ALBANY, NEW YORK

April 7, 1997

3:10 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would everyone please rise and join with me in the Pledge of Allegiance.

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

The invocation today will be given by Reverend Arlene Beechert-Hood, First United Methodist Church in Coxsackie.

Reverend Beechert-Hood.

REVEREND ARLENE BEECHERT-HOOD: Could we unite our hearts before God. Great and wondrous God, creator of all people and source of all strength and hope for all humanity, we thank You for the gift of this new day and the possibilities and opportunities that You have placed before us.

We come to You at the beginning of this session of the Senate and we celebrate Your continued presence here with us as we accept the tasks that You have entrusted to us.

We ask that you would guide the women and the men of this Senate for our state, that Your wisdom might influence their work, that Your peace and harmony might influence

their discussions and that Your sense of justice and righteousness might influence all their decisions.

Help us, O God, to never forget that all that we have and all that we do is possible only because of You. Let us never forget the traditions and the experience of our past, that we might build upon the strong foundation that has been handed over to us.

Empower our Senate with Your guidance that we all might look forward together towards the future with enthusiasm and with hope and do all in our power to preserve and protect the welfare and wholeness of creation and of all Your children.

Encourage us that we might work together across all the lines that separate and divide, those things that block harmony and unity and those things that continue to keep us apart, so that what is accomplished here might be for the benefit of all in this great and wonderful state.

Continue, O God, to be the source of support, of wisdom and of guidance necessary for the work of this body, that the work that is

done here might be acceptable in Your sight, now and always. Amen.

THE PRESIDENT: Amen.

The reading of the Journal, please.

THE SECRETARY: In Senate, Friday, April 4th. The Senate met pursuant to adjournment. The Journal of Thursday, April 3rd, was read and approved. On motion, the Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Leibell, from the Committee on Housing, Construction and Community Development, offers up the following bills:

Senate Print 403, by Senator Maziarz, an act to amend the Executive Law, in relation to requiring the use of child-proof locks;

2857, by Senator Leibell, an act

to amend the Private Housing Finance Law, in relation to providing authority for the New York City Residential Mortgage Insurance Corporation;

2860, by Senator Leibell, an act to amend the Private Housing Finance Law, in relation to extending the period of repayment;

2915, with amendments, by Senator Leibell, an act to amend the Public Housing Law;

3092, by Senator Seward, an act to amend the Executive Law;

3467, by Senator Volker, an act to amend the Private Housing Finance Law;

3508, by Senator Leibell, an act to amend the Private Housing Finance Law;

3576, by Senator Leibell, an act to amend the Private Housing Finance Law;

3577, by Senator Leibell, an act to amend the Private Housing Finance Law, in relation to the definition of manufactured homes;

3580, by Senator Leibell, an act to amend the Private Housing Finance Law;

3604, by Senator Leibell, an act to amend the Executive Law, in relation to the Building Code Act;

3610, by Senator Leibell, an act to amend the Executive Law, in relation to providing for the commissioner;

3626, by Senator Leibell, an act to amend the Executive Law, in relation to allowing designees;

3930, by Senator Leibell, an act to amend the Private Housing Finance Law, in relation to participation loans to owners.

THE PRESIDENT: All bills direct to third reading.

The Secretary will read.

THE SECRETARY: Senator Nozzolio, from the Committee on Crime Victims, offers up the following bill:

By Senator Gold, 1579-B, an act to amend the Executive Law, in relation to the definition of profits from the crime.

THE PRESIDENT: All bills direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Johnson.

SENATOR JOHNSON: Madam President, please remove the sponsor's star from Calendar Number 307, Print Number 2584-A.

THE PRESIDENT: So ordered. We have two substitutions at the desk.

The Secretary will read.

THE SECRETARY: Senator Stafford moves to discharge from the Committee on Finance Assembly Bill Number 4508 and substitute it for the identical Senate Bill 488.

Senator Tully moves to discharge from the Committee on Health Assembly Bill 205-A and substitute it for the identical Senate Bill Calendar Number 490.

THE PRESIDENT: So ordered.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up the non controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 84, by member of the Assembly Weisenberg, Assembly Print 356, an act to amend the Insurance Law, in relation to the reduction of

homeowners insurance rates.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 121, by Senator Nozzolio, Senate Print 117, an act to amend the Cooperative Corporations Law, in relation to the annual license fee.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the first day of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

260, by Senator Lack, Senate Print 2997-A, concurrent resolution of the Senate and Assembly, proposing an amendment to Article VI of the Constitution.

THE SECRETARY: Read the last section, please -- call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The resolution is adopted.

THE SECRETARY: Calendar Number 274, by Senator Larkin, Senate Print 2309-A, an act to amend the General Municipal Law, in relation to environmental facilities.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 305, by Senator Saland, Senate Print 493, an act

to amend the Social Services Law, in relation to concurrent kinship adoption.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 315, by Senator Cook, Senate Print 1477, an act to amend the Tax Law, in relation to extending the authorization granted to the county of Ulster.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The bill is passed.

THE SECRETARY: Those recorded in

the negative on Calendar Number 315 are Senators Dollinger and Senator Gentile. Ayes 53, nays 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 356, by Senator Cook, Senate Print 2649, an act to amend the General Municipal Law, in relation to the intergovernmental coordination of certain municipal zoning.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 4. This act shall take effect on the same date as a chapter of the laws of 1997.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 358, by Senator Marcellino, Senate Print 2898, an act to amend the General Municipal Law, in relation to making certain technical corrections.

THE PRESIDENT: Read the last

section, please.

THE SECRETARY: Section 2. This act shall take effect on the same date in the same manner as Chapter 19 of the Laws of 1996.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 361, by Senator Johnson, Senate Print 242, an act to amend the State Finance Law, in relation to allocations from the State Police motor vehicle enforcement account.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 399, by Senator Seward, Senate Print 3096, an

act to amend the Tax Law, in relation to extending the expiration of provisions.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 2, Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 400, by Senator Nozzolio, Senate Print 3161, an act to amend the Tax Law, in relation to extending the sale tax in the county of Cayuga.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 2, Senators Dollinger and Gentile recorded in the

negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Alesi, Senate Print 3525, an act to amend the General Municipal Law, in relation to collect and international telephone services.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 430, by Senator Tully, Senate Print 2843, an act to amend the Nassau Civil Divisions Act, in relation to the officers of the Port Washington Exempt Firemen's Benevolent Association.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the first day of

January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

That completes the non controversial calendar, Senator Bruno.

SENATOR BRUNO: Madam President, can we now go to the regular order of business.

THE PRESIDENT: Senator Bruno, that completes the controversial calendar and non-controversial calendar.

SENATOR BRUNO: Thank you, Madam President.

Can we now take up motions to discharge.

THE PRESIDENT: Motions to discharge.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

I call up my motion to discharge Senate Bill 3281.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: By Senator Connor, Senate Print 3281, an act to amend the Emergency Housing Rent Control Law, amending Chapter 576 of the Laws of 1974.

SENATOR CONNOR: Thank you, Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Madam President, let me dispel one thing that I've heard on this floor many times and I've read in the newspapers and, frankly, that I believed until I read the form -- the form the Senate Journal Clerk gives out.

I've heard members stand and say, Oh, motion to discharge, it's just a procedural motion. It's only procedure. It just brings the bill out to the floor. I used to think that and then I read what the Senate puts in the language and let me read that, Madam President.

It says the "Senator" -- that's me -- "moves to suspend Rule XI, Section 1, rules of the Senate, for the purpose of reading, passing and transmitting to the Assembly out of its regular order the bill." So I've learned

something after all these years, Madam President. It's not a procedural motion. If it passes, the bill is passed and out of here and on its way to the Assembly and I know a number of my colleagues, I'm sure, will be happy that I've clarified that for them so they don't get confused and think this is merely a procedural vote.

This bill, Madam President, would extend the current rent regulations for four years. Why do we need it, Madam President? Why now? Why today? Well, the current laws -- the current laws expire, as Senator Bruno has reminded most of the citizenry of New York State, on June 15th and that would affect some two million tenants in New York State, and the purpose of bringing this, frankly, is so we legislate in a better way, so we legislate as I believe the Constitution intended us to legislate, and so we reject what has become all too prevalent here in Albany, all too prevalent in this house and in the way the Majority runs this house, and that is legislating by taking hostages.

Madam President, last year in

June we stood here with -- we stood here with the galleries filled with loft tenants who were held hostage and now we're faced with the same spectacle, a statement -- and I'm sure made in all sincerity -- that unless we get changes, all the tenants will lose all their protection. We'll let this law expire, indeed, legislating by hostage, and I know -- I know. Some reporter said to me yesterday, but hasn't the Majority Leader said, Well, certainly we're going to exempt the elderly and the poor, and my response is in every hostage situation, they usually let the women and children go at some point, but -

(Applause)

THE PRESIDENT: Order. Let's show respect for all members by maintaining silence in the galleries, please.

SENATOR CONNOR: Thank you, Madam President.

But that doesn't make it right to still hold hostages.

Now, I appreciate what Senator Bruno has said in the past -- well, not the statement about rent regulations being more devastating than a nuclear attack, but I

certainly appreciate his belief that a free market -- a free market might work better, might be more efficient and economical. It might reduce rents, but we haven't had a free market, Madam President, in over 60 years -- in 50 years in New York City and the surrounding areas and there is a chronic shortage of rental housing, and I certainly appreciate that perhaps there are changes we should envision in regulations or whatever at some time in the future to promote the creation of more rental housing because I would love to see something like what existed in the 30s when I remember being told by my father-in-law, Gee, back in the 30s we were poor. We moved every year, not because we got evicted but because landlords would give a month's free rent if you signed a year's lease, but we don't have that now and we can wish all we want to go back in time. It's just not that simple, and I respectfully suggest that if Senator Bruno wishes to make the case for a different system that somehow or other will produce the 100,000-plus rental opportunities that we need to begin to set a market -- indeed, we probably need 40- or 50,000 units a year

coming on-line these days -- I'm willing to hear that. Let's do it the way legislators - legislatures ought to operate. Let's have hearings. Let's hear from experts. Let's hear from tenants. Let's hear from landlords. Let's hear from economists and let's convince the public, maybe there's a better way but let's not take hostages.

That's why, Madam President, I say extend the present law for four years. Do all the studying and case making that anyone wishes during that time and maybe it will result in change and maybe it won't. Maybe it will be better and maybe it won't, but I don't believe we ought to threaten the homes of two million tenants in New York State. I think that's the wrong way to legislate, Madam President.

(Applause)

THE PRESIDENT: Order -- order, please. Let us show respect for the speakers by maintaining silence.

SENATOR CONNOR: Thank you, Madam President.

I have here a letter from the housing director of the city of Cambridge,

Massachusetts who recites what a disaster the ending of rent regulations has been and how they've had to try and place thousands of displaced tenants and how expensive that has been for the local government and how they failed to produce enough affordable units fast enough and maintain such units. Anyone who thinks you can wave a magic wand on June 15th and go back to the good old days of the 1930s when there are enough apartments that tenants get a month free rent every year is, I'm afraid, engaging in the most blatant wishful thinking.

On a political level, Madam President -- and I have said this to the press and I'll say it here and no disrespect intended -- I understand that from some points of view in this state, things can seem pretty simple. Well, this issue is not simple for those residents of New York City, Westchester, Nassau and elsewhere where there are systems of rent regulation. And how do we deal in other areas -- how do we deal with local knowledge, local conditions and the plain recognition of the fact that local elected officials and local residents have a better feel for the subtleties and

intricacies of conditions in their areas? How do we deal with that in other actions?

Well, I know what happens. A Senator comes forward and says the town of so and so really needs this and the local people want it. We accommodate that wish.

So why, Madam President, do we have members who represent areas where housing conditions are far, far different, where the housing market is much more open, competitive, cheaper, where there are no shortages. Perhaps maybe there's very little rental housing to begin with. People are fortunate enough in those areas in the state to own their homes at an affordable price.

Let's look at what the local people say. I have here resolutions from towns and cities like Sleepy Hollow, Dobbs Ferry, the town of Greenburgh, Tarrytown, the city of Yonkers, Mount Vernon's local government. New York City's City Council and mayor have spoken by resolution and in the press as well. I have letters from borough presidents in New York City, all of whom express the need and support in those localities for continuing the present

law.

Indeed, I have copies of statements from newspapers over the last three months from many members of this house, someone -- both sides of the aisle in favor of continuing the present system of rent regulation.

Why do I support this, Madam President? Not because I'm in love with the government regulating everything but because I live in New York City and I understand what the housing market is like there. I understand how complicated it is and one can go back and blame what everyone wants on the '40s and '50s, but we are where we are, Madam President. We're here and now today. We have a shortage of rental housing in New York City and no one can believe that in a year or two we can suddenly create so many new rental housing units for middle class and working people in New York City, that it will be a truly open competitive market where tenants have a choice, where tenants can bargain on an even keel with landlords. It doesn't exist and we're a long way from it.

Now, I know we'll hear about some

people who perhaps have rental units. We always hear -- I remember last year when we were doing the Republican tax cuts here, we had some members talking about how we really had to give breaks to middle class families who made 150- to $200,000 a year and now I read about the rent regulations and these people are considered the super wealthy. It seems to me you can't have it both ways, but the fact of the matter is that small -- we hear about that small portion and what do we do? We have threats to end rent protections for everyone -- for everyone.

So I think the only reasonable way, Madam President, to proceed is let's get this behind us. Let's get it behind us today. Let's get it out of this house and whatever some members of the Majority want to do about changing the future, fine. Have a commission. Study it. Get evidence. Think of a better way to protect our tenants. Think of a better way to create so much housing that people won't even worry about it. The landlords will be begging people to move in at any cheap costs but we're not there now. Do that in the future. Let's put this behind us now. Let's not have that

clock ticking, ticking, ticking for the next ten weeks or so. Let's not have it tick as we did last year -- seven -- let's not have it ticking as we did to the loft tenants last year 'til it expired and then, well, we extended it an hour late but we extended it for a day and then it expired and the hostages still sat up in the galleries. That's no way to legislate. Let's earn the respect of all New Yorkers by dealing with this in an open and above-board manner, not threatening anybody, not threatening the imminent collapse and not linking it to anything else because every hostage situation seems to make all sorts of linkages. Before we get into that June muddle about budgets and other bills and local bills and all, let's deal with this straight up, the way we did earlier this year with another important issue. Let the members vote their conscience. Let's get this bill out of this house, over to the Assembly. Let's extend it and then we can have all the theorists, all the ideologues engage in a two-year debate about what the best way to proceed would be in theory.

In theory, it's all wonderful,

Madam President. Those of us who live it, those of us who live in those areas of Westchester, Nassau, New York City and elsewhere understand the local conditions. Not a week goes by that friends -- middle class friends don't say, My Lord. Can you help me find an apartment? I can't find an apartment. There are no apartments available. That's the real condition, Madam President. Let's deal with reality. Let's not deal with ideology.

Madam President, I urge the members, pass this bill and don't make that mistake I used to make of thinking it's only procedural because the resolution says we suspend that rule for the purpose of reading, passing and transmitting to the Assembly out of its regular order. So it's not procedural. Vote for this and you have the four-year extender.

Thank you, Madam President.

(Applause)

THE PRESIDENT: Order, please. Please show respect for every speaker. Let's maintain silence.

Senator Bruno is next.

SENATOR BRUNO: Thank you, Madam President, colleagues.

Senator Connor, very articulate and I listened very intently but while Senator Connor is very articulate, Senator Connor is wrong.

What we have before us, Madam President, will not be a debate on the merits of rent control and rent deregulation but what will be before us is a debate on a procedure that is established in the Senate, that allows a member to try and discharge a bill out of committee to the floor against the wishes of the committee and the Majority. That's what's before us, is that procedure and, as Senator Connor, who is an attorney, reads this, he reads it as an attorney. I am not an attorney. I read it as any citizen would read it as the law and rules were intended and what is very clear in the rules of the Senate is that a motion to discharge is a procedure that, if passed by the Majority, would get a particular bill to the floor -- to the floor and then to be acted on when it takes its turn, not automatically. So that if for the first time in the history of the

Senate a motion to discharge was to prevail - and it won't -- this bill would not be voted on today.

So I apologize to those that have visited the Capitol, traveling hours, thinking that they're going to hear a debate on rent deregulation and see a vote on that issue. They will not. We will -- we will, Madam President, debate the issue on this floor and we will do it, Senator, between now and June 15th. We will do that.

I have offered since December to negotiate a reasonable transition out of rent control, since December, indicating, yes, that the elderly, the disabled and the low -- lowest income people should be protected and I feel that way.

So I want to be clear -

THE PRESIDENT: Order, please.

SENATOR BRUNO: -- and I want to just share with the people that are visiting that you're very, very welcome to be here. We're glad that you care enough to visit and to be here but you will do yourself a disservice if you act unruly because you will simply be

embarrassed by being escorted out of this chamber. So don't embarrass yourselves. Don't embarrass your friends. Act like ladies and gentlemen and we will treat you accordingly.

But I want to be very clear that what is happening here is a procedural motion. We are not debating the issue of rent deregulation. This is a procedure that the Minority uses. Tomorrow they will be using it 15 to 18 times. Last week they used it a number of times, each time knowing that it will fail because the Majority controls the legislative process and if motions to discharge were to prevail, you would have chaos because any member that didn't like what was happening in the orderly procedure of the Senate would demand through a motion that that particular bill, 1 out of 20,000, be placed on the floor immediately. That would not be an orderly process. That will not happen and it does not happen and that's why in the history of the Senate, in the history of this Senate, a motion has never carried.

Now, what does that tell our visitors? That tells our visitors that people

who present a motion on an issue as sensitive as this one are grandstanding. They are posturing. They are being political. They are trying to fool the public into believing that something is going to happen that is not happening this afternoon, and I think that's unfortunate. I think that's too bad.

So I am speaking, Madam President, for the record. Assemblyman Bragman, a Democrat, Majority Leader in the Assembly is quoting time after time as motions to discharge are placed by the Minority in the Assembly, which is controlled by the Democrats in that house, Assemblyman Bragman says repeatedly, we will not discuss the merits. This is a procedural question and we will deal with this procedurally and, Senator -- Michael Bragman.

Now, if the rule applies in the Assembly controlled by Democrats two to one, then I would like to understand from my colleague in this house why it doesn't apply to the Senate, and if you want to argue, argue with Assemblyman Bragman, the Majority Leader, your colleague in the Assembly. Don't argue with me on this floor. The argument doesn't belong

here.

Madam President, there is no question, our rules in the Senate have been tested and tried and debated and it is clear that a motion to discharge is a procedure to move a bill against the will of the chair of that committee in an untimely way to the floor, and that's all that it is, and so this debate relates to that procedure and I am suggesting, Madam President, that this motion to discharge will fail and, as it fails, I would like to ask my colleagues on this side of the aisle -- I would like to ask you if you want to live by the rules -- and I know you do -- then the least thing that you should have done was to file a request to the committee chair that this bill be brought to the floor. That is the established procedure in this house. You file a request to the chair. You ask that a bill be moved through the committee to the floor, and I think it's very sad that that was never done. That was never done. That's too bad.

Why is it too bad? Because it's an admission that you weren't dealing here - you weren't dealing with the merits of this

issue. You're dealing with the politics of it, and I think that's too bad because had you filed a request and that request had been denied, then this motion to discharge would at least have some validity. That's the procedure in the Senate. Every member in the Senate files a request to get a bill to the floor and calls it to the attention of the chair.

And, Madam President, we talk about hostages. I am told that this budget - this budget that is now eight days late and will be many, many more days late -- is being held hostage because we are not debating rent control. We are not debating welfare reform. We are not debating criminal justice reform, that the budget will not move forward. It is being held hostage, and we will not have a budget until we do a rent deregulation bill.

I will say again, Madam President, my colleagues, I am ready this afternoon, tomorrow, the next day to negotiate a bill having to do with a reasonable transition, and whatever that means, to protect the people that live in rent-controlled or rent-stabilized units, yes, to protect them so that they can

continue to lead their lives in a normal functioning way. We're not trying to be mean spirited. We're not trying to be hurtful. We're not trying to do anything that's disruptive. What we are trying to do is, in a realistic way, deal with an issue that has to be dealt with.

Now, that's the message that we have delivered. That's the message I deliver again and I will ask my colleagues to reject this motion to discharge and I will also share that we will debate this issue on the merits on this floor and we will be debating a bill that we have negotiated, to give us a transition, or we will be debating a bill that we will bring to the floor and it will be an alternative to a total sunset which takes place midnight on June 15th and we will have that bill on this floor and it will be a realistic alternative and then we can debate that issue at that time and then we will have a choice on a reasonable transition or a total sunset, and if we have a total sunset, I want to make it perfectly clear, that that responsibility will rest with those that are not willing to talk realistically and

reasonably about a transition.

Thank you, Madam President.

SENATOR CONNOR: Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

Madam President, I think I read before exactly what this resolution says. I didn't write this language. The Majority uses this form and it says passing the Senate and being delivered to the Assembly. So I leave it to the plain language as to whether this is being procedural or not, but the Majority Leader, I think in his remarks, has just made it plain -- and we heard the magic words we always hear from the hostage takers, I'm willing to negotiate. We've heard they'll let some of the hostages go as a sign of good faith and then we'll negotiate. That's not the way to legislate, Madam President, because what we really heard was, I'll put out what I want and it will be take it or leave it or it will expire. That's the threat, the threat to people's homes.

Senator, put your -- extend the

existing law for four years and then put your alternative out here for a fair up or down debate. That's the way to legislate.

I heard Senator Bruno, unfortunately use the words, suggesting that this is a political exercise and somehow hypocritical. He quoted the Majority Leader of the Assembly. Since he did that, I now feel free to quote the Majority Leader of the Senate.

In the Empire State Report in December of '96, Senator Bruno was quoted as saying "I don't see any good reason why governments have to tell landlords what they can charge."

In the Daily News on December 8th of '96, the Daily News reported "While addressing a landlord organization, Senator Bruno announced that all rent regulations will drop dead as of June 16th." Quote, "I don't need any votes", unquote, he declared. This is the New York State Senate. We do have a Constitution but we don't need any votes.

Real Estate Week on 1/22/97, "We will end rent regulation as we know it."

Times Union, Albany, 1/29/97, "There is no substantial difference in the average regulated and unregulated rents outside central Manhattan" and as we saw last week, the landlord's own study proved that was totally, totally inaccurate, that, in fact, there would be dramatic increases in rents even outside of Manhattan.

Times Union on January 29th again, '79 percent of the benefits of rent regulation go to 25 percent of the households and the people benefiting from current rent regulations, quote, "are the people making $200,000 a year."

And in Newsday on March 3rd, my birthday, quote, "This is a government subsidy for people by the hundreds of thousands who don't need it and don't deserve it."

And then, of course, who can forget the New York Times on March 13th, 1997, quote, "Rent controls have caused more damage to New York City than a nuclear warhead."

Madam President, I respectfully submit to my colleagues, if there be an engagement on this issue in any kind of

political posturing or hypocrisy, I suggest the members can accurately describe where that may fall.

Thank you, Madam President.

THE PRESIDENT: Thank you.

(Applause)

Please, out of respect to the speakers, please maintain your silence.

Senator Markowitz is next.

SENATOR MARKOWITZ: Thank you very much.

Marty, Senator Connor, I think you made a tremendous presentation and I have to tell you that for two million people reading their papers before Christmas -- before Christmas, to hear the Majority Leader of this house threaten their very homes in the spirit of Christmas, to my opinion, was incomprehensible and unreasonable and a step out of what we do, what we should be to the public of the city and state of New York. It was wrong before Christmas and then to continue the issue over and over again -- over and over again, threatening our homes -- and let's understand what we're talking about here.

Senator Bruno talks about procedure -- procedure. He indicated a procedure that we can ask the committee chair to put the bill to continue rent stabilization out of committee. There must be dozens of us that have asked. One of the reasons why we're doing this, Senator Bruno, is that we're frustrated that we can't seem to get the legislation that we seek out of committee to be discussed, to be debated. We can't seem to do that and that is why Senator Connor and all of us have decided to make this effort this afternoon.

There is not a person here, or back in New York City or Long Island or Westchester, that believes that the issue will be resolved this afternoon. How I pray that was the case, how I pray, but at least we can raise the issue to you and to everyone else in our chamber to understand that just like issues of farming, the issue of casino gambling in Saratoga, the issue of the water supply for Senator Cook, the issues of importance out in Nassau and Suffolk County and upstate New York just like you have ambitions that are your bread and butter, that go to the life of the people

you serve, this is an issue for real. This is for real. This isn't procedure. This isn't make believe. This is for real.

So, Senator Bruno, we have to stand up for our families as well as those that we serve and say to you and our colleagues -

(Applause)

THE PRESIDENT: Order, please.

Senator Markowitz.

SENATOR MARKOWITZ: -- that we have the right -

THE PRESIDENT: Senator Markowitz.

SENATOR MARKOWITZ: -- we have a right -

THE PRESIDENT: Senator Markowitz.

SENATOR MARKOWITZ: -- to represent the people that we serve -

THE PRESIDENT: Senator Markowitz, please address the Chair instead of Senator Bruno.

SENATOR MARKOWITZ: -- to the best of our ability.

Grandstanding, no, sir, no, sir.

We know what we're doing here today and so do you.

Those of us who recognize that you are an expert in telecommunications, I would -- never, never would I have presumed that I know more than you, Senator Bruno, about your profession nor about your district. I'll be the first to admit that when you and my colleagues get on the ball -

THE PRESIDENT: Senator Markowitz.

SENATOR MARKOWITZ: -- and talk about the concerns of your local areas -

THE PRESIDENT: Senator Markowitz, could you please stop just long enough for me to request -

SENATOR MARKOWITZ: I'm talking to my colleagues. I have a right to do that.

THE PRESIDENT: Yes, but you address Senator Bruno and it's improper to have it so confrontational.

SENATOR MARKOWITZ: All right. Not confrontational, to my colleagues.

THE PRESIDENT: Thank you.

SENATOR MARKOWITZ: When you get

on the floor and speak with us about issues of your concerns to your local communities, I have to respect what you're saying because you're the experts. You know about the folks in your area and what their priorities are and what their needs are.

Now, you know that this issue goes to the heart of what we represent. Why don't you give us the credit that we give you when we tell you and advise you that we know what's best for the people we serve, for the city of New York, for the suburbs that are impacted by this and ultimately the state of New York?

Now, I know that we're going to debate this issue once again in the near future, I'm sure, and so I'll leave some of my major arguments that we've read about in the papers - we'll talk about that, I'm sure, at a future date, but what I do know is it's not right to me to be threatening in any way to say it's my way or the highway, to say that I am willing to compromise if you agree with me that controls and regulations must end, because I don't accept that premise. I cannot and will not accept that

premise because I know that rent regulations have given all of us that live in the city of New York, most of us, not the multi-million aires, but people like us, including your Senator here, who struggles on his income, the ability to at least know that we can at least live to the best way that we can live.

I don't know how many of my colleagues recognize from upstate that what some of our tenants in parts of my district -- which is not considered a high income area -- that they're paying $1,000, 11- and $1200 for a one-bedroom apartment overlooking courtyards; and you know how they do it? They got two and three families moving into those apartments to be able to afford those rents. Is that what we want for New York City? And so, Senator Bruno, my colleagues, I'm going to end it by saying this. Let my people go. Let my people go.

(Applause)

THE PRESIDENT: Senator Leichter -- Senator Leichter. Let's show respect for the speakers, please.

Senator Leichter is next.

Thank you.

SENATOR LEICHTER: Thank you.

Madam President, it's clear listening to Senator Bruno the extent to which this Senate has really lost touch and reality with what is important to the people in this state.

Senator Bruno speaks about an orderly procedure. Senator Bruno said, my God, do you know what would happen if motions to discharge were brought to this house and 31 members -- because that's what it takes to pass a motion to discharge -- 31 members voted for it? You would have these bills passed and the Majority Leader would no longer control it. He calls it disorderly. Senator Bruno, that's called democracy.

(Applause)

THE PRESIDENT: Please. Thank you.

SENATOR LEICHTER: This is not an autocracy. This is not a sham legislative body that exists solely to rubber stamp what one person says is going to happen. This should be a deliberative, democratic body and what we're trying to do is to bring one of the crucial

issues facing the people of New York State in 1997 to be voted on by their elected representatives and to do it in a way that allows people to express themselves.

Senator Bruno says, well, why don't you wait for the committee to act? Because the committee won't act. Because we have a chairman who's told by you what to do. He has no independence.

THE PRESIDENT: Senator Leichter, through the Chair, please.

SENATOR LEICHTER: He has no independence. He hasn't held hearings. Has that committee been in New York City and held hearings? Has it been in other parts of the state where this is a burning issue? Has it come out with any proposals, any bills? It hasn't.

There's a statement in the law that you're not required to do what is futile. To request that this committee bring out our bill is a futility because, Senator Bruno, you've made it very clear that you think you own this issue and you own the answer and we're, by this motion, trying to say you do not. This

happens to be a chamber of 61 people who have a responsibility to their constituents to address these issues in a careful, thoughtful and democratic way.

The idea, Senator Bruno, that you are willing to negotiate, you're putting a gun to people's heads. You've said, do it my way or this expires on June 15th. That's not negotiating. That's imposing your will on this Legislature. It's imposing your will on the people of the state of New York. To say, Well, this is only a procedural motion as if, in some ways, that makes it insignificant. Procedural motion -- you don't even have to be here. Who cares about procedural motions? Whether it's on the merits or procedural, it leads to a most important consideration, and that is whether we will provide essential protection for over two million people in the state of New York or because it's procedural, you don't have to protect these people? You don't have to look at the merits? That's perfect nonsense.

So we get involved in these silly debates in Albany. No, it's procedural. No, it's on the merits, as if we're saying something

meaningful. It is sheer nonsense. By voting on this particular motion, you are voting whether you want to give protection to people who desperately need it or whether you're willing to tear us under a system of protection that every legislature since World War II has considered essential and that is premised on the basic fact that there is a terrible housing shortage in the state of New York but particularly in the city of New York, and the legislation establishing rent control, in other words approved by the Supreme Court of the United States, is premised on the fact that if the vacancy rate is less than five percent, you have a housing shortage and it takes no great genius, Senator Bruno, to understand that if you have a housing shortage, that jacks up rents. It puts tenants in a terribly hazardous, perilous situation and when the state of New York in 1971 enacted vacancy decontrol with the idea, well, maybe in some ways that will spur housing construction, maybe we can move to the free market, was a disaster. It was an utter disaster. Rents shot up. People were being evicted. People were being driven out of their homes and two years later a

Republican Legislature, with a Republican Governor, passed the rent stabilization, said we can't do this.

Senator, what I find disturbing is an utter lack of perspective and utter lack of focus. It's as if your world was bounded by the town or the community you live in, yet no understanding that there are parts of the state where different situations exist, no appreciation of what the true situation is as to rent regulations in the city of New York.

You go and you say this protects people who are millionaires. Rent controlled apartments are occupied by people with large incomes. That's not the fact. Most people under rent regulations having the protection, the median income of all renter households, it's $20,000, in 1995, $20,000 and I thought one of the most significant statistics was that in the last two or three years, the amount of rent, percentage of rent from -- against total income that people in rent-regulated apartments was paying had gone from 30.8 percent to 32.3 percent, people paying almost one-third of their income just for shelter, and this is with some

system of regulation. Remove that system of regulation and they'll be paying over 50 percent and what this will lead to is enormous hardship. It will lead to homelessness. It will lead to people who will not be able to educate their children, feed their children, clothe their children. It will lead to an exodus out of the city of New York.

What you need to do, Senator Bruno, and those of us who seem to have sort of an a priori view that rent regulations are bad is to look at the real situation. Sometimes I'm afraid what's being looked at is dollar signs and not the facts of rent regulations and its importance. If you looked at the facts instead of maybe looking at contributions or other factors, you would see -

(Applause)

THE PRESIDENT: Order, please. Show respect for the speaker and please adhere to the procedures.

SENATOR LEICHTER: -- you will see that rent regulation is utterly imperative for the welfare of this state, Senator, for the welfare of the people who are protected and for

the welfare of the state.

So the issue today, as we vote, don't say, well, I'm just voting on a procedural motion as if that makes it insignificant. You're voting on a process that is either going to give necessary, essential protections to people, two million people at least.

THE PRESIDENT: Senator Bruno, why do you rise?

SENATOR BRUNO: Would Senator Leichter respond to a question?

SENATOR LEICHTER: Yes, I will.

SENATOR BRUNO: Thank you.

Since we're talking procedure, Senator, do you think procedurally that it makes sense that you go on at such length when it's my understanding that you live in a stabilized unit that's controlled in New York City? Do you think that is a proper procedure?

SENATOR LEICHTER: Is your point, Senator -

THE PRESIDENT: Order, please.

Senator Leichter.

SENATOR LEICHTER: Senator Bruno, is your point that if I -- yes. I live in a

rent-stabilized apartment. If I didn't live in a rent-stabilized apartment, then I could go on at greater length but living in a rent-stabilized apartment, my time to speak here is somewhat limited? What is your point, Senator Bruno?

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, my point is that I would think that for clarity, for your own colleagues, you should let them understand that you are not objective, that you live in a stabilized unit and that you speak as a person who is receiving the benefit of being subsidized in that way. That's my point.

THE PRESIDENT: Order. Please show every speaker respect, please.

Senator Leichter.

SENATOR LEICHTER: Senator Bruno, I've seen you vote for tax cuts. I've seen you vote for the benefits for businesses that personally benefit you. I've never suggested that you do it for personal gain. I suggest that you do it out of mistaken economic theories. I never brought it down -

(Applause)

THE PRESIDENT: Order. Order. I know that all our visitors in the gallery would like to remain. So please show respect for the chamber and the speakers by remaining silent.

Senator Leichter.

SENATOR LEICHTER: Senator, if your whole problem is that I live in a rent stabilized apartment, I'll give up my rent stabilization and you give up pointing your guns at two million tenants throughout the state of New York.

THE PRESIDENT: Senator Leichter.

(Applause)

SENATOR LEICHTER: Let me conclude, Madam President.

I think there's a terribly important issue here affecting people in the state of New York, as I've pointed out, but I think there is also the integrity of the Senate, the good sense that I hope that we have and that means our obligation to address important issues of this state and that's what we're about. That's what we're seeking to do by this motion to discharge. Let no member here say, well, I want to protect tenants but I couldn't go along

on a motion to discharge. It was procedural because that's hypocrisy. You might be able to run but you're not going to be able to hide behind that argument.

If you want to protect tenants, if you want to avoid the terrible economic and social dislocation that would occur if rent regulations were to sunset, then you will vote for this motion.

(Applause)

THE PRESIDENT: Senator Abate.

SENATOR ABATE: I would like to make the record very clear that I do not have a rent-controlled or rent-stabilized apartment but, nevertheless, even though I have nothing to gain, I feel very strongly, as do my other colleagues, that this is something we should do to protect the constituents throughout New York State.

I have been told today that this is an act of desperation on the part of Senate Democrats. It's only an act of desperation because the Majority will not allow us to debate these issues on the floor, that there are systems of rules which say individuals decide

what gets debated, what gets voted upon and then everything else is held hostage. This is an issue that is held hostage among other issues that are held hostage year in, year out. It is not an act of desperation. This is an act of leadership on the part of the Senate Democrats and I hope many Republicans will join in this effort. We all can be heroes and heroines today and go home and say we've fulfilled our responsibilities to the people who have elected us.

As we say over and over again, we are public servants. We are there not to serve the rules and uphold rules but to serve the interests of the people that we represent. Today we should stand up, provide that kind of leadership.

I have never seen an issue -- and I have been involved in community life for over 20 years -- where I have gone to one town meeting after another in Manhattan, not a handful of people come out but hundreds and sometimes thousands of people come out to meetings and you can see by the representation of the people here today, it is a reminder that

this is not an issue about procedure. This is an issue that affects people's daily lives, their ability to stay in New York State, support their families and become and continue to be a rich contributor of this fabric that we call New York State.

If -- and I think if we had all the constituents in the room today, they would be saying to us, if you care about rent protection and don't care about procedure but you care about making sure that protection continues, you must vote yes. If you vote no, that's an indication that you want rent protections to be eliminated. That is the clear message that I hear from people that I represent. They don't mix their words. There's no other way to toss the dice, to put a different reflection on this issue. This is about keeping people in their homes.

Also this is an opportunity to debate this issue so the press can have a greater understanding what the impact would be on human beings if rent protections were to expire.

We need more than ever these rent

protections. In my district, the vacancy rate is less than one percent. We are talking about not rich people. We must dispel that myth that rent protections only provide safe havens for people who are rich. The people that I represent, many of them are on fixed incomes. They are seniors. They are working class people. They are middle income people. They are students who say they want to have their first job in New York City and they want to start a career and they want to live there. Are we saying to them, let's not have the young people who are educated within our midst be able to afford to live in our city? Because that's what we're saying. We're saying to the best and brightest of our young people, we'll educate you but you can't work here because you cannot afford to live in New York City. We don't want to send this message.

We talk all the time about the economics of what we do, that we want to keep people, jobs and we want to keep our vital work force. This has the direct relationship to doing that. If we end rent protections, we end the ability to build a qualified work force over

time.

We also destroy neighborhoods. Neighborhoods depend upon the rich and diverse fabric of our communities. They are consumers. They are taxpayers. Do we want to drive out tens of thousands of people in New York City and have that kind of economic and negative impact on our communities? No, we don't.

So a vote yes today is standing up to the diverse communities that we want to support. It's standing up for affordable housing. It's standing up for the notion that in 1971 we tried this and it failed. It failed so miserably that the Legislature three years later had to pass the rent protection laws. We've seen it. This is about protecting people, their quality of life, their families and their ability to remain in New York State.

So, please, this is a glorious chamber. It's a magnificent chamber. Sometimes we make decisions in isolation. Today we cannot make those decisions in isolation. All we need to do is look at the pain and suffering and fear, raw fear on the faces of tenants who think their whole lives are going to be destroyed.

Let's not play games with their lives because there's a procedural issue. It's not procedural. It's substantive. Let's stand up today. Let's have the courage. This is not just about leadership. We were elected individually to represent our constituents. That work should begin today, not end today.

Vote yes.

(Applause)

THE PRESIDENT: Order.

Senator Gold -- Senator Gold is next.

SENATOR GOLD: Thank you, Madam President.

Madam President, there isn't anybody here that would travel to a foreign country without some kind of a dictionary to help you get around and if you went to France, it wouldn't be unusual to have a French-English dictionary, Spain, a Spanish-English dictionary.

I want people to understand that we have legislative language also and what Senator Bruno basically said to you, if you put it through a legislative dictionary, means I'm

against rent regulation. That's all it means. It doesn't mean procedure. It doesn't mean that today is not the day. There will be a day but when you come that day, it will be another day. It means that he and those who vote no are against rent regulation. It couldn't be any clearer than that.

And lest you think this Legislature operates by some Bible that cannot be changed by anyone's religion, I will make Senator Bruno an offer. I will give him a dollar for every time a Democrat wants to waive the rules. I only want from him a dime every time Senator Bruno and the Republicans violate their own rules in this chamber.

Now, we have a situation which says our committees deal with bills and then the bill comes to the first report and then it comes to the second report and then it goes to third reading and then we handle it, et cetera, et cetera, except when Senator Bruno and the Republicans don't do it, they hold a committee meeting. They throw it out on the floor and you have a vote. It violates our rules but, you see, we waive the rules because in those cases

it's important. I happen to think it's important to waive the rules to save the lives of millions of people. That's plain English. It's not legislative talk. Senator Bruno uses legislative talk to say, "I am against tenants."

Another thing which concerns me, Senator Bruno and members of the Majority use legal drugs, pharmaceutical drugs but they put in bills that deal with that and vote on bills that deal with that. Many of the members of the Republican Party in this house own real estate and they put in bills all the time to lower their own property taxes.

(Applause)

Many of the members of the Republican Party use roads, put in bills for Thruway improvement, et cetera, et cetera. Nobody criticizes that and, Senator Bruno, I say to myself, how deep do you want to go?

I know that Senator Leichter and others are tenants. I also know that there are issues like horses that we could get involved with but why don't we stay with the subject that we're talking about and that is what we're going

to do for tenants in the state of New York.

And there's another issue, Senator Bruno, that I would like you to join with me on. You and I, Senator Bruno, file ethics statements every year and people know where we stand and what we're about. I would love to see one day -- let's pick one at random, the New York Post -- print on its front page, the amount of money it takes from the real estate lobby each year, each week and have that influence their editorial pages.

(Applause)

The bottom line is that today is a day which -- and I congratulate the press and coming from me that's unusual. I congratulate the press. They have taken this motion as seriously as it deserves to be treated, as seriously as it deserves to be treated and there is no place to hide today. A vote today is an absolutely clear vote.

I would also like to talk to Senator Seward and to some of my other colleagues on the other side. We had an issue last week debated very well by Senator Paterson as to whether or not certain local bills, bills

affecting some upstate localities required a home rule message from that locality, and there was some technical rulings, but it was quite clear that the members on this side were concerned and respected the feelings of people in the localities and Senator Seward, as a matter of fact, went out, made some phone calls and reported back so that I and Senator Paterson and others would know that the legislation was legislation that was desired by those local people.

Now, we didn't go behind that legislation. The local people wanted it. Senator Seward stood up and said, My people need it, and I, even though I'm a Democrat from downstate, said there's a gentleman that ran for public office upstate, got elected and I ought to be listening.

I say to you, Senator Seward, and I say to the others who are going to have local bills all this session and next year, I'm ready to respect your localities. I'm ready to do for you what should be done if you tell me that, but I expect a certain respect today.

I live in the city of New York.

If, God forbid, it goes down in the drain, I live there with my family. We'll take those consequences, but I know what will not bring it down the drain and what will not bring it down the drain is providing decent housing for its citizens. I'm willing to take that risk, my risk. You vote with me on this. Vote and help Senator Spano's people and Senator Skelos' people and all the tenants throughout the state who need your help. We do it for you every day. If you're saying to me, Manny, you're too naive. Manny, every bill that comes to the floor, you vote on, you analyze, you go behind it, well, then I'll say to you, Senator Seward, and my fellow colleagues on the other side, I'm ready to do that. I'm ready to dive into your neighborhoods if that's what you want, but I'm telling you that I'm ready to give you a certain respect that I expect back for me.

I heard some comments made earlier today about hostage taking and how the budget of the state of New York has been made hostage by Democrats over this issue. First of all, if you had to pick an issue, it's not a bad one but the fact is that that is not a fact.

Now, Senator Bruno, a couple years ago you and your party put forth a budget on this floor and then you looked at Assemblyman Silver and the others and said at least the Democrats ought to give us a budget. Say something. You're hiding. You're holding up the budget.

Senator Bruno, this year the Governor filed a budget. Your party is too embarrassed to put that budget out on the floor for debate. At least Assemblyman Silver put out a budget and they debated on it. You couldn't pass that budget. You wouldn't put it out. We don't have a budget this year right now because there's been no leadership from the Governor on this issue and, Senator Bruno, no city leadership from you on this issue.

How many times have I heard Republicans on this floor say, this may be a one-house bill but it's going to open up debate. It will open up discussion. We'll be able to have something to talk about but where's your one-house budget that tells the people of the state of New York what you're really all about? All we hear from you is you're for tax

cuts and yet your party has been the biggest spenders in history, as far as I know, $5 billion under a former Governor that you voted for and you talk about hostage taking?

I'm telling you, I'm ready to do a budget. I'm ready to talk about it. We held hearings on the budget. You weren't there. Assemblyman Silver wasn't there. The Governor wasn't there. We held a meeting on revenue estimates. You weren't there. Shelly Silver wasn't there. The Governor wasn't there. You talked about Conference Committees on a budget. Where are they? I haven't seen them. Who's hiding those Conference Committees? When are they meeting? I haven't seen them.

So we have three men -- and I didn't say "people". I said "men" -- who go into a room, haven't attended the hearings, haven't done any of that. They don't put a budget out on this floor -- or you don't put a budget out on this floor and you have the nerve to blame it on the tenants of the city of New York? Shame on you.

(Applause)

I am telling you, Senator Bruno,

I today am speaking about an issue and not a technicality. I am for the continuation of regulations. I don't know where the Governor is. I know we have a Lieutenant Governor who speaks out on issues. Maybe the Governor ought to have her guts, but I think on this issue she's spoken out, but all I can tell you, Senator Bruno, is, as somebody said a few minutes ago, you can run but you can't hide. This is for real and for people who will leave here today and have to go back home, make dinners, dinners which are not going to be steak and lobster paid for by lobbyists at some Albany hotels or restaurants but people who have to eat real food with real people and deal with real lives. We have a chance to show them that this is a democratic, with a small "d", Legislature and we can do something for them today.

I'm going to sure try and help.

(Applause)

THE PRESIDENT: Senator Bruno, did you wish to be recognized?

SENATOR BRUNO: Yes, Madam President.

I just want to remind people, my

colleagues especially, that we are not responding to this discussion, to these comments, as inappropriate as they are, under these circumstances but, Madam President, we recognize that my colleagues here on this side of the aisle are posturing, pandering to the people that are here, seeking their applause and their recognition and that is -- that is their right. They can do whatever they please, but I want to share, Madam President, it's rather unbecoming to fool the people that are here into thinking that something is going to happen that isn't. Let's call it what it is. It is posturing. It is pandering and it's worse and we are not on this side of the aisle responding for that reason.

We will debate the merits of this issue in a seemly way at the appropriate time, in an appropriate way. We will not respond to the nonsense that is being perpetrated here today in the name of good government because it is not good government. It's a waste of people's time, energy and efforts.

THE PRESIDENT: Senator Paterson is next.

Senator Paterson.

SENATOR PATERSON: Madam President, I was listening to the very salient and appropriate comments of Senator Abate and she was talking about the need to address this very serious situation, and I think at one point inadvertently she said -- and I think it was really reacting more to just the frustration of the process -- she said this is more than just a question of leadership. This is a matter of individual choices in our districts.

Well, Madam President, I would want Senator Abate to know that I have been here for 12 years and every day I have been here with every issue that's come up in this chamber and every procedure that we have followed, this is actually entirely a question of leadership but it is a question of how we are actually going to address issues and at this very serious time, Madam President, I wonder if we as elected officials, who so often do, will continue to talk in such absurd extremes, peddling a bunch of simplistic exaggerations that parry the truth. Are we going to raise promises here that we're not going to keep or diminish expectations

or scare people, or are we really going to try to establish some workable, sensible, achievable means by which people can live in decent, affordable housing in the city of New York and all throughout the state of New York and, Madam Chairman, if that's what we propose to do, then I think we have to take a serious look at this motion for discharge. If the motion for discharge were inappropriate and were against the rules, then it wouldn't be part of the rules.

This motion was actually put forth in our state Constitution many, many years ago with the explicit purpose that when a situation has become so serious and so dire that there be a time that we suspend the regular order, the regular rules and in an emergency situation, that we adopt a procedure to bring an issue to the floor to pass it and send it to the Assembly, we would do it in a serious situation that involved a threat to livelihood or health, and I would suggest that a situation that affects two million citizens of our state which we're reading could raise the rents on the Upper West Side of Manhattan by 50.9 percent, 19.8

percent in Queens, 11.7 percent in Brooklyn, 12.1 percent in the Bronx, that that is serious enough for us to address at this time, particularly when those who have been antagonistic and antithetical to the needs of tenants have been promoting that there's a solution of just abolishing rent regulations and rent protection and bringing homes onto the free market.

This actually was done after vacancy deregulation in the early '70s and there was such a cataclysm that the Republican Legislature of 1964 passed the Emergency Tenant Protection Act, as Senator Leichter pointed out, because, as it was held by the Supreme Court, there was such a need to address this situation because there wasn't the housing stock that could actually keep the convenience of the many tenants around the state, that there had to be a point when government stepped in and saved them before we had the hopeless gentrification of all our neighborhoods and all our communities.

And so when we look at this situation, the problem is that the real issues have been obfuscated by those who always address

these situations in two ways. They want to find a way to make you afraid of it and they want to tell us who's to blame for it. They want to make you afraid of the situation by making it appear that rent regulation has actually thwarted any new development or new construction of housing. They would like to have you believe that the continuation of rent regulation would put us in a situation where a number of landlords would suffer and they wouldn't be able to gain a profit.

The studies actually show that 61 percent of the money that is accumulated actually goes for maintenance. The other 39 percent goes to debt service and profit and with our tax laws, the debt service can become profit.

If I had a business in which I could make 40 cents for every dollar I spent, I think I would be in a pretty good situation, but the question is for those who wanted to opt out of it, if this was such a bad thing in 1974, there was a time right then when landlords could have opted out of it but they chose to stay in the program to make themselves available for

421-A tax relief and for J-51 tax relief. Why did they do it? Because it was a good business decision.

Now, after benefiting from our tax dollars and provide the broad revenue base that has allowed landlords to benefit, at this point they want to stop the situation and now go to a free market. It's very easy to stop the music when you're sitting near a chair, but for all the people who live in this state, who are in the situation of possibly losing their homes, we now see that there shouldn't be that much fear from continuing rent regulation and rental stabilization because there isn't really anyone who's being victimized by the prospect and then there are the issues of those who apparently are thought to be benefiting from this, the so-called hundreds of thousands of people who make all of this money and get all of these benefits. The actuality is that 1996 census studies show that only 3.4 percent of people living in rent protected units possibly make over $100,000 in a family unit. That may come out to somewhere in the 30,000s compared to two million people who are benefiting from this

particular situation.

In fact, in the study of 1995 rent regulation -- rent stabilization and rent control figures, the average rent controlled tenant makes an average of $21,600 a year. That means half the people might make over it, half the people might make under it.

For rent control, the average salary for people living in rent controlled units is $12,480 a year, $12,480 a year for people living under rent control. 22 percent of people living in rent-stabilized units all over this state are actually living below the federal poverty line. This is not something that is going to give back money to the already rich. This is something that is enabling people who barely can meet the means of existence to continue living in their units.

Estimates are that 50 percent - that 24 percent, rather, of New York City residents are paying more than 50 percent of their weekly salaries for rent. So the old Keynesian theory that a month's rent is equal to a week's salary has actually been doubled even with the process that we have now, but I think

the central issues are quite clear but the real issue that we need to talk about is the actual issue of leadership.

Does leadership inevitably mean control? I don't think it should be because I think we need to take a look at what leaders should actually be. The leader is the indiv idual who stands on his or her own judgment. The non-leader listens to the opinions of influential others. The leader thinks. The parasite copies. Leaders produce. Others loot. The leader's conquest is the conquest of nature. The non-leader's conquest is a conquest of other men and women. Leaders change their minds through free and open exchange of ideas and opinions. Bosses want to regulate everything, denying any type of individuality and wanting to robotize everyone in senseless service to everybody else's agenda but their own.

Look at our country. Everything we have -- everything we have gained has come from the independent work of independent minds. Every horror in destruction has come from attempts to robotize people, denying thought,

denying reason, denying the individual opportunity to make a decision.

That is why I feel it is so important that perhaps it's time to re-examine even our process in this situation and maybe we need to examine it on a bipartisan nature. Maybe when an issue is of such peril that it's got thousands of people running to meetings every day of the week right now, frightened that they will be destabilized from their homes. It would break up their neighborhoods and break up their communities, and yet we talk about family values, and yet all our actions work against our neighbors, against their children, against families and against workers. If we're really talking about trying to put a sensible and achievable goal forward in this chamber, then we've got to understand that there are certain emergency situations when it's our job to come to this floor and act, to stand on our own judgment.

Madam President, we come to this earth really pretty much unarmed. Our minds are our only weapon but the blame is an attribute of the individual. There is no collective mind.

The person who thinks must think and judge for him or herself. The reasoning mind cannot be controlled by any form of compulsion. It cannot be subordinated to the needs, opinions or wishes of others. It is not an object of sacrifice. I don't think anybody should be making any sacrifices today at the behest of their neighbors because neighborhoods are more than just a collection of tall buildings. They're more than just a geographic location. They're people who live and work and care about each other and try to improve their communities and it is under threat, and it's been made very clear that it's under threat this year and so what we did today, what Senator Connor did is we tried to use a procedure that's allowed in this Senate. It's been misunderstood in this century but maybe today is the day that we can finally begin to open up each other's minds and open up the process and that 31 of us can get together today and say, this is important. This needs to pass. This needs to go to the Assembly. This needs to become a law that will protect people through the democracy and through the process that are the rules of Senate.

THE PRESIDENT: Senator Waldon.

SENATOR WALDON: Thank you very much, Madam President.

This is a place today of high drama. I remember Shaw said something about the whole world is a miracle. He said the whole world is a stage, and everybody is playing a part.

Today I've seen some great parts being played out on behalf of the people. The 300,000 people of the 10th Senatorial District made a decision some time ago and said, Al, go to Albany and represent our interests, not your interests, our interests. 56,000 of those people in the Rockaways are affected by what we're considering here today. Of those who live in Cambria Heights and South Jamaica, 20 percent -- their rent would increase by 20 percent if it were not for the vision of Senator Connor bringing this issue to the floor today for our consideration.

On an ethnic note, and those of you who have the ability to see me from where you are, I'm very black, I'm very tall; you wouldn't miss me anywhere. On an ethnic note,

of the 2 million people living in poverty in New York City, 76.5 percent of them are the black or Latino. Of those who are going to benefit by what Senator Connor is advocating that we do today, 212,000 of the apartments which have a rent of $400 or less are occupied by blacks and Latinos. 50 percent of those people have an income of under 10,000. 64 percent have an income under 15,000 and 80 percent have incomes under 25,000.

So we're not dealing with Barbra Streisand in Cambria Heights. We're not dealing with Robert DeNiro in South Jamaica. We're not dealing with anyone who drives a Rolls Royce in the Rockaways. In fact, most of the people in the Rockaways take a train that's dilapidated, that's too old and too cold to get to and from the apartments that we are looking to save today.

Now, my friends, in spirit and in fact, this is not an upstate issue or a downstate issue. This is not really a Republican, in the traditional sense, issue or a Democrat, in the traditional sense, issue. This is the haves versus the have nots. This is what

it's all about. 2,000 -- 2 million -- I'm sorry -- 311,924 rent-stabilized tenants live in the city of New York. 127,000 rent-controlled tenants are in the city of New York. But only 25,000 landlords are controlling the destiny if we don't take care of business today of those innumerable tenants.

So I can add just a little bit. Came from P.S. 70 in Brooklyn, Junior High School 85 in Brooklyn, Boys High School, can add a little bit and it makes some sense to me that if I want to survive in this process, but more importantly if I want to do what the people who elected me to do, to send me to Albany to do, I will vote and take care of business on behalf of 2 million-plus people, not the 25,000 landlords who will make the extraordinary amount of money as alluded to by my brilliant and capable colleague, David Paterson: 50 percent increase in rent in Manhattan, 20 percent over in Cambria Heights. It doesn't make sense to vote with the landlords.

Now, I would welcome having dinner with a landlord. I'm told some of them are nice people. I would welcome going into a

hotel with the landlord, not to the hotel room but to the restaurant in the hotel, to hang out a little bit. I enjoy a nice cocktail every now and again, but what I am really about in this process and what all of us should in my opinion should be about is taking care of business for those who are less able to take care of themselves.

My brothers and sisters in spirit and in fact, the people who are least able to take care of themselves in this particular battle are the tenants, and so I encourage you to do the right thing. Come down on the side of the tenants. Vote for the people who are in the millions versus those who are but 25,000, but who happen to control the purse strings.

Let us not get into the pockets of the purse strings. Let's get into the hearts and minds and souls of the tenants of this great city and great state who are saying to us, Please take care of business on our behalf.

I encourage you to support Senator Connor in what he's doing and support the ideas that you've heard on this side of the aisle today. Those ideas, I assure you, were

the righteous ones in this chamber on this date.

Thank you very much, Madam President.

(Applause)

THE PRESIDENT: Senator Gentile. Senator?

SENATOR GENTILE: Thank you.

Thank you, Madam President. I learned a lot about history here today, the history of the Senate and the procedure of the Senate. As one of the new members of this august chamber, I have a certain advantage, and that advantage is having a new perspective, not having that history, having a new perspective on what should be done and what we should concentrate on here in this great chamber.

You know, when I first came to this chamber back in January, I thought one of our roles, one of our primary roles was to protect the welfare of our citizens. I thought one of our primary roles was to encourage and protect stable neighborhoods. That's what I thought was going to be our primary agenda coming here.

(Applause)

However -- however, what I've heard here leads me to believe that I may be wrong. What I heard here from the Majority is about bureaucratic moves, about Byzantine bureaucracy, about faces on how to get things done. You know, if we do not discharge this bill and pass the rent regulation extension, this will be the most devastating or de stabilizing action that we possibly could do in regard to our urban communities. We need to stabilize neighborhoods, not destabilize them.

Rather than encourage people to stay with reasonable rents to stay in the City, with reasonable rents and lease protections, we will drive people out of New York City and all the other urban areas just as they've done in Boston and in Cambridge. You know, not just - not discharging this bill is what will cause the real chaos, not bringing the bill to the floor. That will not be the real chaos. The real chaos will not -- will not be discharging this bill from committee. We will increase homelessness, force people into government housing, deny our seniors the ability to live independently, and

also deny our young people from raising their families in New York.

You know, and I want to make it clear to the small home owners and the small building owners. This extension does not do anything new. This extension does not expand the coverage to small home owners and to small building owners with less than six units. All this does is continue the same law for the next four years. It does not affect the small home owner or the small building owner and, you know, I've been saying this to tenants as I've gone around my district to buildings, have met with tenants in the lobbies of their buildings and I get their input when I meet with these tenants and let me tell you, colleagues, I see the fright and I see the fear in the eyes, and the concern in the voices of these people, and it's not only the seniors I'm talking about. These are the people who do the bake sales, who run Little Leagues and the P-TAs in my district, who work for the volunteer groups.

THE PRESIDENT: A little order, please.

SENATOR GENTILE: These are the

people who are part of the tenant meetings in the lobbies of the buildings. They run the sales, they run the Little Leagues, they run the civic organizations in my district. These are the people that I stand for today in speaking on behalf of this -- this motion, and lest you believe there are no tenants in the tree-lined streets of Bay Ridge, Bensonhurst, Staten Island, let me tell you, I stand for the 15,000 units of -- of rental housing units that are regulated in Sunset Park. I stand for the 17,000 units that are regulated in Bay Ridge. I stand for the 21,000 units that are regulated in Bensonhurst. I stand for the 10,500 units that are regulated in Borough Park, and I stand for the 7,200 units that are regulated on the north shore of Staten Island.

I stand for these people who have median incomes of between $12,000 and $24,000 in my district. I stand for these people who are using between 29 percent and 42 percent of their income to pay their rent right now. We are not talking about wealthy people. These are the moms and dads and the seniors that make our cities great.

What more can we ask of them? What more? They keep our neighborhoods strong. They keep them stable. What more can we ask of them? What we can ask of you is to discharge this bill today.

(Applause)

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Madam President, I -- the issue of whether or not we're voting on a procedural situation is not that important to me. In my 19 years serving in this chamber, I have never ever seen a motion to discharge being passed by any of the members sitting on the - of this chamber, so it's not a very vague impression to realize that we are on the one side dealing with an issue that is causing tremendous anxiety on so many people.

In my district the word has gone around that public housing was going to be privatized. You have no idea, Madam President, the suffering and anxiety that constituents of mine, in the various projects in my district are going through thinking that that is going to be a fact pretty soon.

At the same time in my district

which has a lot of poor, hard working poor people, low middle class and middle class, the same situation is going on and on and on, and when I say to you, Madam President, that this is very distressing with me, it is because I don't think in approaching any kind of public policy we do have the right to allow individuals to suffer this tremendous anxiety for something that has not been brought about yet.

So I say Senator Bruno is correct. This motion to discharge is not going to go anywhere -- anywhere. On the other hand, when I saw the issue of leadership was raised here by Senator Paterson, I say to my colleagues, well, maybe if this motion to discharge would pass this chamber today, maybe that will hasten the process, will hasten the process through which all the parties involved, the ones that do have the power to resolve this very important issue, would sit down sooner and allay the fears that so many people in New York State are suffering.

So being a realist, I believe that this motion is not going to go anywhere. Being a positive person, I do hope that the fact

that so many people came here to let everybody here in this chamber see with their own eyes how they feel, how anxious they feel, thinking that if those rent control laws are allowed to sun set, there'll be tremendous chaos, people thinking where in the world I'm going to move, people rooted in their own communities, people with their children going to the local schools, that that is going to be a horrible situation and the funny thing is that finally in the city of New York, because of the -- excuse me, because of the decreasing crime there has been an increase of people, senior citizens not working poor but lower class and middle class, that have moved back to the City that are going to the theatre, they're spending money in restaurants, that they are coming and adding to the tax base.

Well, I hope that when the final analysis, the whole situation is dealt with, that they are in the same manner which I appreciate that the poor and the working poor, the disabled in my district, will be protected because they will benefit because they will be protected under Senator Bruno's idea of what to

do with rent control.

I hope that also those who make $250,000 -- listen to me, Madam President, those individuals in the city of New York are not millionaires because of the high taxes. If they live in a neighborhood that is nice, then they pay high rent even though they are rent stabilized. They have children going to college, so people with incomes up to $250,000, they should not be considered millionaires because they are not.

So I do still hope that some of my friends across the aisle will -- might engage in living dangerously and voting for the first time in this -- on this motion to discharge this bill because, as I said before, it would in fact maybe hasten pressure, even concern to meet sooner and find the kind of solution that is needed to resolve this. But an extension of the rent control bills as is, I think, it's a time, it's something that should be acted upon now.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Mendez.

(Applause)

THE PRESIDENT: Senator Oppenheimer.

SENATOR OPPENHEIMER: Am I up? Yes. Well, I -- I don't see this as a procedure. I see it as an opportunity for us to speak on what I consider is a very real issue and I think it's really the essence of life. I think shelter is the very essence of life for our poorer residents in the state, and I truly don't want to be simplistic, but what is -- has more truth and what is more fundamental than you will excuse me, the Bible, which says that it is our obligation to house the homeless and to feed the hungry, and that is the very essence of life and that is of such -- it is of such dire consequence to our poorer residents in this state. If you don't think you want to do it because it's the right thing to do, then I think you have to do it because it's the right thing for the state of New York.

I really have to speak about the housing shortage in my county which is Westchester County, and I must say that we have a great many frightened tenants in the county of Westchester. Our rental apartments in

Westchester have become frightfully, frightfully costly, because we are a county that has experienced that gentrification that was mentioned earlier. Without this, I do not know what many, many of our residents would do.

We happen presently to have the highest per capita homelessness in the state of New York, and I think it is quite likely that we have it in the entire United States. It is a very -- Westchester County is a very complex county now because we are changing demographic ally so rapidly. We have pockets of intense poverty, and it would be catastrophic if we did not have the rent stabilization and rent control and I have heard from many mayors and supervisors in Westchester County, of both political parties, and they all are begging us, please do not change rent control and rent stabilization. It is essential to our county, and you know, we now have, you know, this image of Westchester simply is not valid any more. We have 135 soup kitchens. We have all these homeless, and we cannot cope if we do not have the protection of the rent laws.

I'd like to just address one

other issue, and that is I've been very upset by the fact that we are holding important issues hostage to the budget process. It is simply bad government. It is bad democracy. It is bad representation of our constituencies. It dis allows any thoughtful discussion. I am the past president of a good government group. It is almost embarrassing for me to be in a government that permits such little opportunity for -- for civilized discussion of major issues that are of extreme importance to the state of New York and to all the people in this state.

I do believe that our state government needs some correction, and I think we are probably one of the most closed governments of any of the 50 states, and I certainly hope that we can work to improve that.

(Applause)

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Madam President, I rise today to explain my position on this, and I want to preface my remarks to Senator Bruno. I don't live in a rent stabilized or rent-controlled apartment. I don't receive SCRE. I don't receive TAP or any

of the other, but I have voted for all of the above-mentioned figures that I just mentioned now.

Today we're discussing a motion to discharge. It's been categorized as a procedural motion. Well, that seems to be about the only thing that's left to us on this side of the aisle, to get our voices heard on any particular worthwhile matter. I was just speaking to my Assemblyman. He just informs me that they're going through motions to discharge by the Minority in the Assembly right now.

So basically what I consider this procedural motion right now is our 911 call. 911 call is also a procedural call, but you're hoping when that 911 call goes to the police or to the ambulance that an immediate response is forthcoming, and this is what we're asking of our colleagues today. They call it procedural. We call it 911. Help us to help these people who have come up here today not to ask us for money, to put more money into the budget process but perhaps to save us a great deal of money in the future by preventing them from becoming homeless, and then we all of a sudden find the

money not to provide them with some rent assistance but we can find thousands of dollars to put them up in hotels when we couldn't afford to give them a couple of hundred dollars to keep them in the apartments that they're living in.

(Applause).

Call it what you want, procedural or 911, but let us respond to this motion in a favorable manner.

Thank you.

(Applause)

THE PRESIDENT: Is there anyone else who wishes to speak on the motion?

(There was no response. )

On the motion to discharge, all in favor.

SENATOR CONNOR: Slow roll call.

THE PRESIDENT: Yes, a slow roll call, please, on the motion to discharge. Call the roll, please.

THE SECRETARY: Senator Abate.

SENATOR ABATE: Yes.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: No.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Yes.
THE SECRETARY: Senator Bruno.
SENATOR BRUNO: No.
THE SECRETARY: Senator Connor.
SENATOR CONNOR: Yes.
THE SECRETARY: Senator Cook.
SENATOR COOK: No.
THE SECRETARY: Senator DeFrancisco.
(There was no response. )
Senator Dollinger.
(There was no response. )
Senator Farley.
SENATOR FARLEY: No.
THE SECRETARY: Senator Gentile.
SENATOR GENTILE: Yes.
THE SECRETARY: Senator Gold.
SENATOR GOLD: Thank you.
THE PRESIDENT: Senator Gold.
SENATOR GOLD: Madam President, if I could briefly explain my vote, I want to thank Senator Hoffmann for -- as being not only a member of our Conference but for sensitizing me as to farm issues and upstate issues. I want to thank Senator Stachowski, Senator Nanula for

sensitizing me as to issues in that Buffalo area. Senator Dollinger, thank you, I think I understand the problems of Rochester a little more, and that reflects on my vote, and I want to thank those colleagues on the other side, Senator Goodman and Senator Velella and Senator Skelos and others who have been able to sensitize me to appreciating the problems we have in the city of New York.

I know that one of the arguments that I hear all of the time is that it's good to have a few Republicans in the Republican Majority because, after all, they can explain some problems of the City to their colleagues, and it seems to me that today is sort of a test of their potency or impotency when it comes to whether or not they are able to sensitize their colleagues and, to tell you the truth, I'm root ing for you, because if somebody put a lie detector on my arm and asked me whether Senator Roy Goodman is sincere, I would have to say yes or that machine would tell me I'm a liar.

But I think we need more than just sincerity and a vote from one or two City members. We need a Conference on the other side

that doesn't spit in the eye of its own Republican members from the city of New York and will come out today and give them some support.

I vote in the affirmative.

THE SECRETARY: Senator Gonzalez.

(There was no response. )

Senator Goodman.

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: No.

THE SECRETARY: Senator Hoffmann.

(There was no response. )

Senator Holland.

SENATOR HOLLAND: No.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: No.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: Yes.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: No.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: Yes.

THE SECRETARY: Senator Lack.
SENATOR LACK: No.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: No.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: No.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: No.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: Yes.
THE SECRETARY: Senator Levy.
SENATOR LEVY: No.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: No.
THE SECRETARY: Senator Maltese.
(There was no response. )
Senator Marcellino.
SENATOR MARCELLINO: No.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: No.
THE SECRETARY: Senator Markowitz.
SENATOR MARKOWITZ: Yes.
THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: No.
THE SECRETARY: Senator Meier.
(There was no response. )
Senator Mendez.
SENATOR MENDEZ: Yes.
THE SECRETARY: Senator Montgomery.
SENATOR MONTGOMERY: Yes.
THE SECRETARY: Senator Nanula.
SENATOR NANULA: Yes.
THE SECRETARY: Senator Nozzolio.
(There was no response. )
Senator Onorato.
SENATOR ONORATO: Yes.
THE SECRETARY: Senator Oppenheimer.
SENATOR OPPENHEIMER: Yes.
THE SECRETARY: Senator Padavan.
SENATOR PADAVAN: Yes.
THE SECRETARY: Senator Paterson.
SENATOR PATERSON: Yes.
THE SECRETARY: Senator Present.
SENATOR PRESENT: No.

THE SECRETARY: Senator Rath.
(There was no response. )
Senator Rosado.
SENATOR ROSADO: Yes.
THE SECRETARY: Senator Saland.
SENATOR SALAND: No.
THE SECRETARY: Senator Sampson.
SENATOR SAMPSON: Madam Chairperson.
THE PRESIDENT: Yes, Senator Sampson.
SENATOR SAMPSON: I'd like a point of order. The rules do allow a member to be excused because of pecuniary or personal interest before this body. I wish to advise this body that on occasions I had an opportunity to represent both landlords and tenants in my practice; that is being a subject of these laws, so at this point in time, I wish a ruling as to whether or not I can abstain.
THE PRESIDENT: O.K. Just a moment.
SENATOR PATERSON: Madam President.
THE PRESIDENT: Is there any

objection?

SENATOR PATERSON: Yes.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Party vote in the negative, Madam President. Party vote in the negative.

THE PRESIDENT: We need the consent of two-thirds of the Senators present. Just one moment, Senator.

Senator, the point is not well taken. It will be necessary for you to vote.

SENATOR SAMPSON: May I explain my vote?

THE PRESIDENT: Yes.

SENATOR SAMPSON: My heart is against this motion because it fails to strike the balance. It fails to provide equity and/or achieve the fairness for a countless number of small landlords struggling under the yoke of rent control. My heart is heavy -

THE PRESIDENT: Order, please.

SENATOR SAMPSON: My heart is heavy because the debate surrounding this issue has been shaped by two supreme proposals. The

one on the far right calls for me sitting idly by and allowing rent control to expire, thus threatening the poor, the disabled and the seniors in my district which I'm very extremely concerned about. On the far left side, we call for extending a system basically a status quo that is currently, ladies and gentlemen, not working.

In 1993 we passed the same bill to extend it for four years. Now in 1997, now we're proposing to extend it another four years. What are we going to do in the interim? The tenants deserve more. They don't deserve a four-year lease. They deserve a lifetime lease to determine their fate.

Now, ladies and gentlemen, let's be clear. My district is comprised of small home owners who are victimized by the courts, by DHCR, by the New York City Housing Authority, but what is most interesting, ladies and gentlemen, is that the landlords support in my district, support rent control to some extent. They don't, however, support the current system and so it's to that end I am confronted with a dilemma which there is no middle ground.

You see, I was voted into this office on a platform of change. These two offer no proposed change. They, therefore, don't represent the interest of my community, but nonetheless, ladies and gentlemen, I am faced with these choices and these two choices alone.

I fear doing nothing would do a disservice to my constituents and do a dis service to the people who voted and put me in office. Therefore, Madam Chair, I vote with my Conference and I vote in the affirmative, but, ladies and gentlemen, let's not sit by for another four years and let nothing happen.

A commission should be put together to look at these rent regulations because obviously these laws are not working. There is some change that we need, but they need to work. We can not torment tenants and say, Well, there's a possibility you may go homeless, you know. I myself was homeless for a couple of days when my apartment burned down when I was in law school, and that's very concerning to me and concerning to my constituents, but what we have to do is we have to protect the disabled, the seniors and the poor, but we can no longer sit

back and wait another four years and do nothing.

We need to deal with the issue now because another four years the same tenants, ladies and gentlemen, up in the chamber, you're going to be back here four years again being concerned about whether or not I'm going to be put out of my apartment. What we should be concerned about is passing some sort of legislation which would give them some security, not only to the tenants but to the small landowners. Just because you're a small landowner does not mean -

THE PRESIDENT: Excuse me, Senator Sampson.

SENATOR SAMPSON: Thank you, Madam President.

THE PRESIDENT: We'll record your vote in the affirmative.

Continue the slow roll call, please.

THE SECRETARY: Senator Santiago.

SENATOR SANTIAGO: Yes.

THE SECRETARY: Senator Seabrook.

SENATOR SEABROOK: Yes.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: No.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: No.
THE SECRETARY: Senator Smith.
SENATOR SMITH: Yes.
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: To explain my vote.
THE PRESIDENT: Senator Stavisky.
SENATOR STAVISKY: The current rent control legislation allows for increases every year. Additionally landlords may obtain increases based upon the services and repair and

upgrade of the buildings, major capital improvements and -- even hard to think. In the absence of any clearly defined plan to the contrary, perpetuation, continuation of the current rent regulations for four more years is absolutely essential to the stability of neighborhoods such as those that I represent and those that some of the members of the Republican Party represent, and I would hope that they would take that into account.

Do not be afraid of change. There had never been an override of the Governor's veto in New York State in 104 years but this Legislature, previous Legislature, showed the courage on an issue where Senator Goodman and I were linked together on a Stavisky-Goodman Law.

We were right in doing that, overriding the governor of my party, and I urge you to override through conviction the statements that have been made by the leader of your party here today.

I vote in the affirmative.

(Applause)

THE PRESIDENT: Thank you.

Senator, your vote will be recorded in the affirmative. Please continue the slow roll call.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: No.

THE SECRETARY: Senator Tully.

SENATOR TULLY: No.

THE SECRETARY: Senator Velella.

(There was no audible response).

THE SECRETARY: Senator Volker.

SENATOR VOLKER: No.

THE SECRETARY: Senator Waldon.

(Affirmative indication.)

THE SECRETARY: Aye.

Senator Wright.

SENATOR WRIGHT: No.

THE PRESIDENT: Absentees, please.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: No.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Explain my vote, Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: I represent no one who lives either in rent-controlled or rent-stabilized apartments, so maybe I'm the wrong guy to talk about this, but in 1992, and in 1994, I was affected by this debate because the Rent Stabilization Association which had given substantial amounts of political contributions found their way to Monroe County in upstate New York and invested in someone who ran against me, who apparently would have sided and voted no on this motion.

Well, I'm here today because I want to vote yes. I'm going to vote yes, Madam President, and for me it's a very simple choice. I have always voted for motions to discharge. I'm going to continue to vote for them because they represent a very simple choice. The choice is heavy handed democracy that stifles debate, that stifles discussion, that stifles an opportunity for the will of the people of this state to be heard.

If you vote no on this motion you're voting in favor of that kind of

democracy. If you vote yes in this instance as the people in this gallery attest, you're voting yes for people's homes, that depend on your vote. It's that simple. Forget all the procedural talk, all this talk about procedure and substance. That's political gobbledegook. If you support the tenants, vote yes as I do.

(Applause)

THE PRESIDENT: Senator Dollinger will be recorded in the affirmative.

Continue the slow roll call, please, the absentees.

THE SECRETARY: Senator Gonzalez.

(There was no response. )

Senator Maltese.

SENATOR MALTESE: Nay.

THE SECRETARY: Senator Meier.

SENATOR MEIER: No.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: No.

THE PRESIDENT: Oh, Senator Hoffmann.

SENATOR HOFFMANN: I'd like to

explain my vote, Madam President.

Like Senator Bruno, I live on a farm in upstate New York. This is not an issue that affects me personally. It's not an issue that affects any member of my family nor does it affect any of my constituents, but what does affect my constituents is the appearance that strong leader control of this chamber can stifle even a procedural vote on a measure to come to the floor.

The district that I represent is overwhelmingly Republican. Senator Bruno has chosen today to characterize things in the most partisan terms, as if Republican philosophy and Democratic philosophy are totally antithetical on this issue and many others, but that is not the way the taxpayers of this state think and operate, and they will repudiate this action on this day on the next opportunity they have to come to the ballot boxes.

(Applause)

THE PRESIDENT: Order, please.

SENATOR HOFFMANN: Now, I would care to hazard a guess that within the ranks of Democratic and Republican elected officials

across this state, there is a wide divergence of opinion on rent control as with every other issue, but the minute people are locked into marching in lockstep the way they are in this Legislature, you have set up the situation that cries out for reform.

I vote yes on procedure motions to give people an opportunity to express themselves publicly, fairly and with integrity, and I hope that the day will come when everyone in this state can say that they know all of their Senators do the same.

(Applause)

THE PRESIDENT: Thank you, Senator.

The results, please.

THE SECRETARY: Ayes 27, nays 32.

SENATOR PATERSON: Madam President.

THE PRESIDENT: I'm sorry. Senator Mary Lou Rath's vote was not called.

THE SECRETARY: Senator Rath.

SENATOR RATH: No.

SENATOR PATERSON: Madam

President.

THE PRESIDENT: Senator Paterson.

I would -- we would like to be read back a detailed statement of this slow roll call, if it would -- if the Chair would accommodate us.

THE PRESIDENT: Yes. Will the Secretary read, please.

THE SECRETARY: Those recorded in the negative: Senator Alesi, Bruno, Cook, DeFrancisco, Farley, Hannon, Holland, Johnson, Kuhl, Lack, Larkin, LaValle, Leibell, Levy, Libous, Maltese, Marcellino, Marchi, Maziarz, Meier, Nozzolio, Present, Rath, Saland, Seward, Skelos, Spano, Stafford, Trunzo, Tully, Velella, Volker and Wright. Nays 33.

Those recorded in the affirmative: Abate, Breslin, Connor, Dollinger, Gentile, Gold, Hoffmann, Kruger, Lachman, Leichter and Markowitz, Mendez, Montgomery, Nanula, Onorato, Oppenheimer, Paterson, Rosado, Sampson, Santiago, Seabrook, Smith, Stachowski, Stavisky and Waldon. Ayes 27. Gonzalez, absent.

SENATOR CONNOR: Excuse me, I didn't here Senator Goodman mentioned on that roll call.

THE PRESIDENT: Senator Goodman. Would you reiterate his vote, please.

THE SECRETARY: Senator Goodman in the affirmative.

THE PRESIDENT: Thank you. Would you like to repeat the results, please.

THE SECRETARY: Ayes 27, nays 33.

THE PRESIDENT: The motion to discharge is defeated.

Senator Oppenheimer. Oh, Senator Bruno.

SENATOR BRUNO: Madam President, I believe there's another motion to discharge to be brought before the floor.

THE PRESIDENT: Yes. Secretary will read.

Senator Oppenheimer, the Secretary will read.

Order.

THE SECRETARY: By Senator Oppenheimer, Senate Print 3855, requires

electronic system be developed by state Board of Elections.

SENATOR OPPENHEIMER: Madam President.

THE PRESIDENT: Senator Oppenheimer.

Could we have it quiet in the chamber, please. Senator Oppenheimer is speaking.

SENATOR OPPENHEIMER: This bill, I will talk briefly on, as I was not aware this was coming up today. I don't have my information with me. I can merely say that this is something that is desperately needed particularly if we're going to try to advance movement toward some good government.

Right now, as many people know, the record on our campaign contributions are sent in -- very often are sent in in illegible handwriting, and they are very difficult to - to read.

THE PRESIDENT: Excuse me, Senator Oppenheimer. Out of respect for Senator Oppenheimer, could we please have it quiet in the chamber.

Go ahead, Senator Oppenheimer.

SENATOR OPPENHEIMER: In addition to having our records sent in in any number of ways, most -- many of which may be illegible, they are merely kept in a file and unless requested out, they are never shown to the public and indeed when the public comes and wants to see our campaign financial records they have to pay for them.

What will happen under campaign computerization will be really an opportunity for the citizenry to see how we finance our campaigns. It will be a move toward good government. It will permit computerization that will allow the public very rapidly, within a matter of several hours, to know exactly where the money is coming into our campaigns, and it will be legible, and it will be open to every one in the entire state who wants to look at the figures, wants to read who our contributors are and it will be a major step, a major movement toward good government and honest government and I think it is something that we owe the citizens of the state of New York.

I am going to ask my colleague,

Senator Breslin, to continue with this.

THE PRESIDENT: Thank you.

Senator Breslin.

SENATOR BRESLIN: Madam President, I would add that this past election I was the first candidate in the history of New York to go on line with campaign contributions. It's a necessary time, an important time, to allow anybody who considers a candidate to be able to know how that candidate is being supported, and to do it quickly and with little expense. If you don't have your computer in your home, you can go to the most -- the nearest library. It's time for us to come into the 20th century, to allow all those people to have as much information as they can, before they decide.

Thank you.

THE PRESIDENT: Would anyone else like to speak on the motion?

SENATOR LEICHTER: Madam President.

THE PRESIDENT: Oh, Senator Leichter, I'm sorry. I didn't see you there.

SENATOR LEICHTER: Madam

President, this is an extremely important issue. The fact is that it is more difficult in this state than in almost any other state to find out what campaign contributions have been made. We may have some differences among us as to who should contribute and in what amounts, but I don't think that anybody can get up here on the floor and say the public has no right to know what campaign contributions are being made and, while you may retort, Well, there's all these filings at the Board of Elections, let me tell you, I spent a lot of time this year and my staff has, checking records and it is so difficult, it is almost impossible, records are filed that are totally unintelligible. Records are filed in different places. It is -- it takes Herculean labors to try to put together to get an overall picture.

The campaign finance laws in this state are such a disgrace, it sullies each and everyone who is in politics or whatever our political views are. I think that we want to have a clean and honest system. Now, I will make -- have some motions to discharge tomorrow on campaign financing, but the first step, the

very first step that we have to take is to have adequate, clear records and in an age of comput erization, when it's possible to pull up so much information so quickly in such a coherent fashion, to have campaign records that are being tested that we're still in the days of green eye shades and quills is a disgrace, and neither the Assembly nor the Senate can justify to the people of the state of New York the usual Albany impasse, well, they want this and we want that, and so on.

It ought to be perfectly clear and obvious what needs to be done and this bill does it in a fair, correct manner. I may just point out, it's my understanding this is the very same bill that Senator Hoblock introduced last year, and I give a lot of credit to Senator Breslin for the steps that he's taken to see that his campaign records are open, that he picked up this bill together with Senator Oppenheimer, and really, let's move in this area.

Shouldn't be a partisan issue. Nobody should question or doubt that the campaign records ought to be made available in

the clearest, simplest technologically most advanced way so everybody, the public, anyone, can know what campaign contributions were made.

THE PRESIDENT: Senator Leichter, are you still talking? Are you finished?

SENATOR LEICHTER: He wanted - Senator Paterson wanted to know if I had any interest in any computer companies, and so on. I assured him I didn't.

THE PRESIDENT: O.K. Thank you. Is there anyone else who would like to speak on this motion? On the motion to discharge, all in favor please signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 25, nays 35, party vote.

THE PRESIDENT: The motion to discharge is defeated.

Senator Skelos.

SENATOR SKELOS: Madam President, on page number 21, I offer the following amendments to Calendar Number 439, Senate Print Number 589, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR SKELOS: Is there any other housekeeping at the desk?

THE PRESIDENT: No.

SENATOR SKELOS: There being no -- there being no further business, I move we adjourn until Tuesday, April 8th.

THE PRESIDENT: Go ahead. I'm sorry, Senator Skelos.

SENATOR SKELOS: I move we adjourn until Tuesday, April 8th, at 11:00 a.m., and Wednesday we will be meeting at 10:00 a.m.

THE PRESIDENT: The Senate stands adjourned until Tuesday, April 8th, at 11:00 a.m., and also the session on Wednesday will begin at 10:00 a.m.

(Whereupon at 5:34 p.m., the Senate adjourned.)