NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 1, 2003

3:08 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

THE PRESIDENT: In the absence of clergy, may we bow our heads in a moment of silence, please.

(Whereupon, the assemblage respected a moment of silence.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 31, the Senate met pursuant to adjournment. The Journal of Sunday, March 30, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Madam President, I move that we accept the Resolution Calendar in its entirety.

THE PRESIDENT: All in favor of accepting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, I believe there's one report at the desk. I ask that it be read.

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading: Senate Print 3282A, by Senator Alesi, an act to amend the Legislative Law.

SENATOR SKELOS: Move to accept the report.

THE PRESIDENT: All in favor of accepting the report of the Rules Committee please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Rules Committee report is accepted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 192, by Senator Alesi, Senate Print 2484A, an act to amend Chapter 329 of the Laws of 2002

relating to establishing.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 231, by Senator Morahan, Senate Print 392, an act to amend the Education Law, in relation to applying safety regulations.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 240, by Senator Trunzo, Senate Print 1690, an act to amend the Vehicle and Traffic Law, in relation to maximum speed limits.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the first day of August.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 266, by Senator Kuhl, Senate Print 1468, an act to amend the Penal Law, in relation to the imposition of driver's license suspensions.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 2. Senators Montgomery and Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 278, by Senator Volker, Senate Print 2482, an

act to amend the Criminal Procedure Law, in relation to designating.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 281, by Senator Balboni, Senate Print 520, an act to amend the General Municipal Law, in relation to creating the Village of Westbury Community Development Agency.

THE PRESIDENT: There is a home-rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 283, by Senator LaValle, Senate Print 839, an act to amend the Town Law, in relation to permitting fire districts.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 284, by Senator McGee, Senate Print 909, an act to amend the County Law, in relation to investigation of death by coroners in certain counties.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 289, by Senator Skelos, Senate Print 2975, an

act to amend the Real Property Tax Law, in relation to including certain vacant real property.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in same manner.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial calendar.

SENATOR SKELOS: Thank you, Madam President.

I believe there are several substitutions at the desk. If we could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 16, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 6615

and substitute it for the identical Senate Bill Number 449, Third Reading Calendar 221.

And on page 21, Senator Little moves to discharge, from the Committee on Local Government, Assembly Bill Number 4887A and substitute it for the identical Senate Bill Number 2643, Third Reading Calendar 287.

THE PRESIDENT: Substitutions ordered.

Senator Paterson.

SENATOR PATERSON: Madam President, Resolution 875, introduced by Senator Diaz, we'd like to open that up for cosponsorship for anyone who would be interested in joining us.

Everybody is on board? All right, then, Madam President, everyone is on board. And anyone who doesn't want to be on board can jump off.

THE PRESIDENT: Any members who do not wish to cosponsor Resolution 875 please notify the desk.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the controversial reading of

the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 192, by Senator Alesi, Senate Print 2484A, an act to amend Chapter 329 of the Laws of 2002 relating to establishing.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Senator Alesi, an explanation has been requested.

SENATOR ALESI: Thank you, Madam President.

This bill is a chapter amendment to a bill that was supported, I believe, by the Senator who asked for the explanation, last year. And it simply enhances the previous bill at the suggestion of the Governor.

SENATOR PATERSON: Explanation satisfactory.

THE PRESIDENT: Read the last section.

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, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 278, by Senator Volker, Senate Print 2482, an act to amend the Criminal Procedure Law, in relation to designating public safety officers.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Senator Volker, an explanation has been requested.

SENATOR VOLKER: Excuse me, Madam President. I was being distracted here.

This is a bill -- a bill close to this passed the Senate last year. It's a bill that makes peace officers of the Buffalo Municipal Housing Authority.

The Buffalo Municipal Housing Authority has been around for many years and has a group of people about 95 percent of which have been trained.

What happened in this bill, the Buffalo P.D., Buffalo Police Department had always been somewhat reluctant to have a bill

like this passed. But the Buffalo Police Department is now being downgraded -- or maybe the word is not downgraded, it's being reformed. Unfortunately, we're going to hopefully do some changes to allow the Buffalo Police Department to fiscally exist in a little bit of a restricted manner. That means they're going to do some attrition and change the way the department operates.

These housing authority people are people who have patrolled the housing authority areas for a considerable period of time.

After the Governor vetoed the bill last year, we have been working with the Governor's office, Criminal Justice people, and the Buffalo Housing Authority, and they're cooperating to make sure that everyone who is in the Buffalo Housing Authority has training, what amounts to equivalency to police officers. They're in the municipal training course; virtually all of them have been.

And in fact, I see I have a certification here from the Buffalo Housing Authority that says any of the people that

they have that have not been properly trained will be trained.

You'll notice in the bill it says that "sworn officer who has achieved or been granted the status of sworn police officer and has been certified by the Division of Criminal Justice Services as successfully completing an approved course for police officers."

That's what this bill is all about, to make sure that these people are properly trained. I think they're going to be needed in Buffalo. I forget what the number is; I think it's about 30 people or something of that nature.

But anyways, that's the story of this bill. And nobody that is not trained will be allowed the status that is given in this bill.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, I assume that last year the Governor vetoed this bill because the public safety officers were not given the training that would make them equal to police officers. And the training is obviously included in this

bill, as Senator Volker just very ably pointed out.

And we passed the bill unanimously last year. We still support the bill. And we hope that this complies with the Governor's request.

SENATOR VOLKER: Thank you.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the controversial calendar.

SENATOR SKELOS: Is there any housekeeping at the desk?

THE PRESIDENT: No, there isn't, Senator.

Senator Volker.

SENATOR VOLKER: Madam President,

I would like to return to motions and resolutions.

And I'd like to star my bill, which is Calendar Number 325, Senate Print 2325, on page 24. I'm sorry, page 24, Calendar 325, and Senate Print 2325.

THE PRESIDENT: At the sponsor's request, Calendar Number 325 will be starred.

Senator Skelos.

SENATOR SKELOS: Madam President, if you could recognize Senator Krueger.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. I believe there's a motion to petition at the desk.

THE PRESIDENT: Yes, there is, Senator.

SENATOR LIZ KRUEGER: Thank you, Madam President. I move to waive the reading and asked to be recognized to explain my bill.

THE PRESIDENT: The reading is waived. You may proceed on the petition.

SENATOR LIZ KRUEGER: Thank you.

I am here today to urge us to move to the floor of this house for debate Senate

Bill 380, which is coincidentally very close to Senate Bill 2954, a bill sponsored by Senators Padavan, Mendez, Spano, and Velella.

And this is a bill to extend rent and coop protection laws from June 15, 2003, to June 15, 2010, and eliminate the vacancy decontrol of apartments renting for more than $2,000 per month.

This bill is critical to be moved to the floor of the Senate, whether it is my bill, 380, which has a two-year extender beyond the Republican version of the bill, or the Republican version of the bill.

It has been estimated that over the last decade, 84,000 units in New York City have been removed from rent regulation through high-rent vacancy decontrol, which allows landlords to remove apartments permanently from state rent and eviction regulation.

Landlords achieve this by applying the statutory vacancy bonus and then calculating the amount that must be spent on renovations to get the legal rent above $2,000. Once the rent reaches above $2,000 per month, these units are being permanently

decontrolled.

This bill would also extend rent and eviction protections to Mitchell-Lama developments occupied on or after January 1974 and to tenants living in former federal Section 8 housing projects.

The reason this is critical that we do this now is that a June 15, 2003, clock is ticking. And in fact, for large numbers of tenants in the city of New York and in Nassau, Westchester, and Rockland Counties, they fear the risk of their protection in their homes and the future of losing their homes.

These protections have helped to assure an affordable housing stock for nearly 2½ million people in our state. This is a much greater number of people than live in any other form of government public housing or subsidized housing. These regulated units are more affordable than the other housing available in my city and, I would argue, in the other counties affected.

The people living in this housing are primarily low- and middle-income. In a tough economic time -- and we know we are in

tough economic times here in the state of New York -- people with incomes below $50,000 a year, the majority of people living in rent-regulated housing, do not have alternatives. They do not have additional income, and they do not have alternative places to move to.

The majority of tenants in rent-regulated housing are people of color. They are black, they are Hispanic, they are Asian.

We need, as a Legislature, to move forward with rent regulation. The Assembly has passed a same-as bill to the bill cited before being sponsored by Senators Padavan, Mendez, Spano, and Velella. I would urge this house move forward today to either consider my bill or the Republican version of the bill, so that the tenants of this state can be assured of a future in their own homes.

We should not -- I repeat, we should not be waiting any longer. It is now April 1st. These bills sunset June 15th. So I urge my colleagues here in the house to allow a full debate and discussion of this

legislation so that we may move forward.

Thank you, Madam President.

THE PRESIDENT: All those Senators in agreement with the petition out of committee please signify by raising your hands.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Brown, Diaz, Dilán, Duane, Hassell-Thompson, L. Krueger, C. Kruger, Montgomery, Onorato, Parker, Paterson, Sabini, A. Smith, M. Smith, Stachowski, and Stavisky.

THE PRESIDENT: The petition is defeated.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to housekeeping.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Maltese, on page number 20 I offer the following amendments to Calendar Number 273, Senate Print Number 1900, and ask that said bill

retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received, Senator, and the bill will retain its place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Madam President, just a reminder from Senator Larkin that tomorrow is West Point Day. And we know that the superintendent will be here with numerous cadets.

We've all had a wonderful experience on West Point Day. The superintendent, I believe, will be speaking at 11:00 a.m. here in the chamber.

And in light of the sacrifices that are being made by so many of our military, I think it would be more than appropriate if the chamber is blessed with the members being here so that we can give the welcome that they deserve.

And there being no further business to come before the Senate, I move we adjourn until Wednesday, April 2nd, at 11:00 a.m.

THE PRESIDENT: On motion, the

Senate stands adjourned until Wednesday, April 2nd, at 11:00 a.m.

(Whereupon, at 3:30 p.m., the Senate adjourned.)