committee meeting pose these questions and get answers because what you're proposing to do here without benefit of any kind of airing in committee is preemptively decide something without weighing the merits of any of these considerations.

That's why Senator Gold's motion is not frivolous. It's not tweaking the Majority. It's not trying to use technicalities to delay or obfuscate. It's right to the point. Do you have the answers at your finger tips to those questions? Should we rush ahead in the next hour and a half without even a committee considering these? Can somebody stand up and answer for sure all these questions I posed? And I've looked at this for a few

minutes.

These questions concern me. It ought to concern you. The police widow, the disabled police officer, the family with many children in military service, yet a family of moderate means. I don't think these are fanciful incidents. These are the kinds of lives our citizens lead. These are real questions that nobody's considered because someone theoretically has crafted this bill, thought, Aah, and believe me, I have little sympathy for multi-millionaire movie stars who own three or four houses and yet have a very cheap apartment on Central Park. I mean I - these -- and I understand these are the headline cases. These are the cases to which people are responding here, and saying, Aah, these rich people shouldn't have it.

Let's talk about ordinary New Yorkers, ordinary New Yorker who finds out, Gee, I've been out of work for nine years, I've been disabled for eight years. I haven't had any taxable income. Yeah, Gee, I hit Pik-4 for

$200,000 nine years ago. It's all gone now with the medical bills after my accident.

Now, you mean to tell me I can't have a rent-stabilized apartment because my last tax return showed I made $203,000 the year I hit Pik-4 for $175,000? It's all gone for medical bills. Now you goin' to wheel my wheelchair out in the street? I'm not going to have an apartment? I don't get my lease renewed?

Who considered this? These are real cases. These are real cases, and I don't think they're fanciful. This happens to real people. What mechanism is in this bill to address those kinds of concerns? Are they the people you want to get by this bill? I don't think so. I think this bill should have been brought forth in the committee. It should have been studied. These kinds of questions should have been addressed.

That's what legislation's about. It's not about last minute cliff-hanging bills that threaten people. I mean are they really the people? Those same headlines that scream

about the $3 million a year movie star with the apartment, will turn around and come down on your heads about the guy who hit Pik-4 eight years ago, was injured, spent all his money on medical bills, doesn't have any income today, yet under this bill is considered rich, affluent. We have to decontrol his apartment.

Those same headlines will scream at you about the police widow or the poor woman in Brooklyn with five or six kids in the military service who's now deemed to be affluent, who is now being subjected to decontrol.

I don't think this bill has been properly studied, and I'm supporting the motion to recommit it.

ACTING PRESIDENT LACK: Senator Bruno.

SENATOR BRUNO: Would the Senator answer a question?

ACTING PRESIDENT LACK: Senator Connor, will you yield to a question from Senator Bruno?

SENATOR CONNOR: Certainly, but, Senator, may I say, I don't have the answers to those questions. I posed the questions because I think they should be -

SENATOR BRUNO: Oh.

ACTING PRESIDENT LACK: Gentlemen, will you address your remarks to the Chair, please.

Senator Bruno.

SENATOR BRUNO: Mr. President, that's exactly what I was going to ask. Since we're hearing an awful lot of rhetoric on the floor, whether or not the good Senator had any recommendations and how we might resolve this very difficult situation that we in this chamber would like to resolve some time within this next hour, but if we're going to just grandstand and not have any recommendations, then I think we're going to waste each others' time.

We are looking to resolve this, Senator, and we would look for any constructive suggestions you might have.

SENATOR CONNOR: O.K. I have in

my hand -

ACTING PRESIDENT LACK: Excuse me, Senator Connor. Senator Bruno, you finished?

SENATOR BRUNO: Thank you, Mr. President.

ACTING PRESIDENT LACK: Senator Connor.

SENATOR CONNOR: I have a constructive suggestion. The Majority Leader, the chairman of the committee, the staffs that are involved in this ought to go and meet with their counterparts in the Assembly. We're now close enough, the pressure is on, and negotiate, negotiate all the issues.

This issue didn't arise a half hour ago when we took the floor. This issue - we knew this was coming for months. The way you do legislation is by negotiation. That's why the point of this motion, Mr. President. Of a committee, a committee ought to discuss provisions with these kinds of implications and I suggest that negotiations ought to go forward. They ought to be in good faith, and I don't

think it helps negotiations by bringing out a bill that's so full of holes that attempts on principle to get at a principle and, in the meantime, poses a great threat to hurting real people with real family situations.

ACTING PRESIDENT LACK: Senator Bruno, the floor is still yours, if you request it.

SENATOR BRUNO: Thank you, Mr. President.

I'd like to just share with the Senator something that he may already be aware of, that at this time negotiations are taking place, to my knowledge. Our chair of our committee is not here because he is deliberating over how we might resolve this issue and answering some of your rhetorical questions, we are open, we -- some of us here -- to resolving this with a different approach and different numbers.

There is a bill that is printed, to my knowledge, that will be surfacing very shortly that I believe comes a long ways toward

a compromise. But our concern -- my concern, let me say, as a sponsor of a bill that has been on this floor for the last several months, that deals with luxury apartment decontrol -- not rent decontrol, luxury apartment decontrol - that's been on the floor for several months, Senator. It's been live, but we have not dealt with it because we have been trying, negotiating to resolve this issue in some realistic reasonable way.

But compromise means compromise. It doesn't mean "my way or no way." We're not trying to dispossess. We're not trying to hurt people who are in rent-controlled apartments. We're trying to be helpful. We're trying to protect them. We're trying to make sure that they have a place to live, that they can afford, but the bill that I introduced, and many of us have passed over the last several years, does deal with undeserving people where the poor people of New York State subsidize the rich, and that's exactly what you have been supporting, Senator, subsidizing the rich on the backs of

the poor, and we think that the time has come to stop that and do what is right for the great majority of the people of this state and not protect a few thousand people that will be affected by luxury apartment decontrol.

So let's be realistic and let's talk realistically to each other, and let's get the situation resolved. But again, if we're going to grandstand, then we're going to be here in the morning and you're going to hurt an awful lot of people in this state.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT LACK: Sorry, Senator Connor. Senator Goodman is next on the list. I'll be glad to -

SENATOR CONNOR: Just a brief question.

ACTING PRESIDENT LACK: Senator Connor, Senator Goodman yields.

SENATOR CONNOR: Thank you, Mr. President. Thank you, Senator Goodman.

Let me just say that my remarks, you know, my remarks were no more grandstanding

than bringing this bill out, calling it up for its third reading, in the absence of an agreement. That's a form of grandstanding or playing right up to the edge, if you will, that I think isn't necessary. If you're going to negotiate, negotiate; don't grandstand. Don't grandstand with bills.

The fact of the matter is that, and I appreciate what Senator Bruno says and he's talking about a principle: The poor shouldn't subsidize the rich. The poor shouldn't subsidize the rich when we do school aid. The poor in New York State shouldn't subsidize the rich suburbs in Long Island when we do school aid. That's a principle.

The reality is we get a budget; we have to make it work, and sometimes you can look at it and analyze it and say, Gee, the poor are subsidizing the rich. And I could go on and on and on. The principle is fine; the practical implementation is not always possible and it's, as a matter of principle to say these very wealthy people shouldn't have rent-controlled

apartments or rent-stabilized apartments, they don't need that protection for these luxury apartments, that's a great principle.

I think the points that I brought up, rather than grandstanding, are pointing out how it is very difficult, if not impossible, as a practical matter to do anything about that principle in this area. To get the few you put in jeopardy many others who simply don't fall into that luxury or affluent category.

So I can subscribe, Senator Bruno, to the principle. What I'm saying is your bill is not practical. It's not a practical way to do it. I'm not sure dealing with an area like rent regulation that covers literally millions of tenants, tens of thousands of apartments, that there's a practical way.

One other practicality, Senator. This bill does something that we have never done in any other area, and that is opened up the whole Tax Department to giving to another agency people's tax returns or tax information. We don't do that; the federal government doesn't do

that, not to any agency. We don't even give it to D.A.s. Grand juries can't get it.

So what -- we're suddenly going to give it to DHCR, because a landlord files a complaint. The whole fundamental principle of voluntary compliance, which the federal and state systems depend on, is suddenly for the first time in history opened up.

The principle, Senator Bruno, the poor shouldn't support the rich. Wealthy, wealthy people shouldn't have luxury apartments that are rent regulated. The principle sounds good. The practicalities are worse. The remedy is worse than the illness. That's the problem. The remedy is worse than the illness.

Thank you, Mr. President.

ACTING PRESIDENT LACK: Senator Goodman.

SENATOR GOODMAN: Mr. President, the serious negotiations relating to rent regulation have now commenced. They're not occurring in this room. I'm advised that they are now occurring outside of this room and that,

for the first time, apparently the parties involved are coming to grips with the two principal serious issues which must be bridged if we're to achieve any understanding on behalf of tenant protection.

What the design and purpose was of bringing this bill to the floor at this hour, I do not know, and I shall not comment upon, other than to say that this bill is not a serious bill and that this bill is plainly and obviously a one-house bill with no prospect whatsoever of being passed in the other house. Perhaps somebody felt that it was necessary to keep us amply occupied this evening while the negotiations are under way. I find this an inappropriate way to keep ourselves occupied.

Mr. President, there's much that needs to be said about the necessity of providing protection for 2 million people in the state of New York, almost overwhelmingly representatives of the middle class, the middle, middle class and the lower middle class who have an enormous stake in the outcome of the

deliberations in this house.

Suffice it to say that to go into a lengthy debate with regard to a bill that is on the road to nowhere serves no useful purpose and might carry with it the danger of derailing certain conversations which, to put it mildly, are on a sensitive track.

So, for that reason, I shall say no more about this bill except that it is certainly my intention to vote against the basic bill as a demonstration of concern and as a way of sending a strong message to a group that are participating in negotiations in which several of us have had some voice.

Mr. President, I ask for the patience of the house. I very much hope that within a very few minutes, we will have revealed to us the core conversations which relate to the two vital matters that must be decided, namely what can be done to protect 2 million tenants and what can be done to restore some stability to a situation which has amounted to nothing more nor less than a two-year annual roller

coaster ride which has subjected good and innocent people to a type of municipal tension to which they should never have been subject.

I think it's -- in a sense, unfortunate, to say the least, that a group of people should come up here accompanied by unpaid lobbyists, people that do this out of the goodness of their hearts and the devotion to their cause, having to take out of their own hard-pressed wallets the fare that brings them up and back on buses, having told their buses not to return at 6:00 p.m., and now hanging on until some time after midnight which may get them home after dawn. There are approximately 500 people who did this today, a number from my own constituency and a number from many of your constituencies, and this is just a token of the type of inconvenience, at the very least, to which we're subjecting them.

This should not happen, and it's my hope that the final product which, please God, will be unveiled within a matter of a few moments, will be one that will justify the

effort that they had to put forth.

SENATOR GOLD: On the motion.

ACTING PRESIDENT LACK: Excuse me. We don't allow any demonstrations in the Senate. Thank you very much.

The question is on the motion.

SENATOR GOLD: Slow roll call, Mr. President.

ACTING PRESIDENT LACK: Well, just a moment. Let me say the question is on the motion of Senator Gold. A vote in the affirmative is a vote to recommit the bill. A vote in the negative is a vote not to recommit the bill.

Slow roll call has been requested. The Secretary will please ring the bells and call the roll slowly.

THE SECRETARY: Senator Babbush excused.

Senator Bruno.

SENATOR BRUNO: No.

THE SECRETARY: Senator Connor.

(There was no response. )

THE SECRETARY: Senator Cook.
(There was no response. )
Senator Daly.
(There was no response. )
Senator DeFrancisco.
SENATOR DeFRANCISCO: No.
THE SECRETARY: Senator Dollinger.
SENATOR DOLLINGER: Mr. President, I rise to explain my vote.
ACTING PRESIDENT LACK: Senator.
SENATOR DOLLINGER: I'm intrigued by this debate. I don't live in a rent-controlled community. I just wanted to comment on one thing that follows up on comments made by Senator Gold. It deals with the issue that I've learned in this house called respect for this house.
I'd call all your attention to that night back in early May when we talked about the Comptroller. The Majority Leader came into the chamber that day and mentioned my name and talked about the respect for this house and

how one of the important things that you learn as a member was respect for your peers and respect for the process that we engage in.

I knew -- I looked at Senator Marino and thought, I am learning respect for this house, I'm learning respect for the people I debate against, the people who have strongly felt views, even though I may not share them and strongly felt and argued positions on both sides of the aisle.

What disappoints me about what transpires tonight is that I don't think it shows respect for this house. We've brought a bill out that is going to have substantial problems with it. I think Senator Connor laid them out in great detail; Senator Gold has laid them out, a bill that may not have a future, as Senator Goodman suggests. And yet where is the respect for this house? We don't even take it out of the committee. We don't even give it to the committee that has jurisdiction over housing matters. Instead, we bring it from some unknown place to this body.

If the message to me as a newcomer is to learn respect for this house, I'd see that respect ebbing away when we all of a sudden change the rules because we've now run to within 70 minutes of the bewitching hour for an important thing for 2 million people in this state. I wonder if the people who come to argue on this issue, our friends from the tenants associations, how can they have any respect for us? How can they have any respect for this institution, if they draw their conclusions from our performance tonight?

My suggestion is they can't generate any respect for us and, if we really respect this house, we'll commit this bill back to the Housing Committee and do it the way it ought to be done.

ACTING PRESIDENT LACK: Senator Dollinger, how do you vote?

SENATOR DOLLINGER: I vote yes.

ACTING PRESIDENT LACK: And I would ask Senators who are going to rise to explain their votes to remember that one

explains one's vote in this house for two minutes, and from now on the two-minute rule will be requested.

Senator Galiber.

SENATOR GALIBER: Just on a point of, I hope we don't have to use it, Mr. President, but I thought we'd cleared this matter up yesterday, that we have the two minutes unless someone objects to that person speaking past two minutes.

ACTING PRESIDENT LACK: Hold it for a second. We have Senators who have come up here, Senator Galiber, and requested that we recognize the two-minute rule. I'm requesting that Senators voluntarily adhere to the two minute rule. Thereafter, of course, any Senator can stand up and ask that the Senator finish his or her remarks because two minutes have expired.

SENATOR GALIBER: Would that mean we say yes, we need an objection from someone in order to enforce the two-minute rule?

ACTING PRESIDENT LACK: Yes. We will ask for an objection from someone.

SENATOR GOODMAN: Mr. President, point of order.

ACTING PRESIDENT LACK: Senator Goodman, your point of order.

SENATOR GOODMAN: Could we have some order in the chamber. Your conversation is almost inaudible.

ACTING PRESIDENT LACK: May we please have some quiet in the chamber. We are on a roll call. Yes, Senator Galiber, we will take objections after two minutes but, as every Senator should know having, I'm sure, been very well acquainted with the rules of this chamber, a Senator who is explaining his or her vote should speak for two minutes. That is a simple request that is made. Please continue the roll call.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: Yes.

THE SECRETARY: Senator Farley.

(There was no response. )

Senator Galiber.

SENATOR GALIBER: Yes.

THE SECRETARY: Senator Gold.

SENATOR GOLD: Mr. President, explain my vote.

ACTING PRESIDENT LACK: Senator Gold.

SENATOR GOLD: I would just like to point out, and I appreciate that Senator Leichter made this point, but I want to say it a little differently.

4900, which was the bill reported out of committee, is basically less than two pages of writing. The bill that is before us goes onto its 18th page. Now, there's nothing clearer to show that they're two completely different pieces of legislation.

I would like to also answer this silly, silly comment that is made that luxury apartment dwellers are in somehow living there off the backs of the poor. What utter garbage. If we have luxury decontrol as it is suggested by the Republicans, I don't see anything in the bill that says that these higher rents are going to be given to poorer people to help them along

day by day. Those higher rents are going into the pockets of the landlords. Who doesn't know that?

This bill is a bill to give people who knew the rules extra money. I'm waiting to hear how many of these landlords who own the luxury apartments bought them 40, 50, 80 years ago. They bought them a year, two, five, ten; they knew the rules. They did the math like everybody else, and they decided to make the investment.

I don't blame them for wanting to get the bonanza. They've paid for that bonanza in campaign contributions and now they want their day. They paid for it by advertising in the newspapers and getting editorial support.

ACTING PRESIDENT LACK: Excuse me, Senator Gold. Senator Hannon has requested that you have two minutes to explain your vote, Senator, and we are on a roll call.

SENATOR GOLD: And, therefore, I vote yes.

ACTING PRESIDENT LACK: Senator

Gold in the affirmative. Continue the roll call.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Yes.

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Halperin.

SENATOR HALPERIN: Yes.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Rise to explain my vote on this motion, although I'll get into the -

ACTING PRESIDENT LACK: Senator Hannon.

SENATOR HANNON: -- merits of things later.

It's ironic that the Minority Leader would attempt to defuse this issue by talking about procedural items only or almost only, and not going to the merits. The trouble with his procedural argument is it's without any

water whatsoever.

In order to get a better procedures points that have been brought about, about income verification, amendments were made to the bill. Senator Bruno's bill, which passed this house last year and is a luxury decontrol, has been on the calendar for months, and that is the guts of this bill.

So all the arguments, I think, about procedure are without -- totally without merit, and I vote no.

ACTING PRESIDENT LACK: Continue the roll call.

THE SECRETARY: Senator Hoffmann.

(There was no response. )

Senator Holland.

SENATOR HOLLAND: No.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: No.

THE SECRETARY: Senator Jones.

(There was no audible response. )

Senator Kuhl.

SENATOR KUHL: No.
THE SECRETARY: Senator Lack.
SENATOR LACK: No.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: No.
THE SECRETARY: Senator LaValle.
(There was no audible response. )
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: Mr. President, to explain my vote.
ACTING PRESIDENT LACK: Senator Leichter to explain his vote.
SENATOR LEICHTER: Mr. President, I think it's ironic to have you talking about the importance of members adhering to the rules of the house, referring to a minor technical rule, when one of our major rules is being violated by this rule being on the floor.
Senator Hannon says there hasn't been a discussion of the merits. Well, the bill, frankly, Senator, has no merit. It's a pitiful effort to deal with an extremely complex

and extremely sensitive issue and should have been done through committees, through hearings, through careful considerations, not to have a political statement of this sort.

We're almost one hour from rent control expiring in the state of New York. It's a frightening thought that we would let this come to this pass, that we would put 2 million people at risk. We still have time to recommit this bill and to start a serious process, in the meantime giving people the security that they're entitled to.

Mr. President, I vote yes.

ACTING PRESIDENT LACK: Senator Leichter in the affirmative. Continue the roll call.

THE SECRETARY: Senator Levy.

SENATOR LEVY: No.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: No.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Nay.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: No.

THE SECRETARY: Senator Marino.

(Negative indication. )

THE SECRETARY: No.

Senator Markowitz.

SENATOR MARKOWITZ: Explain my vote.

ACTING PRESIDENT LACK: Senator Markowitz to explain his vote.

SENATOR MARKOWITZ: I never thought the day would come when I would hear Senator Bruno call for welfare for landlords. Never thought I'd ever hear you with the crocodile tears talk about the poor people in our society.

Senator Bruno, I'm enthused that suddenly you've been reinvigorated with a spirit of concern and care for the less fortunate of our society. I hope tonight will be a rebirth of hearing from you very often in terms of fighting for the downtrodden in our society.

Senator Hannon, from the day you got this chairmanship, Senator, from the day you

began your hearings some months ago, you were on a mission, on a mission to, under your leadership, change the rent laws the way they've been.

A very simple thing to say this is a landlord welfare bill, there's no denying it. I say, as a tenant leader -- and I consider myself a tenant leader as well as a State Senator -- here's what I offer the Republican Party. Let's renew this rent law as we have it today for two years, and let the landlords open the books. Open the books, Senator Hannon. Open the books.

(Applause from the gallery. ) Let's find out once and for all. Open the books, let them see.

ACTING PRESIDENT LACK: Senator Markowitz. Senator Markowitz.

SENATOR MARKOWITZ: I am not finished my two minutes yet.

ACTING PRESIDENT LACK: No, you can have your extra time. Ladies and gentlemen in the gallery, we're sorry, but applause is not

permitted in the Senate chamber. If you're going to continue to applaud, you're going to force me to have the gallery emptied.

Now, this is the second time I've mentioned it. Please, you're welcome here to hear what is proceeding on in the Senate chamber. We only ask that you act in a dignified manner, that you make no public demonstration of any kind and no applause. If that continues again, I'll have to ask the Senate Sergeant-at-Arms to clear the chamber.

Now, please respect the rules of our Senate, and Senator Markowitz will continue his comments.

SENATOR MARKOWITZ: Thank you. Thank you, Senator.

ACTING PRESIDENT LACK: Additional time added on.

SENATOR MARKOWITZ: Thank you.

Under this proposal, Senator Hannon, you ask for tenants. In fact, tenants would have to open up their incomes. That's what you're calling for. It seems to me that

opening the books up from the owner should come first.

And secondly we talk about the few tenants. One percent, one half of one percent, one quarter of one percent of tenants that may be in what you consider them to be super luxury, although I imagine, Senator Daly, to dry clean a suit in your home town probably is about four bucks. Let me tell you, in Manhattan and parts of Brooklyn, it's eight bucks to dry clean a suit, and I'm mentioning it because there are different standards of living in terms of costs, living in some of your communities and living in some of ours.

I say what we should be focusing on, Mr. President, what we should be focusing on, what about the tens of thousands of tenants in New York City who are paying too much rent for their income? What about those tenants that are spending 40, 50 percent of their income on rent because they can't find apartments?

You think it's like going down a supermarket aisle of Price Chopper, and, if you

see a can of beans on sale for a buck and something on sale for ninety cents, that you buy the 90 cents? There is no open housing in New York City, period. And decontrolling is not going to be the answer, Senator Hannon.

We ought to focus in on the real need: Number one, the small landlord, they need our help. What happened to you? You said earlier you wanted to help the small landlord. This certainly won't.

ACTING PRESIDENT LACK: Senator Markowitz, your two minutes have expired.

SENATOR MARKOWITZ: I vote yes.

ACTING PRESIDENT LACK: Thank you. Continue the roll call.

THE SECRETARY: Senator Masiello.

SENATOR MASIELLO: Yes.

THE SECRETARY: Senator Mega.

(There was no audible response. )

THE SECRETARY: Senator Mendez.

(There was no audible response. )

Senator Montgomery.

(There was no response. )

Senator Nolan.

(There was no response. )

Senator Nozzolio.

SENATOR NOZZOLIO: No.

THE SECRETARY: Senator Ohrenstein.

(Affirmative indication. )

THE SECRETARY: Aye.

Senator Onorato.

SENATOR ONORATO: Aye.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Aye.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: No.

THE SECRETARY: Senator Paterson.

(There was no response. )

Senator Present.

SENATOR PRESENT: No.

THE SECRETARY: Senator Saland.
SENATOR SALAND: No.
THE SECRETARY: Senator Santiago.
SENATOR SANTIAGO: Yes.
THE SECRETARY: Senator Sears.
SENATOR SEARS: No.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: No.
THE SECRETARY: Senator Sheffer.
SENATOR SHEFFER: No.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: No.
THE SECRETARY: Senator Smith.
SENATOR SMITH: Yes.
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: Mr. President, to explain my vote.
ACTING PRESIDENT LACK: Senator Solomon to explain his vote.
SENATOR SOLOMON: Mr. President, I'm glad, Senator Bruno, you talk about principle and not subsidizing people, because

using that hundred thousand dollar level should be used in numerous ways. For instance, when we look at a SUNY tuition increase why should those that earn over $100,000 a year be subsidized by those that earn $25,000 a year? I think we should have two levels of tuition, one for those that earn over $100,000 a year, maybe they should pay the out-of-state tuition, they shouldn't be subsidized by the taxpayers in this state.

That sounds the same thing. It's very fair. We're talking about subsidies. I'd like to see how many people on your side of the aisle would like to put in a bill such as that. It's very principled. In fact, that's listed as one of the quote, "middle class subsidies" in a recent Empire State Report where they talk about where they classify rent stabilization as a subsidy.

There are some others, the people we allow to keep $70,000 if they have to go into a nursing home, families allowed to maintain $70,000, yet they get Medicaid which pays for

the full cost of that nursing home. That's another subsidy.

But let's talk about fair. I think the SUNY tuition smacks right on target; in fact, it's very fair and it should be applied equally across the state. We just don't have to deal with a couple of localities. So let's remember what you said when that next SUNY tuition comes up, Senator, and I'm sure you'll be proud to introduce that type of bill because that will be fair, and we don't want to subsidize those people who could send their kids to private college. Why should we subsidize them?

I vote yes.

ACTING PRESIDENT LACK: Senator Solomon in the affirmative. Continue the roll call.

THE SECRETARY: Senator Spano.

SENATOR SPANO: No.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: No.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: Yes.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: No.

THE SECRETARY: Senator Tully.

SENATOR TULLY: No.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: No.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: No.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: Mr. President, to explain my vote.

ACTING PRESIDENT LACK: Senator Waldon to explain his vote.

SENATOR WALDON: Mr. President, it's my understanding that there are about 2 million students from Nassau-Suffolk County.

ACTING PRESIDENT LACK: Excuse

me, Senator Waldon. I can't hear Senator Waldon from here, and I'm closer than a lot of you. I would ask the Sergeant-of-Arms, please, for that row that's in the back, find seats or please leave the chamber. There will be no further conversations, and please give your attention to Senator Waldon, who is explaining his vote.

Senator?

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

It is my understanding that about 2 million students from Nassau-Suffolk County attend the SUNY institutions. Perhaps many of their parents make $100,000 or more. It is also my understanding that there are about 2 million tenants who are at risk as a result of what we're doing here tonight, many of whom who make much less than $100,000.

So I propose that we flip-flop those who have for those who have not and create some equity in what we're doing here this evening. Think about it.

I vote yes.

ACTING PRESIDENT LACK: Senator Waldon in the affirmative. Continue the roll call.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: No.

ACTING PRESIDENT LACK: Absentees.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT LACK: Senator Connor to explain his vote.

SENATOR CONNOR: Thank you, Mr. President.

You know, I want to follow up just briefly on something Senator Markowitz ended on. I've met with, each year, the small landlords from my district from Greenpoint, from the Lower East Side, from Sunset Park. They come up, they say, "Senator, I'm not rich," many of them are immigrants from Poland or Latinos, they say, "I've saved everything to buy this building. It has six or seven apartments. I sweep the sidewalk myself. I put the garbage

out. I can't afford a super. When I bought the building, I mean I have people who have been there for many, many years. My tenants are poor." They'll say that. "My tenants are poor but I can't make it either; my entire investment is this building." Where are they in this bill? They don't make campaign contributions. They can't even afford a super to take out the garbage.

Principle! It's all principle, I hear from the other side. It's not. It's all money, money, money. The big landlords benefit from this. The people we ought to figure out how to help, small owners, with poor tenants, we ought to help those owners, not at the expense of the tenants. We ought to be fashioning things to deal with that.

Why aren't we doing that? These are red-blooded Americans who own property. Republican Party is supposed to take care of them. Where are they in this bill?

I vote aye.

ACTING PRESIDENT LACK: Senator

Connor in the affirmative. Continue the roll call.

THE SECRETARY: Senator Cook.

SENATOR COOK: Mr. President.

ACTING PRESIDENT LACK: Senator Cook to explain his vote.

SENATOR COOK: Mr. President, I think it's important that we understand what's happening. This is not a vote on the bill. It's not a vote on rent control, vacancy decontrol, luxury apartments. This is a vote on a motion.

A motion was made, as I understand it, on the premise that a bill that was reported from committee had been amended and, therefore, was not properly before the house and ought to go back to the committee and be discussed. I would simply suggest that should this pass, that I then intend to make a motion that any bill that any member has on the floor who voted for this -- this motion that's been amended, that I'm going to move that all those bills that have been amended since

reporting from committee be recommitted on the same basis, that they ought to be reconsidered because it seems to me that that's really what the motion is all about, and I think that we are voting on a premise here of what we have always understood, and that is that any member can amend any bill that they have on the floor of the house, and I'm, therefore, voting against the motion because I believe that we ought to uphold the rules as we -- the practice that we follow.

ACTING PRESIDENT LACK: Senator Cook in the negative.

SENATOR GOLD: Mr. President, a point of information, please.

ACTING PRESIDENT LACK: Yes, Senator Gold.

SENATOR GOLD: I really feel kind of silly. I just got a phone call from my wife in New York, who says the radio is already announcing we've agreed to a one-day extension in both houses. Why are we doing this?

ACTING PRESIDENT LACK: Are you

withdrawing your motion, Senator?

SENATOR GOLD: No. I want to know why are we debating this bill when the press has left, everybody is reporting all over the place that we have agreement on a one-day extender.

ACTING PRESIDENT LACK: Excuse me. Senator, to the extent that you've asked a point of information, the answer is you've made a motion. Continue the roll call.

SENATOR GOLD: Point of order, Mr. President. If I withdraw the motion, do we withdraw the bill and we all go home?

ACTING PRESIDENT LACK: If you withdraw the motion, the bill is on the floor and we'll consider the bill.

SENATOR GOLD: Well, point of information: Why are we considering a bill when it's already been announced all over the press and radio that there's been bipartisan, triple Governor agreement for a one-day extension and we're not going to do this.

ACTING PRESIDENT LACK: Thank

you. Senator Gold, we're in the middle of a roll call. Thank you.

SENATOR GOLD: Does that mean yes or no?

ACTING PRESIDENT LACK: Thank you, Senator Gold. Continue the roll call.

SENATOR GOLD: You're welcome, Mr. President. I hope I've been helpful.

ACTING PRESIDENT LACK: Continue the roll call.

THE SECRETARY: Senator Daly.

SENATOR DALY: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: No.

THE SECRETARY: Senator Hoffmann.

(There was no response. )

Senator Montgomery.

(There was no response. )

Senator Nolan.

(There was no response. )

Senator Paterson.

SENATOR PATERSON: Yes.

ACTING PRESIDENT LACK: Results.

THE SECRETARY: Ayes 24, nays 33.

ACTING PRESIDENT LACK: The motion did not pass.

On the bill. Senator Hannon.

SENATOR HANNON: On the bill, Mr. Speaker -- Mr. President. Ingrained habit.

I would like to have an extensive amount of time, but I'm not going to do that, to talk about all the merits, to talk about the issue, to talk about how there's been a fear campaign, so that the real middle class, the people with the small apartments, shouldn't be afraid, but no, what I really want to address is the question on everybody's mind which is why are we here at 11 o'clock, 50 minutes to go, on the third -- second extension to expire, and that's because we've had to adopt this procedure taking this bill to this floor to get people to talk.

The bill was due to expire on June 15th. We knew that. This body debated

luxury decontrol on this very floor and it passed in 1992, and we knew the old laws were going to expire on June 15th. We had hearings in the city of New York, two whole days. We issued a report.

This year has seen many reports, many books come out, Scarcity by Design, things about the housing shortage in New York City; Community Service Society, Housing on the Block; 140,000 units in jeopardy of going for foreclosure.

We didn't have anything to do with this. The public knows; the public expected us to do the right thing, but this Legislature couldn't get those talks going. Senator Bruno had the bill. Senator Marino said, "Let's get talking." We couldn't do it. Finally got an inkling and a glimmer two weeks ago, and had an eight-day extension. When that was just to be up, Speaker Weprin said, "I want to talk." Well, I don't know how much he really talked until just yesterday, and all day things have been -- talks have been going on, but

absolutely no movement.

We called the Rules Committee for the chapter which raises the income threshold. We start this and, lo and behold, things start moving. It is a terrible way to do business. It is a terrible thing to terrify people who have apartments in the City and elsewhere who will be subject to this, but I'll tell you it's 50 years of just a rotten system, and Mr. Markowitz talked about what I've done since I got to be the head of this committee.

Well, you know what, I had -- I took the job seriously. I've spent the time in each of the boroughs. I've spent the time in this state. I've looked at what we have as affordable housing and lack of it. I've looked at the public housing, and mostly it's in your district, and we've acted responsibly. When the city of New York has asked us to do things, we've done it. When the state of New York has asked us to do things, we've done it. There's no credit given over here, but it's the right thing to do, and when we deal with this issue,

this whole thing is the right thing to do.

We've tried to be reasonable. We've tried to strike a moderate approach and, unlike all the things you say, this bill is a comprehensive bill. There's things in there for hardship cases from the left wing to the right wing spectrum of ideology; everybody says there are buildings in New York City that are in danger of being lost and, if they're lost, they'll be taken over by the City HPD, Housing Preservation Department, somewhat of a misnomer, and if that happens they go out of the rent system entirely.

What -- what are we to do? We're trying to address problems, and when we're addressing the luxury, it is the biggest symbol in the world because it is a big problem. Have we addressed it in other areas? Two Senators mentioned tuition in college. What do you think the TAP system is structured on? Income. The more you make, the less you get. What do you think about financial aid in each of the universities? Income. The more you get, the

less you get in tuition and financial aid -- in financial aid.

This is simply trying to address it rationally. I'm sure that I've sparked off more questions in debate than I meant to. I'm sure I've taken up more time than I meant to because there are a lot of people who indicated they wanted to talk on this. But I will tell you, many people have not addressed the issues nor have they read the bill.

We haven't gone through anybody's tax returns; in fact nobody does. We make sure all of the privacy provisions of the current statute are continued. We make sure all of the statutes that make sure landlords behave properly are continued, the anti-harassment statutes. We've -- the Governor, last Thursday, lo and behold, 11 years into his incumbency, asked us 45 questions about rent control. We gave the answers. They're available to anybody. They pierce many of the veils that people think are sacred cows about this whole system.

With that, I think this bill is a worthy bill. With that, I think negotiations are continued apace, and I think this is a worthy debate, and I'm going to urge people to, if we bring this to a vote, to vote for it.

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT LACK: Senator Stavisky is next on the floor unless he'd like to yield to you for a moment.

SENATOR STAVISKY: I yield.

ACTING PRESIDENT LACK: Senator Gold.

SENATOR GOLD: Yeah, just one question I'm curious about, Senator Hannon. You said you held hearings and you were concerned there were 140,000 units on the block, et cetera, et cetera. We lose these, lose housing to HPD. Out of the 140,000, how many of them are buildings that involve luxury apartments versus the small landlords with the poorer tenants?

SENATOR HANNON: I'm glad you

asked that, because the answer is none, but if you look at the bill where we have provisions for hardship relief to try to implement something that is genuine instead of the two phony procedures that are currently in the regulations of DHCR, we've tried to address that. It's right here. It's been on the floor. You know, you've been looking at the bills on the floor. I'm sure you've read it.

SENATOR GOLD: So if I may, just to clarify, Senator Stavisky. Senator Hannon, so in other words you held hearings, you determined 140,000 apartments are going to be lost on the block, they'd be in HPD and your answer is that, although none of them, none of them are involved if we get luxury decontrol, we are somehow making major efforts to take the burdens of the poor and give it to the rich.

Senator, there's a huge gap in this aisle, but I think the logic in your argument is bigger than the Grand Canyon.

SENATOR HANNON: In response, Senator Gold, a two-fold response. The first

is, we have crafted a bill that is a comprehensive approach to all of the problems. The second, to answer you most directly, is that luxury decontrol is an attempt also to get a lot of what is now foregone assessment back onto the tax rolls and, therefore, that will generate a considerably greater amount of taxes, so that the subsidy that all the taxpayers make to the people who are enjoying these apartments and who make an amount of money that they could otherwise enjoy, will end in a subsidy and that money can be used by the city of New York as it well needs it, for a whole range of housing programs that it has.

ACTING PRESIDENT LACK: Senator Stavisky.

SENATOR STAVISKY: Mr. President.

SENATOR ONORATO: Mr. President.

ACTING PRESIDENT LACK: Senator Onorato, why do you rise?

SENATOR ONORATO: I was going to ask if the Senator would yield to a question.

SENATOR STAVISKY: I was about to do that, Senator.

ACTING PRESIDENT LACK: Well, Senator Onorato, Senator Stavisky's name was next. I'll put you down afterwards.

Senator Stavisky.

SENATOR STAVISKY: Senator Hannon, would you yield for a question, please?

ACTING PRESIDENT LACK: Senator Hannon, will you yield? Yes, he will.

SENATOR STAVISKY: Senator Hannon, let us for purposes of discussion, although I'm not waiving or yielding on this point at all, your objective is to eliminate a free lunch for the wealthiest people and that's why you want luxury decontrol. Is that the assumption of your approach to luxury decontrol?

SENATOR HANNON: On wealth alone?

SENATOR STAVISKY: You want to end the rent control and rent stabilization for the wealthiest families, is that correct?

SENATOR HANNON: Yes, it's one way.

SENATOR STAVISKY: O.K.

SENATOR HANNON: There's lots of other things attached to it, but -

SENATOR STAVISKY: O.K., Senator, let me ask you hypothetically, if an apartment is now vacated by a wealthy family that had enjoyed the benefits of either rent control or rent stabilization, now that apartment is vacant and there are hundreds of thousands of people of more moderate means who need affordable housing. Is there anything in your bill, Senator Hannon, that would put those apartments, after the wealthy tenants are out, back under some form of rational rent stabilization so that a moderate -- moderate income family could now live in that apartment; or are you simply creating a domino effect that, for all time, these apartments will no longer be available to moderate income families?

SENATOR HANNON: You presuppose that somehow the rent's going to go soaring up and the apartment still remains available for rent, and the question -- the question is -

SENATOR STAVISKY: At what rent level, Senator Hannon -- this is my question. Have you created any effort to limit the size of the rent increase on that apartment?

SENATOR HANNON: No. But let me just tell you something: The city of New York, when they came up here, came armed with the same 1991 housing vacancy survey that the census department had done for them, that we have available, and it points out that at rent levels above the threshold that's in law for apartments renting from about 650 and more, the rent level is at 6 percent and soars, soars, to a 12 percent vacancy level at the rent level of 1500. So what you're saying, what -- according to the original premise of these statutes, all the apartments in that arena should not be any longer controlled, because the original premise says you have to have five percent or less in order for there to be an emergency, and there's not that five percent.

SENATOR STAVISKY: Senator Hannon, you've answered my question. You are

not at all concerned about affordable -

SENATOR HANNON: I didn't talk about concerns; I talked about facts that are in the bill.

SENATOR STAVISKY: You appear not to be concerned about affordable housing for hundreds of thousands of people who need apartments, who could occupy those now decontrolled apartments where the luxury family, the wealthiest families, are no longer going to stay. If you said to this chamber, yes, I want the wealthy people who have had an unfair benefit to leave those apartments so that we create affordable housing, that's one argument. But that's not the argument.

Yours is a landlord subsidy bill. Yours is a wealthy landlord subsidy bill, and you don't seem to give a damn about families of more modest means who do need affordable housing, who have been on waiting lists for years, and their names may never have been reached because there just aren't affordable apartments in the city of New York, and that's

the fallacy of your approach to a so-called luxury decontrol. It's not luxury decontrol for the benefit of most New Yorkers; it's luxury decontrol for the benefit of the wealthiest landlords.

SENATOR HANNON: I'm not only amazed at your profanity, but I'm amazed at your lack of logic.

First of all, you talked about hundreds of thousands. The survey points out that, at the level of income we've chosen in the main bill, and it's even less in the chapter amendment, that there's about 20,000 units that are being occupied. 20,000 is a drop in the bucket in terms of the affordable housing needs of the city of New York.

I have also, as I've told you in my remarks, hit upon the 140,000 units that are completely at risk unless we reform the whole hardship system, and it's not the 140,000 units that are at risk, it's the tenants, because if the system is taken over, any of those units are taken over by the City in an in rem, they go out

of the rent control system entirely, the City is not bound, the City raises the rents and charges and those tenants are put at risk. So your facts and your logic simply aren't present. We've had concerns, they go across the board, and what we've tried to do is address them in each instance.

ACTING PRESIDENT LACK: Senator Onorato.

SENATOR ONORATO: Senator Hannon, you raise some interesting points here. Are you aware of any or can you tell me any luxury apartment building that was built after 1974 that has defaulted on its taxes and are you aware that houses built after 1974 received partly through this legislative body and the City Council J.51, where they received tax abatements to build these luxury apartments making -- getting over $2,000 a month rent; they're tax subsidized and they then become stabilized. They're getting rent increases. So who are we assisting? You're still assisting luxury landslords who need no assistance. How is

this going to help the other tenants who do need their assistance? We have a group of them up here today literally fighting for their lives. We have lobbyists coming up day in and day out asking us to give them money.

Today we have a group of people coming up here asking us to help save them from their homes. They're not asking us for money. They're asking us to give them a break and to do the right thing. The luxury apartment owners don't need the break that these people do today. So tell me, how many luxury apartments have folded since 1974?

SENATOR HANNON: Two points in your question, I believe, and if I've skipped any other points over, remind me, but in terms of people have gotten tax breaks, the chapter amendment that we made to the original bill eliminates the ability of decontrol if the building is getting a tax break under 421 or J. 51.

And second, when you talk about who's getting the foreclosures, it's a little

more difficult because the city HPD doesn't put out an annual report, but in the report that we all received from the Finance Department of New York City for fiscal year 1993, I quote, on page Roman Numeral small ii, "The growth in delinquency has resulted in an increase in the number of properties included in foreclosure actions. In rem actions filed in each borough during calendar '92 totaled 17,900 properties, a 24 percent increase over the previous year."

And in your borough, the number of actions in Brooklyn more than doubled and represented nearly half of the citywide actions.

I don't have the specific instances for the buildings, but every time there's a foreclosure, there's tenants that are put at risk, and they are the ones who are ill-served by this system who subsidize the wrong people.

ACTING PRESIDENT LACK: Senator Leichter.

SENATOR LEICHTER: Mr. President,

I want to ask Senator Hannon a question.

Let me first point out to you, Senator Hannon, the 140,000 buildings that you're talking about in most of those, the landlords are charging less than the regulated rent. And you know why? Because the landlord cannot get the regulated rent, because regulated rent is so high and because you can't get people to live there. You really fail to understand the issue. I just wanted to point that out, because there's no -- because the explanation that you're giving for your bill has really absolutely nothing to do with your bill, which is basically a political statement against rent control, period, and a statement in favor as my colleagues have correctly pointed out, wealthy landlords.

But I want to ask you just as an example of how I believe unworkable your bill is, take your provision on the total annual.

ACTING PRESIDENT LACK: Excuse me, Senator Leichter.

Senator DeFrancisco, why do you

rise?

SENATOR DeFRANCISCO: Will you yield for a question?

SENATOR LEICHTER: Yes.

ACTING PRESIDENT LACK: Senator DeFrancisco.

SENATOR DeFRANCISCO: If all of these luxury apartment landlords cannot get even the subsidized rent, what harm would it be to eliminate the control?

SENATOR LEICHTER: Senator, we're not talking about the luxury apartments. He's talking about -- he's talking about apartments, the buildings that are going in rem, buildings that are not -- do not have luxury rent. They wouldn't be affected by this particular bill and there just to point out that rent control is not the cause of these buildings going in rem because it is shown time and time again, has been documented, it's probably right in that report you have from the Community Service Society, that the landlords in those buildings that we're talking about, not luxury buildings,

Senator DeFrancisco, but buildings that are in usually deteriorated sections of the city, the landlords are incapable of getting regulated rents. The rent control has nothing to do with these buildings going in rem.

SENATOR DeFRANCISCO: And you weren't -- would you yield to another question? So you didn't just say that those luxury apartments the landlords cannot get even the regulated rent?

SENATOR LEICHTER: Senator, I don't mean to be disrespectful, but obviously you weren't listening to what I was saying.

SENATOR DeFRANCISCO: Oh, then I apologize.

SENATOR LEICHTER: Right.

SENATOR DeFRANCISCO: I must have got tired of listening.

SENATOR LEICHTER: Yes, I'm sure you did.

Senator Hannon, would you be so good as to yield?

ACTING PRESIDENT LACK: Senator

Hannon, Senator Leichter is requesting you to yield.

Senator Leichter.

SENATOR LEICHTER: Just taking your provision as to the income of $100,000 which triggers decontrol, is that correct; is that the total annual income?

SENATOR HANNON: Under the main bill, yes, and then in order to show our good faith and our flexibility under the chapter amendment which was reported out of Rules, although there is not a message on it, it's $200,000, but still has the same federal adjusted gross income.

SENATOR LEICHTER: Well, Senator, all I know is that we have this particular bill in front of us. I haven't seen the chapter amendment, but under this bill that we're now debating, if you take a family with husband, wife. Husband, let's say, is in Wall Street, he earns $40,000, the wife earns $30,000; a child comes out of college, lives with the family for part of that year, he earns $20,000. Husband

works in Wall Street, that year it's a good year, he gets a $20,000 bonus at the end of the year, their annual income for that particular year now is $110,000.

The next year they go back to what has been the pattern of income, the husband 40-, the wife 30-, the son moves out, there's no bonus because Wall Street is not doing well. Under your bill, am I correct that that family loses the control rent or the control that exists on their apartment?

SENATOR HANNON: Well, first of all, the figures that we have show that the overwhelming number of these households, 66 percent of them, in fact, are two-family, two person households; 86 percent are three-person households and 96 percent are no -- are four or less. No wonder you're not hearing.

Excuse me. Somebody ask me a question besides Senator Leichter?

ACTING PRESIDENT LACK: We have a little order in the chamber. Extraneous remarks are not necessarily appreciated. Senator Hannon

is replying to Senator Leichter's question.

Senator Hannon.

SENATOR HANNON: Going to the thrust of what you say is the problem, I would say that family might have to do the same as the other 17,850,000 people in this state have to do who don't have rent control. That's what I would have to say. They would have to go according to the market.

SENATOR LEICHTER: Senator, thank you.

I have -- I think you made -- I think you make my point. My point really is how unworkable this bill is because if you, under this bill, consider that $100,000 is a threshold, you can set it up in such a way that a jump in income one particular year drives those people out of their rent-controlled apartment, and your answer is, Oh, tough, let them do what the other 17 million people in the state do.

Let me just point out, Senator, the other 17 million people in the state don't

have the situation that we have in the city of New York and some other communities. Let me also point out to you, Senator, because there's a certain, I think, an arrogance, an arrogance of, you know, we who pay our way and these people are being subsidized, Senator. How about all your constituents who live in one-family homes and maybe yourself that get a nice fat interest deduction, Senator? How about that subsidy? If you want to take a look at subsidy, you want to take a look at fairness, people who make millions of dollars a year, whose house may be worth hundreds of thousands of dollars who get an interest deduction. Where is that written in the U. S. Constitution or as part of the Ten Commandments that that subsidy is something that everyone is entitled to, but that to protect people in a market where there is a shortage of housing, to protect them from rent gouging, that somehow is a subsidy and something that should not be done?

Senator, if you want to look at fairness, you want to wipe out subsidies, then I

submit to you that, for your wealthy suburbans, that we would find the many more subsidies than there ever are for the people who live in urban areas where there is a shortage of housing.

The fact is, Senator, that every one until this particular Republican Majority in June of 1993 ever since the World War II has agreed that we need rent control and regulation and protection for rent gouging in communities of New York State, and even as recently as two weeks ago, the mayor of the city of New York and the Republican candidate for mayor came up here and said, For God's sakes, don't do this in this fashion; you're going to cause havoc. And here we are 25 minutes to go and you're driving that system into oblivion, and you're putting two million tenants, residents of urban housing and housing multiple dwellings throughout communities in New York, at great risk.

What you're going to cause, Senator, is chaos, utter chaos, because you've put out a bill that is not well thought out, that is not well written, that is not a fair

bill, and you insisted on it, and where a - with a stubbornness this Majority has insisted you're going to discuss our bill.

You said, Well, the Speaker wasn't willing. You knew we had this bill or something like that. The fact is that it was the Republicans in this house that refused to sit down and discuss. You didn't have public hearings throughout New York State on this bill. You didn't give people an opportunity to be heard. You didn't take it through your committee. You surreptitiously, slyly took a totally different bill and then amended it in this fashion, and then a few days before rent control was to expire you said, Hey, this is it, you either go along with this or rent control is going to expire, and it was only at the very last minute with the Governor having to rush into this chamber to sign a bill that we avoided that catastrophe. And ever since then, you've taken an obstinate, stubborn position; you've refused to do this in a fashion that would make sense, in a fashion that would allow the system

to be continued for people who need it and to have a system fashioned that would work.

Instead, you've insisted in pushing ahead this bill that has absurdities, as I just pointed out, absurdities, as Senator Onorato pointed out, where you have landlords who would receive millions in subsidies on their written promise, their commitment that they would control their rents, even though they rented initially at market rents and, in fact, one of the many prints that you had provided that the 421-a apartments would continue subject to the controls that the landlords had agreed to.

SENATOR HANNON: Just as it's done now.

SENATOR LEICHTER: In this particular bill?

SENATOR HANNON: I'll find it for you, I'll guarantee it.

ACTING PRESIDENT LACK: Gentlemen, would you address your questions to the Chair.

SENATOR HANNON: Let me address all of your questions at once.

SENATOR LEICHTER: Could you because my understanding is that that's -

SENATOR HANNON: I'll have that for you before the end, but we did amend, as I said to Senator Onorato, so that those people who get the 421 tax breaks on their buildings are not subject to the decontrol provisions that otherwise provided in here.

SENATOR LEICHTER: So that, Senator, I -

SENATOR HANNON: But let me - let me address the points that you have raised.

First of all, I am surprised that a man of your principle and established positions, that when you talk about the income of the suburbs and all that, you haven't realized that the group of people we seek to remove from this system are spending a very small percentage of their income on housing. They're spending five and ten percent. The average of our constituents throughout the

state, and the rest of the tenants in New York City, are spending about 25 percent of their income, not because they want to, not because they enjoy it, but that's the cost to them and, in fact, what do we do with the Section 8 system? We require those individuals, poor individuals, to spend 30 percent of their income before we give them a Section 8 voucher, and yet we're talking about five percent of your income.

The one thing I can't understand, Senator Leichter, is why you're defending this so ferociously, because all of this, but I can't understand why the rest of you from the city of New York are doing so, because all the surveys point out where the vast bulk of the apartments that we would cover. Upper East Side, Upper West Side, one or two in Central Park South, but I'm telling you, it's -- this is a thing for the borough of Manhattan. That's why Senator Goodman has been fighting so ferociously on this one.

And then finally, why don't I

have hearings around the state? You know, I don't know if any of your upstate members are going to vote against this bill, but I know that the surveys show that 99 percent of the people upstate can't figure out why this system has continued. So that's the answer, and I think by now your counsel has pointed out where the tax -- tax provisions, and I believe it's 14 (a), on page 9.

SENATOR LEICHTER: Senator, that's exactly what my counsel pointed out and he reads it, and I read it, as not covering the 421-a buildings because it seems to say on line 45 that such units may be decontrolled pursuant to the Luxury Decontrol Act of 1993, a misnomer if there ever was one, so it seems to me clear that you provide for the decontrol of these units, but Senator, I find it interesting that on such an important issue, you, the sponsor of this bill seem to be somewhat uncertain. I think that makes the point.

SENATOR HANNON: A bit uncertain. If there's anything I'm uncertain

about, I haven't figured it out yet. If there is any trouble, you said to me -

ACTING PRESIDENT LACK: Senator Hannon and Senator Leichter, please address your remarks to the Chair.

SENATOR LEICHTER: Senator, I concede that there are many things that you have not yet figured out, and I think what you haven't figured out, Senator, what the need for control is.

You refer to the fact, well, this is a Manhattan issue. Even if it were only a Manhattan issue, Senator, we are part of the state and our residents are also entitled to the protection of the laws. But it's more than Manhattan, Senator, and it's more than just New York, but it happens to be extremely important to 2 million people, Senator, and we can devise a fair system.

What we're saying is, the way you're proceeding and with that stubborn insistence of derailing rent control which really seems to be your intent, and focusing on

helping wealthy landlords, that is not the way that we're going to deal with housing problems in this state and, Senator, we now have 18 minutes, and if the Majority continues and insists on this path, in 18 minutes, we will have lost all control from the state of New York.

It would be a crime and a crime that you and this Majority in this house will of to take the responsibility for.

ACTING PRESIDENT LACK: Senator Present.

SENATOR PRESENT: Mr. President, may I call an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT LACK: There will be an immediate meeting of the Rules Committee in 332. I would suggest that the members of the Rules Committee make it immediate.

Senator Gold.

SENATOR GOLD: I wonder what's afoot?

ACTING PRESIDENT LACK: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I have a couple questions for Senator Hannon and -

ACTING PRESIDENT LACK: Senator Hannon will take them.

Senator Dollinger, please excuse the exodus; it's not because you're about to speak.

SENATOR DOLLINGER: I just wonder whether further discussion is necessary. We all ought to go to the Rules Committee and figure out what's happened.

ACTING PRESIDENT LACK: You can yield the floor if you'd like. We're still in session.

SENATOR DOLLINGER: Senator Hannon, let me -- I just have a couple questions for you. As I understand it, and I'm not from a rent-controlled area, so let me make sure I understand it. You conducted a study that said there were 140,000 units in the city of New York

that were in trouble; is that correct?

SENATOR HANNON: No, Mr. - Senator Dollinger.

SENATOR DOLLINGER: I just wanted to know what that number stood for.

SENATOR HANNON: The Community Services Society, a fairly prestigious not-for-profit group that has been in existence for many, many years, earlier this year issued a report called Housing on the Block, subtitled Disinvestment and Abandonment Risks in New York City Neighborhoods, and they pointed out that for a number of factors, 140,000 units -- that's not 140,000 buildings, by the way, Senator Leichter.

SENATOR DOLLINGER: 140,000 units.

SENATOR HANNON: Units are at risk of being taken off the tax rolls, being taken at what they call in rem, Latin for the thing, so there would be a legal proceeding only against the building as opposed to a legal proceeding against the owner, and it was their

report -

SENATOR DOLLINGER: Right.

SENATOR HANNON: -- that set it at 140,000, and that, to that problem, I had said the hardship provisions of the bill apply because we're trying to deal with both high income problems that we have here, we've already talked about, and these lower income buildings that we're talking about in the hardship provisions.

SENATOR DOLLINGER: O.K. And, Mr. President, through you, I thought that your response to Senator Gold was that none of those would be included in luxury decontrol. So this bill doesn't really deal with that 140,000-unit problem, does it?

SENATOR HANNON: The provisions of this bill which deal with it specifically are the hardship provisions that are contained in this bill. Those are provisions that would allow the landlords of these buildings or the owners to say that they are not getting enough money to even cover the operating costs and the

operating costs primarily in this case would be your utilities, oil and water, electricity, along with your taxes and then whatever maintenance has to go along with it; so they're not making that money, and they would be able to raise the rents in order to keep that -- in order to keep that building afloat.

SENATOR DOLLINGER: What I do -

SENATOR HANNON: That's the primer and that provision is addressed in the latter several sections of the bill.

SENATOR DOLLINGER: O.K. What I don't understand, Senator -

SENATOR HANNON: So if you continue to not understand, I'm telling you that there are specific clauses in this bill to deal with this problem.

SENATOR DOLLINGER: So what I don't understand, Mr. President, and I apologize for not being clear due to my unfamiliarity with rent control, are you saying you have luxury decontrol for luxury units, but then you have a separate category that are not under luxury

decontrol, and you would have a separate group that is hardship decontrol; is that correct?

SENATOR HANNON: That's correct.

SENATOR DOLLINGER: So you would have a hardship decontrol.

SENATOR HANNON: I said nothing about hardship decontrol whatsoever. It's a hardship to keep these buildings on their feet, keep them intact, and let me tell you the down side of that. If these buildings are taken over, they're taken over by the city of New York, they're removed from the rent control system.

I'm trying to keep them in reality in that system. The reason I don't want to take them out is that we had a large, large number removed at the end of the decade in the '70s. It was proven that the City simply cannot handle it. It's not good at being a direct landlord.

This is the City, by the way, and not the Public Housing Authority, and those units -

SENATOR DOLLINGER: O.K.

SENATOR HANNON: -- have been terrible for the tenants, terrible services for the tenants, and the biggest irony is, once the City takes over, the City raises the rents, so that's what the other provisions of the bill are designed to do and, no, it does not take those small buildings out of the system. It tries to make the system work.

SENATOR DOLLINGER: O.K. Again through you, Mr. President, just so I understand it, then people who are tenants who don't make more than $100,000 under your bill may still find themselves subject to either loss of stabilization or loss of control if they're in a hardship case.

SENATOR HANNON: Your conclusion is not correct. Your conclusion is not correct. They don't find themselves subject to decontrol whatsoever.

SENATOR DOLLINGER: They'd simply find themselves subject to increases in the rent?

SENATOR HANNON: They might have

an increase in their rent, but at least they would have better services because the proven alternative is that they would get those increases anyway if the City takes them over.

SENATOR DOLLINGER: O.K. You know, I'm not sure I fully understand that unless you give me time to digest it. One of the things I will want to follow up on, Senator Hannon, if I could, is the point that Senator Markowitz made about opening the books up of the landlord.

One of the things we've talked about here is the wealth, that is wealth of tenants, wealth of landlords. In the hearings that you held, did you examine the books of any of the landlords who are members of the real estate board PAC or the Rent Stabilization Association or the Neighborhood Preservation, their political funds; did you have occasion to look at any of those?

ACTING PRESIDENT LACK: Excuse me, Senator Dollinger. The stenographer is indicating that she can't take the transcript of

these proceedings with the comments that are going on on the floor.

Now, Senator Dollinger, with apologies, I realize the Rules Committee members are returning to the floor, so members of the Rules Committee, come into the chamber, please bear in mind that we are in session, and Senator Dollinger does have the floor.

Senator Dollinger.

SENATOR DOLLINGER: Senator, could you respond to that question?

SENATOR HANNON: Your question is, did we look at any of those books? No, we didn't, but the city of New York has had the ability to do that for many years in regard to the provisions under the tax proceedings concerning income and expenses of all those landlords. So those are a matter of record already.

SENATOR DOLLINGER: But, Mr. President, my understanding is that the committee, in formulating this bill, has not looked at this information, is that correct?

SENATOR HANNON: Yes.

SENATOR DOLLINGER: So is it fair to say through you, Mr. President, that the committee is proposing this bill to decontrol on the basis of wealth of the tenant but doesn't know how wealthy the landlord is who actually is the guy receiving the money from the tenants, accumulating the money from the tenants, who pays the expenses and maintains the property, is that correct?

SENATOR HANNON: We didn't look at the records as you suggest nor did we look specifically at all of the books from the survey Senator Connor did, nor did we look at the underlying documents that came in from the City Finance Department nor did we look at the underlying documents that we've accepted from the HPD, nor did we look at the underlying documents that came in from the New York State Division of Housing and Community Renewal.

What we did is, we took in statistics from reports that we had. I think what we did is, we had a fairly good indication

of what are the facts. We looked at all the information, voluminous studies that the rent guidelines board had provided us from the city of New York.

I would think that, if your answer to the question is, do we have information available, do we have statistics, do we have numbers, the answer is yes.

ACTING PRESIDENT LACK: Excuse me, Senator Hannon. Would the members, Senators, please take your seats. The Senate is in session.

SENATOR DALY: Mr. President.

ACTING PRESIDENT LACK: Senator Daly.

SENATOR DALY: Senator Dollinger yield to a question?

ACTING PRESIDENT LACK: Have you finished? I understand that. Senator Present.

SENATOR PRESENT: Mr. President, may we interrupt this proceeding right now.

SENATOR DOLLINGER: Mr. President, I will yield the floor to Senator

Present.

ACTING PRESIDENT LACK: Senator Present.

SENATOR PRESENT: May we interrupt and receive a report from a standing committee.

ACTING PRESIDENT LACK: We'll lay this bill aside. The Secretary will please read the report of the Committee on Rules.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bill directly for third reading:

Senate Bill Number 6108, by the Senate Committee on Rules, an act to amend Chapter 576 of the Laws of 1974, amending the Emergency Housing Rent Control Law, relating to the control of and stabilization of rent in certain cases.

ACTING PRESIDENT LACK: Without objection, directly to third reading.

SENATOR PRESENT: Mr. President, can we have a vote on this bill at this time?

SENATOR GOLD: Is there an

Assembly substitution?

ACTING PRESIDENT LACK: I'm sorry. Senator Present.

SENATOR PRESENT: Do you have a message on this bill?

ACTING PRESIDENT LACK: We have a message. Senator Present, we are receiving one momentarily. We are also waiting for the Assembly bill so we may sub, which I believe is about to arrive.

SENATOR PRESENT: Fine.

Mr. President.

ACTING PRESIDENT LACK: Senator Present.

SENATOR PRESENT: Let me announce that we're going to continue the debate on the bill that was on the floor and take the vote following the vote on this bill.

SENATOR CONNOR: Oh, good.

ACTING PRESIDENT LACK: Fine, Senator.

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT LACK: Senator

Goodman.

SENATOR GOODMAN: May I ask, is the bill which we are awaiting already at the desk?

ACTING PRESIDENT LACK: We're waiting for the Assembly bill so that we may sub it.

SENATOR GOODMAN: Is the Assembly bill on its way?

ACTING PRESIDENT LACK: It is not yet.

SENATOR GOODMAN: It is not yet. Well, has an inquiry been made whether it's on its way?

ACTING PRESIDENT LACK: An inquiry has been made. The message is here. We're waiting for the Assembly bill to sub.

SENATOR GOODMAN: Thank you, Mr. President.

ACTING PRESIDENT LACK: Senate will come to order. Secretary will read a substitution.

THE SECRETARY: Senator Marino

moves to discharge the Committee on Rules from Assembly Bill Number 8759 and substitute it for the identical Senate Bill 6108.

ACTING PRESIDENT LACK: Substitution ordered.

There is a message from the Governor. On Senator Present's motion to accept the message, all in favor aye.

(Response of "Aye.")

Contrary, nay.

(There was no response. )

The message is accepted.

Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT LACK: The bill is passed.

SENATOR GOLD: Is the Governor anywhere around?

ACTING PRESIDENT LACK: The Senate will please come to order. We are still in session.

Senator Present.

SENATOR PRESENT: Mr. President, we'll return to Calendar 870, please.

ACTING PRESIDENT LACK: Secretary will once again read the title of Senate 870.

THE SECRETARY: Senate Bill 870, by Senator Hannon, Senate Bill Number 4900-B, a bill to amend the Emergency Rent Control Law.

ACTING PRESIDENT LACK: When we last left, Senator Dollinger had the floor.

SENATOR GOLD: Mr. President, may I just ask one question: When did the debate start on this bill?

ACTING PRESIDENT LACK: The debate started at 9:58.

Senator Dollinger.

SENATOR DOLLINGER: It's going to come back, isn't it?

SENATOR GOLD: They want a vote on this piece of trash.

ACTING PRESIDENT LACK: Well, before Senator Dollinger speaks, I'll tell you I currently have a list; there's Senator Dollinger, Senator Halperin and Senator Gold, and debate started at 9:58 with about a five- or six-minute interruption.

Senator Daly.

SENATOR DALY: I would ask if Senator Dollinger would yield.

ACTING PRESIDENT LACK: Senator Dollinger, would you yield to a question by Senator Daly?

SENATOR DOLLINGER: I'll yield. That's fine.

SENATOR DALY: I'm sorry.

ACTING PRESIDENT LACK: Senator Dollinger?

SENATOR DOLLINGER: I will yield.

ACTING PRESIDENT LACK: Senator Daly.

SENATOR DALY: You raised the point before, you were discussing with Senator

Hannon about the hardship applications, is that correct?

SENATOR DOLLINGER: Mr. President, I can barely hear Senator Daly.

ACTING PRESIDENT LACK: Senator Daly, Senator Dollinger, Senator Waldon, thank you. Sergeant-of-Arms, please clear the back of the chamber. Will the members please take their seats.

SENATOR DALY: Senator Dollinger, you were questioning Senator Hannon and showed great interest in the hardship application section of the bill. Can you tell me how many hardship applications have been approved since the hardship program went into effect in 199 - 1984?

SENATOR DOLLINGER: I -- Mr. President, the answer to that is I don't have the faintest idea.

SENATOR DALY: Would you believe, Senator, that small owners -- would you believe, Senator, that among small owners, none, zero; one with a larger owner and in nine years. Now,

Senator, would you agree that, if you have a hardship program like that, the hardship program that, in effect, for nine years ends up with only -- with no application being approved, that something's wrong with the law or the administration of the law?

SENATOR DOLLINGER: Mr. President, Mr. President, my shorthand answer to that is that's the kind of debate I'd hope the Housing Committee would have had on this bill long before it got to the floor of this chamber, and my disappointment is as I expressed when we talked about the motion to recommit when I voted to recommit the bill, it was my hope that that kind of analysis as to the extent that those figures are correct and may well be, Senator Daly, I'm not going to argue with the figures, I don't have them, but I had hoped that that kind of debate about the merits of the hardship program would have occurred in the Housing Committee where this bill belonged, where it should have been debated, and where it should have been the subject of discussion.

Instead, here we are on the floor with you offering numbers that I'm not familiar with; I haven't seen the data.

ACTING PRESIDENT LACK: Excuse me, Senator Dollinger. Senator Hannon, why do you rise? Senator Hannon.

SENATOR HANNON: Senator Dollinger has raised three times in a row about whether things were brought up in committee or not. The point is, they were brought up when we did the Bruno bill, and they were brought up when we did our hearings, so the things he's asking about happened.

ACTING PRESIDENT LACK: Senator Onorato, wait a minute.

Would the Senators just take their seats for a moment. Senator Onorato, Senator Daly, Senator Dollinger. The Sergeant-at-Arms in the back of the chamber, I want the rear of the chamber to be seated or take conversations outside. The stenographer is indicating that she may not take down the proceedings of the Senate. If she can not take

down the proceedings of the Senate, we may not proceed, so we will have some order and decorum in the chamber.

Senator Onorato stood up on a point of order; he may continue. One moment, Senator Onorato. One moment. One moment, Senator. The rear of the chamber, please clear itself now.

Senator Onorato.

SENATOR ONORATO: In all the confusion that's been taking place here this evening, you can't hear one another talk, it appears we just passed a bill under an emergency circumstance. Would someone please tell me what I just voted on? I'd like to know what we voted on.

ACTING PRESIDENT LACK: Senator Onorato, you voted on an extender of the current rent control laws a moment ago.

SENATOR HALPERIN: Mr. President.

SENATOR HANNON: Mr. President, I want to answer. Mr. President.

ACTING PRESIDENT LACK: Senator Halperin, why do you rise?

SENATOR HALPERIN: I just wish to advise Senator Onorato that you voted on an omnibus 24-hour extender bill which extended the rent control laws, the medical liability law and the Banking Law.

ACTING PRESIDENT LACK: Senator Daly, you were asking a question of Senator Dollinger.

SENATOR DALY: I have one more question of Senator Dollinger.

ACTING PRESIDENT LACK: Senator Dollinger?

SENATOR DOLLINGER: Yes.

ACTING PRESIDENT LACK: He will yield. Senator Daly.

SENATOR DALY: Senator Dollinger, you were -- the second point you were raising with Senator Hannon was the point about opening the books and you sounded sympathetic to it. Do you think all of the landlords of upstate New York, including those of Monroe County which you

represent, should be forced to open their books?

SENATOR DOLLINGER: For what purpose, Mr. President? Is there a purpose that they should be opening them, or opening it?

SENATOR DALY: I asked the question, Senator. May I repeat the question of the Senator, Mr. President?

ACTING PRESIDENT LACK: Senator Daly.

SENATOR DALY: Senator Dollinger showed great sympathy to the landlords in New York City being required to open their books and was questioning Senator Hannon on it, and I was just asking Senator Dollinger is he saying that landlords in New York should be forced to open their books while upstate landlords are not, or is he saying that people who own property throughout New York State should all be forced to open their books?

I don't think that's a complicated question.

SENATOR DOLLINGER: It isn't a complicated question, Mr. President. Let me

give Senator Daly the answer. The answer is very simple. What I've heard Senator Hannon say, and others in this chamber say, is that the area of wealthy decontrol, there is a problem because someone isn't making enough money off the property, off the wealthy apartment dwellers. There's a problem because there isn't enough wealth being generated.

My question to Senator Hannon, which is the source, I think, of Senator Daly's question was, if the claim is that they're not making enough of a return on investment that they need decontrol or destabilization to increase their rate of return, then the question becomes how do we know that they're not making sufficient return on the buildings that they own. What I asked was simply whether or not the Housing Committee had, in order to justify the claim by the landlords that they weren't making a sufficient return, whether they had asked the property owners to produce their tax returns to verify their return on the buildings and, therefore, substantiate their claim that they're

not making enough money when instead the approach seems to be to go to the tenant instead, say to the tenant we're now going to try to find out whether you're wealthy or whether you're, you know, in luxury status, so we want to ask you to divulge your tax returns instead.

My question was directed, Mr. President, at simply the issue of trying to determine whether or not the claim by the landlords that they weren't making sufficient return had any objective basis based on the committee's investigation. That's why I had asked the question.

SENATOR DALY: Well, will the Senator yield for one more question?

ACTING PRESIDENT LACK: Excuse me again. Please -- just please. Senators, please give your attention to the debate that's on the floor. Senator Daly.

SENATOR DALY: Yes, Mr. President.

SENATOR DOLLINGER: Mr.

President.

SENATOR DALY: One question.

SENATOR DOLLINGER: I was asking Senator Hannon to yield.

ACTING PRESIDENT LACK: Senator Dollinger, you're not yielding.

SENATOR DOLLINGER: No, I will not yield. I would like to continue to ask Senator Hannon a question.

SENATOR PRESENT: Who has the floor?

ACTING PRESIDENT LACK: You have the floor to ask a question. He will not yield; Senator Dollinger has the floor.

Senator Dollinger.

SENATOR DOLLINGER: Again through you, Mr. President, to Senator Hannon.

ACTING PRESIDENT LACK: Senator Hannon, will you yield to Senator Dollinger?

SENATOR DOLLINGER: Senator Hannon, I understand there was no examination of the books and records of the rent stabilization committee, the real estate committee PAC or the

-- none of those committees produced their records to show how much money they had made on the apartment buildings that they held in the city of New York, is that correct?

SENATOR HANNON: What is the point of your question?

SENATOR DOLLINGER: Excuse me, Mr. President. I didn't hear the answer.

SENATOR HANNON: I said, what is the point of your question?

SENATOR DOLLINGER: Do I have to justify the point of my question?

SENATOR HANNON: Senator Dollinger, is your question then to lead to the point why are we asking people who are subject to luxury decontrol to open their books because we're not asking the owners, because then you haven't read the provision on the income verification.

We're not asking anybody to open their books under this bill, besides what I told you. The people that you want to open their books are doing so. They're opening their books

to the city of New York. They're opening their books to the Rent Guidelines Board. It would be superfluous if he had to do that, but we have looked at the statistics, the reports from the two entities.

SENATOR DOLLINGER: I guess that makes the point, Mr. Chairman, Mr. President. I'd just like to address the bill.

ACTING PRESIDENT LACK: On the bill, Senator Dollinger.

SENATOR DOLLINGER: It seems to me there's been a lot of discussion tonight on the concept of wealth, when you've got wealth and when you don't have wealth. I'd just suggest that it doesn't appear as though the landlords in New York City have an absence of wealth. After all, they were able to donate about $335,000 to the Republican Party last year, of which about $222,000 went to the Republican Senate Campaign Committee, and I submit to you gentlemen that this is really all about politics. This is all about tinkering with the system that generates wealth, wealth

for certain tenants who may live for less than the landlord makes, wealth for a landlord who may not be making the income that he thinks he deserves.

SENATOR DALY: Would the Senator yield?

SENATOR DOLLINGER: No, I will not, Mr. President. And what this debate has been about all today is how the transfer of wealth in the political process occurs.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT LACK: Excuse me, Senator Dollinger. Senator Padavan.

SENATOR PADAVAN: Just point out that we are approaching two hours and ten minutes on the debate, and while there would be no intent on my part to restrict any Senator from making a remark that's pertinent, we're well into the morning, and we have a long day tomorrow and, for that reason, I would urge those who wish to speak, to do so briefly and in ten minutes I will rise and call upon you again to enforce the two-hour limit.

ACTING PRESIDENT LACK: There are two more -

SENATOR GOLD: I'm joining in the request.

ACTING PRESIDENT LACK: Senator Halperin is the only Senator after Senator Dollinger. Wait a minute, Senator Halperin. Senator Dollinger has not yielded the floor.

SENATOR DOLLINGER: Mr. President, I'll be very brief; just one more minute. What happened in this case that the landlords in New York City gave the Republican Party a substantial amount of campaign contributions, and you know something. I didn't even know what the Rent Stabilization Association PAC was until $5,000 of its money showed up in Monroe County for one of my opponents running in a race against me, and what this is very simply, gentlemen, is it's the political process repaying the political debt.

You might as well put a sign outside the chamber that says "political power" with that classic real estate slogan "for

sale".

ACTING PRESIDENT LACK: Last section.

SENATOR GOLD: Last section. Slow roll call.

THE SECRETARY: Section 34. This act shall take effect immediately.

ACTING PRESIDENT LACK: Slow roll call has been requested. Secretary will please ring the bells and call the roll slowly.

Senators are asked to return to the chamber. The hour is late. Let's complete this roll call as soon as possible. Secretary will call the roll.

THE SECRETARY: Senator Babbush excused.

Senator Bruno. Senator Bruno.

SENATOR BRUNO: Yes, Mr. President, to explain my vote.

ACTING PRESIDENT LACK: Senator Bruno.

SENATOR BRUNO: We have had some exchanges here this evening which have sometimes

been pleasant, sometimes unpleasant, but we have presently resolved the situation that gives some comfort to people that could potentially be uncomfortable, and I want to just restate that our intent, my intent or our intent, I think others that relate to this position are aimed directly at luxury apartments.

The 2 million people in rent-controlled apartments are not what is at issue here, and listening to some very emotional remarks which are less emotional since we have a couple hundred people less in the chamber, but we're not dealing with the 2 million people that live in rent control; we're dealing with a few thousand that take advantage of the system, and I hope as we go on over these next 24 hours, we bear that in mind, Senators. It's those few thousand people, some of them in this chamber that are enjoying the privilege of luxury apartments that are controlled unnecessarily. So I vote yes.

ACTING PRESIDENT LACK: Senator Bruno in the affirmative. Continue the roll

call.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: No.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: I vote aye.

THE SECRETARY: Senator Galiber.

(There was no response. )

Senator Galiber, how do you vote?

SENATOR GALIBER: No.

THE SECRETARY: No. Senator Gold.

SENATOR GOLD: No.
THE SECRETARY: Senator Gonzalez.
SENATOR GONZALEZ: No.
THE SECRETARY: Senator Goodman.
SENATOR GOODMAN: No.
THE SECRETARY: Senator Halperin.
SENATOR HALPERIN: No.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Yes.
THE SECRETARY: Senator Hoffmann.
(There was no response. )
Senator Holland.
SENATOR HOLLAND: Yes.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Mr. President, to explain my vote.
Mr. President, I've listened and been interested in the debate. I haven't had the opportunity to participate in it because others have monopolized the discussion, but

suffice it to say that the other side has tried to make some sort of an argument that wealthy people deserve to be subsidized by the rest of the people in the city and the state of New York. They have obviously failed miserably in that argument. It's not a justifiable proposition, and I vote aye.

ACTING PRESIDENT LACK: Senator Johnson in the affirmative. Continue the roll call.

THE SECRETARY: Senator Jones.

(There was no response. )

Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Yes.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leichter.

SENATOR LEICHTER: No.

THE SECRETARY: Senator Levy.
SENATOR LEVY: Aye.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
SENATOR MALTESE: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Marino.
(Affirmative indication. )
THE SECRETARY: Aye.
Senator Markowitz.
SENATOR MARKOWITZ: Explain my vote.
ACTING PRESIDENT LACK: Senator Markowitz.
SENATOR MARKOWITZ: My colleagues, especially Republicans obviously, the public officials of New York City, every one of them, including one "wannabe", all from your party, I should say, have indicated they want to see the current rent laws renewed as is.
Senator Hannon, you mentioned

something before which struck me. I don't know if anybody heard it the way I heard it. You said that, as rents are up, the higher rent levels, the vacancy levels are higher. This is what you said, that as the rents are up, the higher the rent, the greater the vacancy. This is what you said during your presentation a moment ago, according to the reports.

Now, are you arguing to my mind that decontrolling luxury apartments would fill those apartments quicker by making the landlord be able to charge even greater rents thereby causing greater vacancies and less income in those buildings?

So, if you think about your own arguments, and I can say it easily again, you realize that you're going on treacherous grounds. You know it's not that I'm really overly concerned with the tenant that's making 200- or 250,000, but I have a healthy fear of government.

I've learnt something, being here for 14, 15 years, and being a citizen of our

city and state for a number of years beyond that. If you take -- give them the finger, they take the hand and the arm, then the body. If we start off with an income of $100,000 this year, next year it's 75,000, next year the rent decontrol goes from 2,000 rental to 500 or 600 rentals.

Senator Hannon, we have to stop it before it even begins. I vote no.

ACTING PRESIDENT LACK: Senator Markowitz in the negative. We are in a roll call, please. Continue the roll call.

THE SECRETARY: Senator Masiello.

SENATOR MASIELLO: No.

THE SECRETARY: Senator Mega.

(There was no audible response. )

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

(There was no response.

Senator Nolan.

(There was no response. )

Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Ohrenstein.

SENATOR OHRENSTEIN: No.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: To explain my vote, Mr. President.

ACTING PRESIDENT LACK: Senator Onorato.

SENATOR ONORATO: I'm really amazed. I think I've been up here for ten years and the system here continually amazes me. In the period of three minutes while we're debating a bill to extend rent control and stabilization, decontrol luxury apartments, in three minutes time we extended deregulation for the banks, for medical malpractice and for the rent stabilization and rent control.

Can you imagine what we can do if we were to lock up the leadership for 24 straight hours, what kind of a bill we can get

out here, and if I'd been given an opportunity to participate in such a debate, I would be very happy to volunteer my services. So under those circumstances, I vote no.

ACTING PRESIDENT LACK: Senator Onorato in the negative. Continue the roll call.

THE SECRETARY: Senator Oppenheimer.

(There was no response. )

Senator Padavan.

SENATOR PADAVAN: No.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: Yes.

THE SECRETARY: Senator Paterson.

(There was no response. )

Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Yes.

THE SECRETARY: Senator Santiago.

SENATOR SANTIAGO: No.
THE SECRETARY: Senator Sears.
SENATOR SEARS: Yes.
THE SECRETARY: Senator Seward.
(There was no audible response. )
Senator Sheffer.
SENATOR SHEFFER: Yes.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: Mr. President, to explain my vote.
ACTING PRESIDENT LACK: Senator Solomon.
SENATOR SOLOMON: Unfortunately, since the debate on the bill itself included debate on a motion where I didn't have time to ask one particular question, I'll ask it rhetorically. I just wonder if there was an inflation factor in this bill, or is $100,000 if we adopt it now, would be forever because it's

interesting now to note that rents increase each year and under the stabilization system whether it be three percent or nine percent or 12 percent, depending upon what the factors are taken into consideration, inflation and price of oil.

It would be interesting that we want to lock in the price for decontrol at $100,000, yet continue to increase the rents, yet, as we all know, salaries tend to increase in times of inflation and income tends to increase. I dare say I can't think of too many, for insurance, suburban teachers or principals or administrators that have taken decreases in pay. I'm sure the BOCES superintendents don't take decreases in pay. I know that's against their rules out in certain parts of the state, but that's one of the things that we never even considered, and I find that hundred thousand dollar floating figure very interesting if it's going to be a permanent figure and, of course, since we really want to be concerned, as Senator Bruno said before on the recommital vote, we

should be concerned with principle. I think we should use a $100,000 figure for SUNY tuition, Medicaid whether you keep that $70,000 or not. There's a whole host of programs we can look at and start using means tests to determine whether or not you should get certain benefits and be subsidized by this state.

So for those reasons, I vote no.

ACTING PRESIDENT LACK: Senator Solomon in the negative. Continue the roll call.

THE SECRETARY: Senator Spano.

(There was no response. )

Senator Stachowski.

SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.
(There was no response. )
Senator Velella.
(There was no response. )
Senator Volker.
(There was no response. )
Senator Waldon.
(Negative indication. )
THE SECRETARY: No. Senator Wright.
SENATOR WRIGHT: Yes.
ACTING PRESIDENT LACK: Absentees.
THE SECRETARY: Senator Hoffmann.
(There was no response. )
Senator Jones.
(There was no response. )
Senator Montgomery.
(There was no response. )
Senator Nolan.
(There was no response. )
Senator Paterson.

SENATOR PATERSON: No.
THE SECRETARY: Senator Spano.
(There was no response. )
Senator Spano. Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Aye.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: Yes.
THE SECRETARY: Senator Volker.
SENATOR VOLKER: Yes.
ACTING PRESIDENT LACK: Results.
THE SECRETARY: Ayes 33, nays 23.
ACTING PRESIDENT LACK: The bill is passed.
Senator Present.
SENATOR PRESENT: Mr. President. We call up Calendar 471, please.
ACTING PRESIDENT LACK: Secretary will read Calendar Number 471.
THE SECRETARY: Calendar Number 471, by member of the Assembly Wright, Assembly

Bill Number 6975, amends Chapter 514 of the Laws of 1983, amending the Private Housing Finance Law.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present.

SENATOR PRESENT: Calendar 1320, please.

ACTING PRESIDENT LACK: Calendar 1520. 1620 -- 1320, sorry.

THE SECRETARY: Calendar Number 1320, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 8711 and substitute it for the identical Third Reading 1320.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT LACK: Substitution ordered.

SENATOR PRESENT: Is there a message at the desk?

ACTING PRESIDENT LACK: There is a message at the desk.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT LACK: Motion of Senator Present to accept the message, all those in favor aye.

(Response of "Aye.")

Contrary nay.

(There was no response. )

The message is accepted. Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present. Senator, can we return to motions and resolutions?

SENATOR PRESENT: Yes.

ACTING PRESIDENT LACK: Motions and resolutions. Secretary will read substitutions.

THE SECRETARY: On page 12 of the calendar, Senator Kuhl moves to discharge the Committee on Rules from Assembly Bill Number 5737-B and substitute it for the identical Third Reading 648.

On page 17, Senator Cook moves to discharge the Committee on Rules from Assembly Bill Number 8059 and substitute it for the identical Calendar Number 814.

On page 31, Senator Padavan moves to discharge the Committee on Rules from Assembly Bill Number 8430, and substitute it for the identical Third Reading 1317.

On page 45, Senator Cook moves to discharge the Committee on Rules from Assembly

Bill Number 8510 and substitute it for the identical Third Reading 954.

ACTING PRESIDENT LACK: Substitution is ordered.

Senator Trunzo.

SENATOR TRUNZO: Mr. President, on page 32, I offer the following amendments to Calendar Number 1326, Senate Print Number 3463, and ask that said bill remain on Third Reading Calendar.

ACTING PRESIDENT LACK: Amendments received, bill will retain its place.

Senator Libous.

SENATOR LIBOUS: Mr. President, I wish to call up my Bill Number 2060 recalled from the Assembly, now at the desk.

ACTING PRESIDENT LACK: Secretary will read.

THE SECRETARY: By Senator Libous, Senate Bill 2060, an act to amend the Mental Hygiene Law and the Public Health Law.

Senator Libous.

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

ACTING PRESIDENT LACK: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LACK: Senator Libous.

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

ACTING PRESIDENT LACK: Amendments received; the bill will retain its place.

Senator Holland.

SENATOR HOLLAND: I offer the following amendments to Calendar Number 1450, Senate Print 6029, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT LACK: Amendments received, bill will retain its place.

Senator Holland.

SENATOR HOLLAND: Also on page 8, I offer the following amendments to Calendar Number 381, Senate Print Number 48-B, and ask that the said bill retain its place.

ACTING PRESIDENT LACK: Amendments received, bill will retain its place on the Third Reading Calendar.

Senator Stafford.

SENATOR STAFFORD: Mr. President, I move we please remove the star on Calendar Number, sponsor's star, 682.

ACTING PRESIDENT LACK: Star is removed at the request of the sponsor.

Senator Goodman.

SENATOR GOODMAN: Mr. President, I have a privileged resolution at the desk. May I move -- ask that it be read, its title be read and I move -- will be prepared to move it.

ACTING PRESIDENT LACK: Secretary will read the title of the resolution.

THE SECRETARY: Legislative Resolution, by Senator Goodman, honoring the

life of Emil Lenz.

SENATOR GOODMAN: Wish to move its adoption, Mr. President.

ACTING PRESIDENT LACK: On the resolution, all those in favor aye.

(Response of "Aye.")

Contrary nay.

(There was no response. )

The resolution is adopted.

Senator Saland.

SENATOR SALAND: Mr. President, Calendar 1141, I'd like to remove the sponsor's star; it's Senate 5584-A.

ACTING PRESIDENT LACK: Star is removed at the request of the sponsor.

Senator Sears.

SENATOR SEARS: I offer the following amendments to Calendar 187, Senate Print Number 2003-A and ask that the said bill retain its place.

ACTING PRESIDENT LACK: Amendments received; bill will retain its place on the order of third reading.

Further motions and resolutions?

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until tomorrow at 1:30 p.m.

ACTING PRESIDENT LACK: Senate will stand adjourned until 1:30 p.m.

(Whereupon, at 12:30 a.m., the Senate adjourned. )