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ALBANY, NEW YORK

April 12, 1995

11:06 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT KUHL: Senate
3 will come to order. Ask all the members to find
4 their places. Ask everybody in the chamber
5 including those in the gallery to rise and join
6 with me in saying the Pledge of Allegiance to
7 the Flag.

8 (Whereupon, the Senate and those
9 present joined in the Pledge of Allegiance to
10 the Flag.)

11 ACTING PRESIDENT KUHL: In the
12 absence of clergy, may we bow our heads in a
13 moment of silence.

14 (Whereupon, there was a moment of
15 silence.)

16 Reading of the Journal.

17 THE SECRETARY: In Senate,
18 Tuesday, April 11. The Senate met pursuant to
19 adjournment. Senator Kuhl in the chair upon the
20 designation of the Temporary President. Prayer
21 by Reverend Father Mergerdichian, Holy Cross
22 Armenian Apostolic Church, Troy. The Journal of
23 Monday, April 10, was read and approved. On

1 motion, Senate adjourned.

2 ACTING PRESIDENT KUHL: Hearing
3 no objection, the Journal stands approved as
4 read.

5 Presentation of petitions.

6 Messages from the Assembly.

7 Messages from the Governor.

8 Reports of standing committees.

9 Records of select committees.

10 Communications and reports from
11 state officers.

12 Motions and resolutions.

13 Chair recognizes Senator Wright.

14 SENATOR WRIGHT: Mr. President.

15 On behalf of Senator Levy, on page number 26, I
16 offer the following amendments to Calendar
17 Number 366, Senate Print Number 3942, and ask
18 that said bill retain its place on the Third
19 Reading Calendar.

20 ACTING PRESIDENT KUHL:

21 Amendments are received and adopted. The bill
22 will retain its place on the Third Reading
23 Calendar.

1 Senator Wright.

2 SENATOR WRIGHT: Mr. President.

3 On behalf of Senator Levy, on page 13, I offer
4 the following amendments to Calendar Number 120,
5 Senate Print Number 334, and ask that said bill
6 retain its place on the third calendar reading.

7 ACTING PRESIDENT KUHL:

8 Amendments are received and adopted. Bill will
9 retain its place on the Third Reading Calendar.

10 Senator Bruno, we have a couple
11 of substitutions at the desk if you would like
12 to take those at this time.

13 SENATOR BRUNO: Mr. President.

14 Please make the substitutions.

15 ACTING PRESIDENT KUHL: Secretary
16 will read.

17 THE SECRETARY: On page 6,
18 Senator Libous moves to discharge from the
19 Committee on Health, Assembly Bill Number 3826A
20 and substitute it for identical Senate Bill,
21 Calendar Number 417.

22 On page 6, Senator Hannon moves
23 to discharge from the Committee on Health,

1 Assembly Bill Number 5759 and substitute it for
2 the identical Calendar Number 418.

3 ACTING PRESIDENT KUHL:
4 Substitutions are ordered.

5 Senator Bruno.

6 SENATOR BRUNO: Mr. President. I
7 believe there is a resolution at the desk. I
8 ask at this time that you read the title and
9 move its adoption.

10 ACTING PRESIDENT KUHL: Secretary
11 will read the title of a privileged resolution
12 at the desk.

13 THE SECRETARY: By Senator
14 Goodman and others, Legislative Resolution,
15 honoring the Metropolitan Museum of Art upon the
16 occasion of its 125th anniversary.

17 ACTING PRESIDENT KUHL: The
18 question is on the resolution. All those in
19 favor, signify by saying aye.

20 (Response of "Aye.")

21 Opposed, nay.

22 (There was no response.)

23 The Resolution is adopted.

1 Senator Bruno.

2 SENATOR BRUNO: Mr. President.

3 Can we now take up the noncontroversial
4 calendar?

5 ACTING PRESIDENT KUHL: Secretary
6 will read the noncontroversial calendar.

7 THE SECRETARY: On page 14,
8 Calendar Number 178, by Senator Lack, Senate
9 Print 1298, an act to amend the Real Property
10 Law, in relation to allowing an assignment of
11 mortgage.

12 SENATOR PATERSON: Lay it aside,
13 Mr. President.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 THE SECRETARY: Calendar number
17 268, by Senator LaValle, Senate Print 2406, an
18 act to amend the Education Law, in relation to
19 custodial account programs for employees of
20 state universities.

21 ACTING PRESIDENT KUHL: Secretary
22 will read the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 40.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 272, by Senator Saland, Senate Print 1430, an
10 act to amend the Real Property Law, in relation
11 to real property tax payments made by mobile
12 home owners.

13 ACTING PRESIDENT KUHL: Read the
14 last section.

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 40.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 301, by Senator DiCarlo, Senate Print 2941, an
3 act to amend the Real Property Tax Law, in
4 relation to granting a real property tax
5 exemption to senior citizens.

6 ACTING PRESIDENT KUHL: Secretary
7 will read the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the 60th day.

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 42.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 308, by Senator Wright, Senate Print 3185, an
18 act to amend the Tax Law, in relation to refunds
19 for overpayment of the highway use tax.

20 ACTING PRESIDENT KUHL: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect September 1.

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 43.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 327, by Senator Seward, Senate Print 11626, an
9 act to amend the Public Service Law, in relation
10 to telephone blocking services and repealing
11 such provisions upon expiration thereof.

12 ACTING PRESIDENT KUHL: Read the
13 last section.

14 THE SECRETARY: Section 5. This
15 act shall take effect immediately.

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 44.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 3623, by Senator Marchi, Senate Print 3781, an

1 act to incorporate the city of Staten Island to
2 enact a charter for the city of Staten Island.

3 SENATOR PATERSON: Lay it aside.

4 ACTING PRESIDENT KUHL: Lay the
5 bill aside.

6 THE SECRETARY: Calendar Number
7 388, by Senator Skelos, Senate Print 3021, an
8 act to amend the Penal Law, in relation to
9 including carjacking within the definition of
10 the crime of robbery in the second degree.

11 ACTING PRESIDENT KUHL: Secretary
12 will read the last section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 44.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 Senator Bruno, that completes the
23 noncontroversial calendar.

1 SENATOR BRUNO: Now, Mr.
2 President, can we take up the controversial
3 calendar?

4 ACTING PRESIDENT KUHL: Secretary
5 will read the controversial calendar.

6 THE SECRETARY: Calendar Number
7 178, by Senator Lack, Senate Print 1298, an act
8 to amend the Real Property Law.

9 ACTING PRESIDENT KUHL: Senator
10 Lack, and explanation has been asked for by
11 Senator Paterson.

12 SENATOR LACK: Thank you, Mr.
13 President. This bill was passed last year in
14 both houses and was vetoed by Governor Cuomo.
15 In Governor Cuomo's veto message, he said the
16 goals of the bill were laudable but it would be
17 a fiscal impact upon the localities. Now the
18 reason for that was that mortgage rates were low
19 last year when this bill was vetoed. There was
20 a lot of refinancing going on, and there would
21 have been an immediate impact; but times have
22 changed, of course, and in the last year,
23 mortgage rates have gone up, and there's

1 virtually little or no refinancing going on now
2 at this time, so this is a good time in order to
3 change a law that should have been changed a
4 long time ago and will have very little fiscal
5 impact upon localities because they can't be
6 budgeting very much for refinancings that are
7 not happening.

8 What this bill would do, simply,
9 is to say that if you have a mortgage -- let's
10 say it's an outstanding amount of \$100,000. The
11 price of your home has appreciated, and you want
12 to refinance that mortgage for \$120,000, and you
13 go to the lender and you get a \$120,000 mortgage
14 but only 20,000 of that is new money, but you
15 pay a New York State mortgage tax not on the
16 20,000 of new money in the refinancing; you pay
17 another whole mortgage tax on the whole
18 \$120,000, including the 100,000 that you already
19 paid a mortgage tax on.

20 This bill would say there can be
21 an assignment of the old mortgage for mortgage
22 tax purposes and you don't pay a tax on anything
23 but the new money; and since there are virtually

1 no refinancings going on now, there would be a
2 very little fiscal hit upon localities.

3 I certainly think we should pass
4 this bill again. I hope that the Assembly will,
5 where Assemblyman Feldman is sponsoring it and
6 is certainly trying to get it repassed, and we
7 send it down to the Governor and get it signed
8 and stop this double taxation on real property
9 holders in New York State.

10 ACTING PRESIDENT KUHL: Chair
11 recognizes Senator Paterson.

12 SENATOR PATERSON: Mr.
13 President. I notice that this bill takes effect
14 30 days after its passage; and so if Senator
15 Lack would yield for a question?

16 ACTING PRESIDENT KUHL: Senator
17 Lack, do you yield for a question to Senator
18 Paterson?

19 Senator yields.

20 SENATOR PATERSON: Then, my
21 question, Senator Lack is, that by the time this
22 bill would become law, wouldn't there actually
23 be a fiscal impact on this fiscal year?

1 SENATOR LACK: Mr. President.

2 Senator, there will not be a fiscal impact
3 because there are virtually no refinancings
4 going on now because interest rates are so high,
5 so any jurisdiction that has budgeted funds
6 based on increased refinancing so that they
7 would get that money -- you only refinance if
8 you are going to get a more favorable rate.
9 With rates high, there's no refinancing really
10 to take place; therefore, localities aren't
11 receiving the benefits from the extra
12 refinancing tax, so this is the perfect year in
13 which to pass it.

14 SENATOR PATERSON: Thank you, Mr.
15 President.

16 And that is probably very
17 accurate based on the current rate of interest,
18 and yet the reason that the former governor
19 vetoed this bill last year related to a fiscal
20 impact that existed at that particular time.
21 The latest statistics that I have are that in
22 1992, \$414 million were raised in revenues
23 collected through this source.

1 If Senator Lack would yield for
2 another question?

3 ACTING PRESIDENT KUHL: Senator
4 Lack, do you yield for a question?

5 SENATOR LACK: Surely.

6 ACTING PRESIDENT KUHL: Senator
7 yields.

8 SENATOR PATERSON: Senator Lack
9 with the fluctuating rate of interest, if we
10 pass this law and we have a circumstance that
11 comes into effect, say, starting next year that
12 is equal to 1992, aren't we going to be in the
13 exact same financial situation that caused the
14 Governor to veto this bill last year?

15 SENATOR LACK: Thank you, Mr.
16 President. Senator, you've just put your finger
17 on, obviously, the very problem that exists
18 here. This is quicksand financing. It depends
19 on the vagaries of the current financial
20 market. Since there is no refinancing going on
21 now, localities aren't receiving money under
22 this; yet, they are still functioning; and
23 neither do localities know today any more than

1 we do whether or not next year, two years from
2 now or four years from now there is going to be
3 a favorable refinancing market such as they
4 would be receiving income under this.

5 This is hardly steady,
6 dependable financing, which is why this is the
7 perfect time, when there can't be monies
8 impacted upon local budgets, to get rid of this
9 once and for all. It's not money that
10 localities should depend on because it does
11 depends on iffy conditions in the mortgage
12 refinancing markets which may or may not happen.
13 Neither you, I or anybody else in this chamber
14 knows when the next time it's going to happen.

15 ACTING PRESIDENT KUHL: Senator
16 Paterson.

17 SENATOR PATERSON: Thank you very
18 much, Mr. President.

19 Senator Lack certainly does
20 identify a situation where, in a sense, the
21 local governments are depending on what would be
22 a false economy, if I'm getting what Senator
23 Lack is saying correctly, and then to actually

1 depend on that would not be fiscally feasible
2 when one considers the fact that as it is right
3 now with the high interest rates, there really
4 isn't much refinancing and, therefore, there
5 aren't many monies received in mortgage
6 recording taxes.

7 However, Mr. President, with the
8 high rate of property tax that individuals and
9 counties are experiencing all over our nation,
10 we recommend that, unfortunately, what may be
11 happening is that, in assessing what the taxes
12 are going to be, the government is taking a
13 circumstance that exists right now and
14 estimating into the future that there will not
15 be the local fiscal impact that governments are
16 feeling in the counties around our state.

17 I would just suggest on the bill,
18 Mr. President, that that impact is greater than
19 is reflected in the notion of this bill.

20 Thank you.

21 ACTING PRESIDENT KUHL: Secretary
22 will read the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect on the 30th day.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 48.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 Secretary will continue to call
9 the controversial calendar.

10 THE SECRETARY: Calendar Number
11 363, by Senator Marchi, Senate Bill Number 3781,
12 an act to incorporate the city of Staten Island
13 to enact a charter for the city of Staten Island
14 to provide a period of transition prior to
15 establishing the city of Staten Island.

16 ACTING PRESIDENT KUHL: There is
17 a local fiscal impact note at the desk.

18 Senator Bruno.

19 SENATOR BRUNO: Can we now return
20 to regular order, Mr. President, and take up
21 Calendar Number 363?

22 ACTING PRESIDENT KUHL: We have
23 called Calendar Number 363, Senator Bruno. I

1 have been notified by the desk there is a
2 message of appropriation at the desk.

3 SENATOR BRUNO: Can we adopt that
4 message at this time, Mr. President?

5 ACTING PRESIDENT KUHL: The
6 motion is to accept the message of
7 appropriation. All those in favor, signify by
8 saying aye.

9 (Response of "Aye.")

10 Opposed, nay.

11 (There was no response.)

12 The message as adopted.

13 Senator Marchi, an explanation
14 has been asked for by Senator Paterson.

15 SENATOR MARCHI: Fair enough.

16 Mr. President. It's with
17 considerable emotion that I rise to speak on
18 this bill. It's been 13 years arriving here in
19 a completed form that I felt deserved and
20 merited the consideration of the Senate.

21 We started in 1982 when the
22 American Civil Liberties Union, three members,
23 had questioned the constitutionality of the

1 Board of Estimate in the city of New York; and
2 comparisons were drawn between Staten Island and
3 Kings County, where there was a differential of
4 6 to 1 in population and, of course, as you
5 know, there was a differential with all of the
6 counties. The Bronx, for instance, was 50
7 percent of the County of Kings.

8 This immediately plunged us into
9 litigation that went into the Federal Courts. I
10 joined as an amicus with the mayor of the city
11 of New York in defending and attempting to
12 preserve the Board of Estimate, considering it's
13 so essential to that modicum of self-governance
14 for a meaningful voice in participation in the
15 governance of this city that was so necessary;
16 and we labored hard and diligently on that -
17 it went back and forth between the federal
18 levels -- and filed many briefs and affidavits
19 right up from the Circuit -- from the Trial
20 District Court to the Circuit Court of Appeals
21 and the Supreme Court of the United States.

22 I took two steps at that time in
23 the event that adversity might befall us,

1 because I really wanted to keep this city
2 together and I felt that we had a medium and a
3 means of affecting self-governance; and, number
4 one, I joined as an amicus, as I said; and,
5 number two, I asked the Senate Finance
6 Committee, fiscal committee and legal -- and the
7 legal arm of the Senate Finance Committee under
8 the direction of Abraham Lackman, who is still
9 with us today. I might add that also
10 participating in it at that time was Mark Shaw;
11 and they reported back after a meaningful study
12 that, indeed, it was feasible.

13 Knowing that, in 1984, I
14 introduced a bill, and my co-sponsor at that
15 time was Martin Connor, who argued well and
16 persuasively and was a valuable collaborative
17 agent and partner in this effort to at least
18 establish the question of secession, but we did
19 not -- we did not move the bill. The bill
20 stayed in committee because I thought we would
21 prevail; and the bill was repeatedly introduced,
22 1985, 1986, 1987, with considerable effort going
23 into the briefs and affidavits at all three

1 levels of the Federal Court system.

2 Finally, in 1989 -- this is seven
3 years later, the Supreme Court of the United
4 States said that it was unconstitutional, that
5 it did violate the "one person one vote", "one
6 man one vote" principle of law; and as a result,
7 with the destruction of the Board of Estimate,
8 we were left, out of 51 members of the City
9 Council, with two and a fraction councilmen.
10 This was a very serious setback, and it was at
11 that time that I moved the bill.

12 The bill passed and as the result
13 of Chapter 773 of 1989 and reinforced by Chapter
14 17 of the Laws of 1990, a methodology and system
15 for proceeding on this question was described by
16 the Legislature, by two different sessions of
17 the Legislature, laying down the tracks which
18 provided, one, for a referendum with the people
19 on the question whether the people of Staten
20 Island wanted this study to go forward and some
21 82 percent said yes; and, then, the creation of
22 a commission, a 13-person commission that
23 included the members of the Legislature who

1 represented all or part of Staten Island. At
2 the present time, Senator DiCarlo is my
3 co-sponsor on this measure.

4 And, having laid out that
5 methodology, a study commission was authorized
6 by the referendum, and we put together a first
7 class team to study the issue thoroughly, from
8 all and every aspect. The Executive Director is
9 at my right here, Dr. Joseph Viteritti, whom
10 some of you may know and who holds a very
11 prestigious position in the Robert Wagner School
12 of Public Administration in New York University,
13 joined by excellent people, people like Dick
14 Netzer, people like Briffault from Columbia,
15 Hugh O'Neill, economist. There was a very
16 serious study. It was not a move by press
17 release or dumping on anybody but an attempt to
18 formulate in response to what the Legislature
19 had requested us to do for the basic
20 consideration of this bill.

21 The membership was excellent,
22 bipartisan. We had -- it alternated between
23 three Democrats and two Republicans and then

1 three Republicans and two Democrats. At the
2 present time, my co-sponsors in the Assembly are
3 Mrs. Connelly, who is a Democrat; Eric
4 Vitaliano, who is a Democrat; and Bob Straniere,
5 who is a Republican.

6 In moving ahead, I might add at
7 this point that we had very generous input,
8 because the Governor and the Speaker and the
9 Majority Leader, various people, had an input
10 into fleshing out the membership of that
11 commission. Speaker Miller designated the
12 associate for -- as his choice to sit on the
13 commission and who had a very large voice in
14 formulating policy with respect to public
15 employees and that was Martin Lubin, who
16 confessed that at the outset had some
17 philosophical differences but, nevertheless, he
18 attacked this problem very seriously so that the
19 matter proceeded with full attention and care.
20 Martin Lubin is the Associate Director of
21 Council 37, and many of you may know him.

22 In November 1993, the voters
23 approved the charter, when it was finally

1 submitted, by a 65 percent vote; and, in 1994,
2 we sponsored a bill, but it was provisional and
3 it was not in final form; and in March of this
4 year, all five of the Staten Island legislators,
5 four who are residents, and Senator DiCarlo, who
6 represents a piece of Staten Island -

7 Now, what does the bill do? The
8 bill establishes a city of Staten Island, a new
9 city which would be the second largest city in
10 the State of New York, larger than any city in
11 New England except Boston, larger than any city
12 in New Jersey, larger than any city in Florida,
13 larger than Pittsburgh, 400,000 people who
14 accepted the burden that has been placed on us
15 to -- and properly so -- to carry forth the
16 message of secession.

17 It provides for a strong mayor
18 city council type of government. It establishes
19 a basic Administrative Code of the City of New
20 York, and it incorporates Title 11 of the New
21 York City Administrative Code, which outlines
22 all of the revenue raising measures including
23 income tax, including real estate tax and all

1 the other taxes that are in the present revenue
2 code of the City of New York, all incorporated
3 into this bill.

4 The bill also created an
5 independent school district which provides for
6 the continued school district, and I might, at
7 this point, point out that to effect meaningful
8 participation by the full population of Staten
9 Island -- and I'm very aware and solicitous of
10 the presence -- the necessary and indispensable
11 presence of minorities on the school board -- we
12 provided for cumulative voting. I exchanged
13 considerable correspondence with Lanny Guinier
14 and we already -- we have existed on our board
15 with full participation, but we carried it a
16 step further and I think we guaranteed it by
17 taking this step.

18 And then it establishes an 18
19 month period of transition and during these 18
20 months, the officials of Staten Island along
21 with the officials of the City of New York would
22 address the problem of the transfer of municipal
23 employees, and I can tell you, under the -

1 certainly the wise counsel of Martin Lubin,
2 these public employees are adequately and
3 completely protected, so that we have also -- we
4 provide collective bargaining -- for collective
5 bargaining agreements and pension rights, the
6 apportionment of assets and debts through New
7 York City and Staten Island, and we apportioned
8 the debt on the basis of the assessed valuation
9 of property, the property that is located in
10 Staten Island and the property that's located in
11 the other four boroughs.

12 The charter sets up a procedure
13 involving the controllers and mayors of both
14 cities. If needed, they can also go to the
15 Third Department, which is the situs for issues
16 of this nature on the question of the
17 apportionment of debt and obligations and
18 determination how property should be allocated.
19 There is a joint and severable liability that
20 attaches to Staten Island for that portion that
21 is represented by Staten Island.

22 So we have done everything. We
23 have done everything in good faith. It was laid

1 out by the Legislature, "Do this," and we in
2 good faith followed it completely; and that is
3 why the bill is before you today, the product of
4 very, very hard work, aided so materially and so
5 well by Dr. Viteritti and the members of the
6 staff.

7 We had over 50 meetings of the
8 secession commission. We had over 13 public
9 hearings. There wasn't a stone left unturned in
10 honoring the obligation that we felt was a moral
11 one if we were to establish our good faith in
12 coming back to the Legislature and saying we
13 have done what you have requested us to do.
14 Now, it's your turn to join us.

15 I would quote from the message of
16 Governor Cuomo at the time in 1989, when he
17 discussed this, "A recent decision by the
18 Supreme Court of the United States dramatically
19 changed Staten Island's participation in city
20 governance, reducing its equal vote on the Board
21 of Estimate to a relatively small participation
22 in a new city legislative body. That changed
23 circumstance, added to a long list of

1 grievances..." and so forth, and that's when he
2 signed the legislation, the basic legislation
3 that formed it.

4 His successor, Governor Pataki,
5 has indicated that he would sign the bill when
6 it came to him and has given his full and
7 unqualified support and, also, as was recited
8 earlier, a message on the apportionment -- the
9 certification that was previously cited by
10 Senator Bruno.

11 So, we go back. This is a rather
12 meaningful time that we are considering this
13 bill. We are on the eve of Passover. This is
14 not an exodus, but it is an exodus in the sense
15 that we want to be good neighbors and a city in
16 this constellation of communities that make up
17 the Greater New York area. So in the spirit of
18 this solemn season, I earnestly implore you to
19 let my people go. Let my people go, not to
20 disappear, not to be collaborative friends and
21 meaningful friends in this great community but
22 to give us an opportunity which is unavailable
23 to us under the present formulation for self

1 governance.

2 So I would hope that you give
3 this earnest consideration and response in your
4 vote. I might point out that on the prior
5 occasions, we had very full support in this
6 house. We had one vote -- one dissenting vote
7 at that time on the two occasions that this body
8 pronounced itself on the issue, only one vote.
9 Now, we know that under the old Jewish law,
10 unless you had one vote, it didn't count,
11 because maybe something was missed.

12 So I don't think we have missed
13 any of the vitals, and I earnestly request
14 justice for the 400,000 people that make up my
15 community.

16 ACTING PRESIDENT KUHL: Chair
17 recognizes Senator Bruno.

18 SENATOR BRUNO: Mr. President.
19 Can we at this time read the last section.

20 ACTING PRESIDENT KUHL: Secretary
21 will read the last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT KUHL: Senator
5 Bruno.

6 SENATOR BRUNO: Would you
7 recognize Senator Gold.

8 ACTING PRESIDENT KUHL: Senator
9 Gold, how do you vote?

10 SENATOR GOLD: Yes, thank you.
11 The Majority Leader said I could explain my vote
12 for at least a half hour, so I -

13 I vote in the negative so that
14 you got at least the one, Senator Marchi, to
15 keep you honest.

16 ACTING PRESIDENT KUHL: Senator
17 Gold in the negative. Roll call is withdrawn.

18 SENATOR BRUNO: Please call on
19 Senator Trunzo.

20 ACTING PRESIDENT KUHL: Chair
21 recognizes Senator Trunzo. How do you vote?

22 SENATOR TRUNZO: Yes.

23 ACTING PRESIDENT KUHL: Senator

1 Trunzo in the affirmative.

2 SENATOR BRUNO: And Senator
3 Nozzolio.

4 ACTING PRESIDENT KUHL: Senator
5 Nozzolio, how do you vote?

6 SENATOR NOZZOLIO: I vote aye.

7 ACTING PRESIDENT KUHL: Senator
8 Nozzolio in the affirmative.

9 SENATOR BRUNO: And, Mr.
10 President, can we withdraw the roll call -

11 ACTING PRESIDENT KUHL: Roll call
12 is withdrawn.

13 SENATOR BRUNO: -- and resume the
14 debate?

15 Thank you, Mr. President.

16 ACTING PRESIDENT KUHL: On the
17 debate. Chair recognizes -- Senator Paterson
18 had the floor. Senator Paterson to resume
19 debate.

20 SENATOR PATERSON: Thank you, Mr.
21 President. I wanted to wait and allow Senator
22 Marchi to explain this bill before I raised this
23 issue because, as he pointed out, this is really

1 the fruition of 13 years' worth of work and a
2 great deal of effort, actually 13 hearings and
3 50 different procedures.

4 As you could glean from the
5 discussion, Mr. President, he has put a
6 tremendous amount of effort into this, and we
7 certainly appreciate his work, and I wanted the
8 issue to be heard today, but I would like to
9 raise a procedural point before we go forward.

10 We accepted a message of
11 necessity from the Governor prior to moving this
12 bill; and being that it is a message of
13 necessity for an item of appropriation, I just
14 want to be clear that as an item of
15 appropriation in which a local government is
16 going to receive an appropriation that the bill
17 can only pass this house by a two-thirds vote.

18 SENATOR MARCHI: Are you
19 formulating a question, Senator?

20 SENATOR PATERSON: I'm raising a
21 point of order, Mr. President.

22 ACTING PRESIDENT KUHL: On your
23 point of order, Senator Paterson, the chair,

1 having been previously informed that you were
2 going to do this, has had the opportunity to do
3 a little research, and I have reviewed the rules
4 of the chamber and also I have looked at the
5 Constitution of the State of New York; and in
6 looking at that, I find that Article 9, Section
7 2(A), gives the Legislature plenary power to
8 create local governments.

9 So as to whether or not this is a
10 local purpose or a state purpose, it would be
11 the ruling of this chair that this is a state
12 purpose and, therefore, would only require a
13 majority vote for approval, not a two-thirds
14 vote.

15 SENATOR PATERSON: Mr. President.

16 ACTING PRESIDENT KUHL: Senator
17 Paterson.

18 SENATOR PATERSON: Wise as that
19 ruling may be, I'm really more impressed by the
20 fact that you knew what I was going to do before
21 I did it.

22 (Laughter.)

23 ACTING PRESIDENT KUHL: It's the

1 visionary power of the chair, Senator Paterson.

2 (Laughter.)

3 SENATOR PATERSON: Well, Mr.

4 President, I suggest that if there is any
5 visionary contest between you and me, that you
6 will win.

7 What I would like to raise, Mr.
8 President, is the fact that Article 9, Section
9 2, as you referred to, is of course something I
10 had a feeling you might do that; and so the real
11 thrust of this legislation, if we are clear on
12 this -- and as an example, just to cite a piece
13 of a part of the legislation, the part that
14 relates to what will happen with the CUNY
15 schools that are in Staten Island. They will -
16 at that point, all of their assets will be
17 transferred to SUNY, to the State University;
18 and at the point that they are transferred, now,
19 the bill doesn't totally say although I think
20 it's clear that the debt will be transferred,
21 certainly the debt that's incurred in the
22 transfer will actually be reflected in the debt
23 that SUNY owes; and so as an example of that,

1 the fact that we're taking on that debt, the
2 fact that we're actually making this
3 appropriation, I don't see how we can consider
4 that to be a state action when the real
5 beneficiary in this case would be the new local
6 government of the Staten Island.

7 So I am saying that the rules of
8 the Constitution -- in other words, you have
9 cited a correct ruling of the Constitution if it
10 were in that particular area, but I'm saying
11 that we're in the area that relates specifically
12 to local appropriations.

13 And, therefore, as an appeal to
14 the ruling of the chair, I would just like to
15 point out that I think that the real spirit of
16 the Constitution is speaking to this case;
17 because if you were right, Mr. President, then
18 you have actually nullified the whole section
19 related to what would be the two-thirds vote.

20 SENATOR MARCHI: Mr. President.
21 May I be heard?

22 ACTING PRESIDENT KUHL: Senator
23 Marchi, as I understand it, Senator Paterson has

1 appealed the ruling of the chair. I don't
2 believe that is a debatable issue, and so what
3 we're going to do is take a vote on the ruling
4 of the chair.

5 So what we will do at this time
6 is that all those people who are in favor of
7 sustaining the ruling of the chair, signify by
8 saying.

9 (Response of "Aye.")

10 Those who are wishing to overrule
11 the ruling of the chair, signify by saying nay.

12 (Response of "Nay.")

13 Senator Paterson, this is another
14 one you lost. The ruling of the chair is
15 sustained.

16 The chair would recognize Senator
17 Paterson on the bill.

18 SENATOR PATERSON: Thank you, Mr.
19 President, and you know you, can't lose all the
20 time and one of these days I'm going to prove
21 that that's true.

22 ACTING PRESIDENT KUHL: That's 14
23 and counting, Senator Paterson. You have about

1 28 to go.

2 SENATOR PATERSON: Mr. President,
3 on the actual bill. I would just like to point
4 out that I have not indicated how I'm actually
5 voting on the bill, and I just want to say to
6 those who are in support of the bill that this
7 kind of a ruling may really be more of a
8 detriment than an advantage, because those who
9 are opposed, in my opinion, just have a legal
10 action.

11 Now, on the bill, if Senator
12 Marchi would yield to a couple questions?

13 SENATOR MARCHI: Yes, Senator.

14 SENATOR PATERSON: Senator
15 Marchi, as you know, New York City obtains its
16 water supply from Upstate New York, and my
17 question to you is, also, as apparently has been
18 researched, the residents of Staten Island would
19 inherit, in a sense, 4.2 percent of New York
20 City's debt; and so my question is, how do you
21 arrive at the figure for the amount of debt owed
22 by residents of Staten Island, and how do you
23 work out the issue of the water supply? Is

1 Staten Island in that case going to have to work
2 out its own arrangement with the Upstate
3 region?

4 SENATOR MARCHI: Senator,
5 depending on how one wishes to proceed on the
6 question of division and allocation, that which
7 is -- we are not claiming any right or a
8 percentage allocation of anything that -
9 everything that the city -- the remaining four
10 boroughs and whatever property they may have.
11 We're not questioning that, so that I don't
12 think this is involved.

13 It will be the subject of
14 negotiations between the mayors and controllers
15 of the two cities; and in the event of a
16 dispute, they have access to the Third
17 Department -- Third Judicial Department of the
18 State of New York to have the matter
19 adjudicated, so I don't think that that presents
20 a -

21 ACTING PRESIDENT KUHL: Senator
22 Paterson.

23 SENATOR PATERSON: What I'm

1 really getting at, Senator Marchi, is that in
2 legislation going back to 1904, New York City is
3 entitled to own a lot of that property. Now
4 that Staten Island is seceding from New York
5 City, are you saying Staten Island should still
6 have its share because they were part of the
7 original agreement?

8 What I'm saying is, if you
9 actually secede from a greater entity, how do
10 you come back and say that you have the same
11 rights that the entity had when, in fact, you
12 want to secede from it?

13 In other words, I'm just trying
14 to figure out where Staten Island is going to
15 get their water from. Are they going to pay for
16 their own, or are they saying that the same -
17 in other words, you just take that percentage of
18 the financial arrangement between New York State
19 and the regions where the watersheds are and
20 then you apportion it equally or proportion it
21 proportionally?

22 I am just trying to figure out
23 how Staten Island is going to get its water.

1 SENATOR MARCHI: Staten Island,
2 Senator, will be liable for the cost. There are
3 communities outside of the City of New York that
4 share in the water supply, in Westchester -- I
5 don't know where else, but they do share in the
6 water supply. Certainly, we would go on paying
7 for that water. I don't think there is a
8 discriminatory pattern in the sale of that water
9 in any of the constituency that New York City
10 has when it receives the water.

11 So I don't see where there is a
12 problem here. We don't make any claim that we
13 own any part of that. What is on Staten Island
14 remains on Staten Island, whatever assets, real
15 or otherwise, remain on Staten Island, belongs
16 to Staten Island. Whatever is in the four
17 boroughs and whatever the City of New York
18 presently owns, we make no claim to that.

19 ACTING PRESIDENT KUHL: Chair
20 would recognize Senator DiCarlo.

21 SENATOR DiCARLO: Thank you, Mr.
22 President. It's indeed a pleasure to rise this
23 day to first recognize and thank somebody who I

1 believe will go down in history as the father of
2 the city of Staten Island. Let there be no
3 mistake that this is not something that was
4 arrived at haphazardly or quickly. This was a
5 long, long process; and I'm very proud of the
6 fact that I was permitted to be on the committee
7 with the Senator.

8 This is the bill. This is a lot
9 of hard, hard work that has gone into this.
10 This is something that I'm very proud that this
11 body is taking up. The issue of secession and
12 the city of Staten Island is something that I'm
13 in a peculiar position. I represent two
14 counties in New York State, two boroughs in the
15 present City of New York, one being the county
16 of Kings otherwise known as Brooklyn; the other
17 Richmond, known as Staten Island.

18 I am four-square solidly behind
19 the city of Staten Island, and I look forward to
20 the day as a State Senator that I can represent
21 the great City of New York and also the great
22 city of Staten Island.

23 This is an issue that has been

1 with us throughout our existence as Americans,
2 and it was put properly when it was unanimously
3 adopted, our forefathers on July 4, 1776, and
4 this also speaks to Staten Island:

5 "When in the course of human
6 events, it becomes necessary for one people to
7 dissolve the political bands which have
8 connected them with another and to assume among
9 the powers of the Earth the separate and equal
10 station to which the laws of Nature and Nature's
11 God entitled them, a decent respect to the
12 opinions of mankind requires that they should
13 declare the causes which impel them to
14 separation."

15 Well, those causes were put very
16 well put by Senator Marchi. When the Board of
17 Estimate of the City of New York was ruled
18 unconstitutional, the people of Staten Island
19 lost their power and their vote in the operation
20 of that greater city. Senator Marchi has taken
21 many, many years to put forward his bill on
22 secession.

23 A brief chronology of the

1 events: 1982, Board of Estimate case was
2 brought. 1989, the Supreme Court ruled the
3 Board of Estimate unconstitutional. 1990, both
4 houses, the Senate and the Assembly, passed
5 Chapters 773 and 17 authorizing the formal
6 process for Staten Island separation, and the
7 Governor signed the bill. 1990, the voters
8 approved on a referendum a study of secession
9 with 81 percent of the vote. In November of
10 1993, with 65 percent of the vote, the people of
11 Staten Island approved the charter, again, with
12 65 percent of the vote.

13 One of the issues that has been
14 raised, and we talk about politics and
15 politicians, but something that bothers me more
16 than anything is the fact that the people of
17 Staten Island who I represent did it the right
18 way. They did everything and Senator Marchi did
19 everything according to the law and according to
20 the way that people who understand government
21 said they should do it. Republicans and
22 Democrats, Upstaters and Downstaters, New York
23 City politicians and Upstate politicians went

1 along with this process.

2 To date the taxpayers of the
3 State of New York because they agreed to it have
4 spent \$1.5 million in the legal separation, the
5 process to separate and become its own entity,
6 the city of Staten Island. \$1.5 million, the
7 politicians in Albany allowed that money to be
8 spent.

9 This year we have an
10 appropriation in the budget, I believe, for half
11 a million dollars to continue this process.

12 So what happened? The
13 politicians in Albany said, "Okay, Staten
14 Island, we don't believe you're ever going to do
15 it, but we're saying you have the legal right to
16 do so, and here's the process," and the people
17 of Staten Island lived within that process, and
18 they went through the long, arduous task toward
19 secession, towards independence, and all the
20 politicians in Albany said, "You have the legal
21 right to do it." The Assembly said it
22 overwhelmingly. This body said it
23 overwhelmingly. The Governor of the state at

1 the time, Governor Cuomo, in his message said,
2 "The Legislature has decided overwhelmingly on
3 both sides of the aisle and in both houses that
4 the people of Staten Island should have the
5 opportunity to vote on the question of whether
6 they should be allowed to create a new and
7 separate city. It appears to be universally
8 accepted that they are justified in wanting to
9 consider separation from the City of New York.
10 They have been part of the city since 1898, but
11 a recent decision by the Supreme Court of the
12 United States dramatically changed Staten
13 Island's participation in city governance
14 reducing its equal vote on the board of estimate
15 to a relatively small participation in a new
16 city legislative body. That changed
17 circumstance, added to a long list of grievances
18 by the people of the island over the years,
19 moved the Legislature to adopt this bill."

20 So our constituents on Staten
21 Island followed what they were told by the
22 politicians up here in Albany to do. I'm very
23 proud of the fact that this body and this

1 leadership has allowed this bill to come to the
2 floor for a final vote, because this is what all
3 of the politicians said Staten Island had to do
4 in order to gain its independence.

5 Then lo and behold, we now find
6 that the same politicians in the other chamber
7 who were part of spending \$1.5 million to study
8 secession and now saying -- and after they voted
9 for it, are now saying, "Well, you know, people
10 of Staten Island, we were only kidding. We
11 never intended for you to have the ability to
12 secede. We spent a million and a half dollars
13 and we knew we'd never let you secede."

14 It is an absolute disgrace.
15 Absolute disgrace.

16 New York State Court of Appeals,
17 1938, to change the boundaries of the City of
18 New York either by contraction or expansion
19 touches it in its government and in the
20 property, using the word property in its widest
21 sense, as associated with jurisdiction; yet we
22 held in the City of New York versus the Village
23 of Lawrence, 250 New York 429, that a change of

1 boundary by the Legislature was not a law coming
2 within the home rule provision. 1913, for those
3 from the Bronx, when the Bronx wanted to
4 separate from New York County, otherwise known
5 as Manhattan, Court of Appeals, "The question
6 whether a county or township shall be divided
7 and a new one formed or two townships or school
8 districts formally one be reunited is always a
9 question which may be properly referred to the
10 voters of the municipality for decision."

11 The people of Staten Island under
12 the guidance of Senator Marchi have done
13 everything that the politicians in Albany
14 required of them. It is a cruel joke for now
15 the other house to say, "Well, we were only
16 kidding. We voted for you to have a
17 referendum. We voted to allow you to decide
18 your future. We voted this money to be spent
19 for the process, but you know what? We were
20 only kidding."

21 Now, after the people of Staten
22 Island have overwhelmingly voted for their
23 freedom for their own city of Staten Island, now

1 we have one body of this Legislature saying,
2 "You know what? It was all nothing but a joke."

3 It's not a joke. The history
4 books will be written, and the history books
5 will say that John Marchi was the father of
6 Staten Island. Mark my words. It might not
7 happen now. It might not happen this year, but
8 the city of Staten Island will be, and John
9 Marchi will be credited with that, and I am very
10 proud to be a co-sponsor of this bill with
11 Senator Marchi.

12 It's what we were sent to Albany
13 to do, to fulfill the wishes of our
14 constituents. Now, I am a very proud resident
15 of the county of Kings, the Borough of Brooklyn
16 and I'm very proud of my City of New York, but
17 I'm also very proud that the people of Staten
18 Island have voted to be their own, and I'm going
19 to be very proud to represent two cities, the
20 City of New York and the city of Staten Island.

21 I'm very proud of this bill. I
22 vote aye.

23 ACTING PRESIDENT KUHL: Chair

1 recognizes Senator Present.

2 SENATOR PRESENT: Mr. President.

3 Can we suspend the debate and call the last
4 section.

5 ACTING PRESIDENT KUHL: Secretary
6 will read the last section.

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

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 SENATOR PRESENT: Would you
13 recognize Senator Holland.

14 ACTING PRESIDENT KUHL: Senator
15 Holland, how do you vote?

16 SENATOR HOLLAND: I vote yes.

17 ACTING PRESIDENT KUHL: Senator
18 Holland will be recorded in the affirmative.

19 Senator Maziarz.

20 SENATOR MAZIARZ: I vote yes, Mr.
21 President.

22 ACTING PRESIDENT KUHL: Senator
23 Maziarz will be recorded in the affirmative.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: May I be
3 permitted to vote in the affirmative?

4 ACTING PRESIDENT KUHL: Senator
5 DeFrancisco in the affirmative.

6 Senator Nanula.

7 SENATOR NANULA: I would like to
8 be recorded in the negative.

9 ACTING PRESIDENT KUHL: Senator
10 Nanula in the negative.

11 Senator Present.

12 SENATOR PRESENT: Withdraw the
13 roll call.

14 ACTING PRESIDENT KUHL: Roll call
15 is withdrawn.

16 Resume debate on Calendar Number
17 363. The chair recognizes Senator Connor.

18 SENATOR CONNOR: Thank you, Mr.
19 President.

20 Mr. President. I had the
21 distinct privilege for ten years to represent
22 part of Staten Island, and I recognize that
23 Senator DiCarlo has only represented Staten

1 Island now for some, I guess, two years.

2 I do -- and I know Senator Marchi
3 will back me up on this. Reading the
4 Declaration of Independence with respect to
5 Staten Island is a very poor analogy, since it's
6 a well-known historical fact on and off Staten
7 Island that the residents of Staten Island
8 remained loyal to King George to the very last,
9 opposed the Declaration of Independence and
10 supported the Tories and the British throughout
11 the Revolution. Indeed, I believe the last
12 British presence in the United States was on
13 Staten Island, and the residents of Staten
14 Island wept bitter tears on evacuation day when
15 the last British troops withdrew several years
16 after the surrender at Yorktown, so -

17 But I encourage Senator DiCarlo,
18 as he represents in the coming years, if he
19 represents in the coming years, part of Staten
20 Island, to dig into the history of that
21 wonderful Island and get the facts down, but the
22 Declaration of I Independence and Staten Island
23 is a bad mix.

1 As Senator Marchi pointed out, I
2 did co-sponsor the legislation to study the
3 question of secession. Indeed, I served for, I
4 guess, three years on the commission, was
5 replaced by Senator Mega and Senator DiCarlo
6 replaced him. I believe I still have an
7 appointee of mine who is a member of the
8 commission, so that I am well acquainted with
9 the issue, well acquainted, really, with the
10 painstaking and very professional efforts of the
11 commission and its staff, and, indeed, it is a
12 first rate staff, and they did study all the
13 issue.

14 But, Mr. President, today I stand
15 before you an older and wiser Senator Martin
16 Connor, one who since leaving Staten Island some
17 three years ago have had time to reflect, look
18 back. I guess I've just become more
19 conservative, as I'm sure many of you have
20 noticed in this house in the last few years, and
21 really don't think that the separation of Staten
22 Island from the City of New York today is, one,
23 a wise and fair course for all the residents of

1 New York City, and I also have come to be
2 convinced by the Speaker's cogent arguments
3 regarding the home rule provisions of our
4 constitution that, in fact, this action, this
5 separation under the circumstances -- you know,
6 this is not like other little boundary
7 adjustments that have occurred before. This is
8 a major step regarding the major city in this
9 nation, certainly in the state, and I do believe
10 it does intimately affect the rights and the
11 property of the City of New York such that, in
12 reality, I think the proponents are addressing
13 the wrong court when they come before the
14 Legislature.

15 I'm not talking about the
16 Legislature's ultimate powers in this regard,
17 but I do think they ought to make their case in
18 the City Council first. They ought to get a
19 home rule message from the local legislative
20 body. I think that's the way to go.

21 Frankly, Mr. President -- and I
22 know there is no easy way to do this because it
23 has been a marriage of nearly 100 years, but the

1 reality is when that marriage occurred Staten
2 Island was quite largely rural. Indeed, today,
3 it has wonderful wetlands and hiking trails and
4 golf courses and green belt; but in those days,
5 back at the creation of greater New York in
6 1898, it was indeed rural, farming, very, very
7 sparsely populated; and the resulting City of
8 New York invested in infrastructure far in
9 disproportion to either the population of Staten
10 Island or the value of its ratables; and to
11 divine now a formula that Staten Island will
12 assume the city's debt in proportion to its
13 property tax ratables is just not a fair thing
14 to do.

15 Things like water tunnels,
16 schools, other infrastructure, were created and
17 paid for by the City of New York on behalf of
18 all of its residents far into disproportion to
19 Staten Island's share of the property tax burden
20 or, indeed, the value of the taxable property.
21 I won't argue -- and I believe that means that
22 the rest of the City of New York, the taxpayers
23 of the City of New York, in effect, would be

1 making an enormous contribution to this new city
2 such that they ought to really have their local
3 legislative body on their behalf state that they
4 are willing to make this gift.

5 And, secondly, I think -- but
6 it's not really for us to say -- that if you
7 look at the ratable situation in Staten Island,
8 there will be very substantial local property
9 tax increases in this new city of Staten
10 Island. Why I say it's perhaps not for us to
11 make, the residents have, indeed, spoken at the
12 ballot on that; and if they are willing to
13 assume that kind of burden, while I'm concerned
14 about it -- and I'm concerned about, frankly,
15 the creation of a whole new bureaucracy, a very
16 expensive governmental bureaucracy which any
17 city would have and this city would have, I
18 think that's within the province of the
19 residence of Staten Island to speak to. I think
20 the question of assumption of debt, division of
21 assets, is really one that does concern quite
22 directly the property of a local government, the
23 City of New York, and their ought to be a home

1 rule statement on that.

2 Absent that, absent any word from
3 the Mayor of the City of New York -- this issue
4 has been going on over three mayors now. We
5 always heard from Mayor Koch and Mayor Dinkins,
6 and the silence is deafening coming from Gracie
7 Mansion. But I think in the absence of that
8 kind of guidance, in the absence of the Mayor
9 rising to his responsibilities to let us know
10 what he thinks, that we are compelled to make
11 our own judgment, and my judgment, as an older
12 wiser legislator than perhaps I was a few years
13 ago -- although the position, I would note, is
14 not inconsistent. I think it was fair to study
15 such an important issue. The study is in. The
16 results are in, and I'm not convinced;
17 therefore, I do intend to vote no on this, Mr.
18 President.

19 ACTING PRESIDENT KUHL: Chair
20 recognizes Senator Waldon on the bill.

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

23 Would the erudite Senator from

1 Richmond yield to a question or two?

2 SENATOR MARCHI: Yes, Mr.

3 President.

4 ACTING PRESIDENT KUHL: Senator

5 Marchi yields.

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

8 Senator Marchi, are you certain
9 that the people of Staten Island want you to go
10 forward with this legislation?

11 SENATOR MARCHI: Am I certain?

12 Yes. The vote was 65 percent. There was a
13 very, very heavy participation by the voters.
14 It wasn't a vote by a small segment of the
15 population. They voted, and they voted en
16 masse. I would say that the percentage would be
17 far higher. There were a number of people -
18 because it was a studied campaign at that time
19 that attempted to indicate the -- that their
20 property values, the homeowner would be paying
21 double and triple. They were comparing it to
22 assessed valuation in surrounding communities,
23 ignoring the fact that we would still carry an

1 income tax. They were also frightening many of
2 the public employees, saying that they would be
3 sacrificed. They would be losing whatever -- so
4 that, that element that value attended to
5 attenuate.

6 If anything, 65 percent only
7 tells part of the story. With full knowledge,
8 the percentage is far higher, but the
9 participation of the voter was almost exactly
10 the same as voting on candidates. You know,
11 sometimes these amendments and other questions
12 suffer because maybe you have 10, 15, 20
13 percent. This was a very, very heavy turnout
14 and very deeply felt.

15 I don't know, if you know people
16 in Staten Island, but I think that we'll all
17 attest to the fact that it was a very, very
18 sincere and genuine expression in volume on the
19 part of the public in Staten Island relying in
20 good faith, in good faith, on everything that
21 had been developed.

22 I know that Senator Connor
23 mentioned that things have changed and we see a

1 lot of things. I'm saying we did everything
2 that was requested of us. There was a
3 Legislature -- I mean two different Legislatures
4 supplied the foundation for the study and
5 everything that we did, and we delivered
6 everything that was requested of us.

7 Now, how can we be that -- you
8 know, as Senator DiCarlo has said it very aptly,
9 I think, were we only kidding or we have some
10 different ideas. We have in good faith
11 complied.

12 We demand that there be a good
13 faith response, nothing more.

14 SENATOR WALDON: Mr. President.
15 Would the Senator yield again?

16 ACTING PRESIDENT KUHL: Senator
17 Marchi, do you continue to yield?

18 SENATOR MARCHI: Yes.

19 ACTING PRESIDENT KUHL: Senator
20 continues to yield.

21 SENATOR WALDON: Senator, as a
22 result of your explanation just now, would I be
23 accurate in characterizing your sponsorship,

1 your zeal, your commitment, as indicative that
2 you feel that it is your mandate from the people
3 of Staten Island, even if you personally felt
4 counter to this move to secede, but it is your
5 mandate from the people of Staten Island that
6 you move forward with the secession?

7 SENATOR MARCHI: Senator, I would
8 not have invested as totally as I did for many
9 years. I mean I did an enormous amount of work
10 between 1989 and '90 when we formulated our
11 commission and then did the nuts and bolts work
12 of constructing this new city. But the work I
13 did in the Federal Courts attempting to keep the
14 city together, to at least give us the Board of
15 Estimate. I thought we had some very excellent
16 arguments.

17 Maybe I'm emotionally involved,
18 but I am very much involved; and when people
19 were saying, "Well, you're not serious?" or "You
20 don't think it has a chance?" we're here, you
21 know. Unless there was a commitment in good
22 faith in this, we wouldn't be here discussing
23 this issue.

1 SENATOR WALDON: Thank you very
2 much, Senator Marchi.

3 Mr. President. On the bill.

4 ACTING PRESIDENT KUHL: Senator
5 Waldon on the bill.

6 SENATOR WALDON: I appreciate the
7 work, the effort of Senator Marchi. I think
8 those of you who have watched me in this chamber
9 over the course of the last few years recognize
10 that I really feel it is imperative to respect
11 the wishes of folk from various parts of the
12 state; therefore, when there is a home rule
13 message or when someone says, "My area needs
14 this," I don't think you will ever see -- or if
15 it has ever happened, it is extremely rare -
16 that I voted against the interests on a local
17 issue of one of our colleagues.

18 I respect what Senator Marchi has
19 done. I recognize the importance of following
20 the will of the people that you represent. I
21 wish we had more of that here. I wish that each
22 of us would always be as sensitive even if we
23 could not defer to the wishes of a particular

1 constituency which is motivating a Senator to do
2 as he or she feels compelled to do.

3 I did not support this in the
4 past, but I am going to support it now. I have
5 become more educated about the issue. I have
6 become more sensitive to the issue. I recognize
7 that if the people of Staten Island really want
8 this, than who am I to interfere with the real
9 desire, the heartfelt expressions of the people
10 who reside there.

11 I have had some good times in
12 Staten Island, Senator Marchi. There is a place
13 called South Beach. When I was growing up in
14 the Sanctified Church, the Church of God and
15 Christ in Brooklyn Reverend Reading used to feel
16 it was good for the little kids to be able to go
17 to a beach in a good environment. He never took
18 us to Coney Island. He always took us to South
19 Beach. I remember playing as the captain of the
20 freshman team in City College. We went to Tote
21 Hill to play Wagner College, and the second best
22 game I had as the captain of that freshman team
23 was against Wagner. The best game was against

1 Manhattan College when John Powers was the
2 captain of the freshman team and the high scorer
3 there, and I smoked in both of those games.
4 Smoked, Senator, means that I a very good game;
5 I scored a lot of points. I want you to
6 understand that.

7 The point I'm trying to make is
8 that on this issue at this time, I'm going to
9 recognize your wisdom. More importantly, I'm
10 going to recognize and appreciate your
11 commitment, that of Senator DiCarlo and Eric
12 Vitaliano and Bobby Straniere and Betty Connelly
13 whom I admire and respect in the Assembly. I
14 didn't hear the Mayor say it shouldn't be done.
15 He didn't write me. He didn't call me. So I
16 have to believe that somehow impliedly he is
17 going along with what you are offering here for
18 us to consider.

19 I think this is historic; and if
20 they say in future years, Moses Marchi was the
21 creator of the city of Staten Island, that's
22 fine, too. I will follow your lead this time;
23 and when it is appropriate a little later in

1 this session to vote, I will support you,
2 Senator Marchi, and I will vote yes on this
3 bill.

4 Thank you, Mr. President.

5 ACTING PRESIDENT KUHL: Chair
6 recognizes Senator LaValle.

7 SENATOR LAVALLE: Thank you, Mr.
8 President. I certainly rise to support Senator
9 Marchi and have watched with great admiration
10 over the years the work that he has done on this
11 issue, but I think, even more importantly, the
12 people of Staten Island are so fortunate to have
13 his representation, not only on this issue but
14 each of the issues that come before this body
15 because Senator Marchi has shown his
16 steadfastness in pursuing this. He has been
17 methodical in the way he has approached the
18 secession for Staten Island; and as Senator
19 DiCarlo indicated by holding up the bill, the
20 depth and breath of the research and the work
21 that has been done is probably unprecedented on
22 a single piece of legislation such as this.

23 I, of course, have followed

1 Senator Marchi's work because we have debated on
2 this floor on a few occasions the secession of
3 the five eastern towns in Suffolk County in what
4 we hope will some day become Peconic County, and
5 we have just finished the study on the economic
6 implications of whether it would be cost
7 effective for the five eastern towns to secede,
8 and it is not an easy -- there are many issues
9 that cannot be decided by even some of the best
10 consultants and some of the people talking about
11 these issues, and so there has to be debate and,
12 in some cases I'm afraid we could debate the
13 division of debt service and assets and
14 buildings infinitum without any exactness and
15 clear-cut what the implications are. We know
16 that, I think, after this first and very cursory
17 search for Peconic County.

18 But I can tell you that there is
19 no issue that I have been involved with back
20 home in Suffolk County that has brought about
21 more excitement in the people who have served on
22 committees exploring the implications of the
23 creation of a new county, and the involvement of

1 these people. The issue goes to beyond dollars
2 and-cents representation and whether people will
3 be able to find what it is that moved them to
4 live in a particular place, the lifestyle, their
5 ability to be involved in the governmental
6 decisions. In Suffolk County and Peconic County
7 in a 18-body county legislature, the most the
8 five eastern towns will ever have are two votes
9 on a 18-member body; and so for the people to
10 follow their hopes, their dreams and their
11 aspirations, it will be very, very difficult to
12 have two county legislators in a 18-member
13 body.

14 And, so, Senator Marchi, you are
15 paving the way. The work that you are doing and
16 in some cases things that may be a leap of faith
17 because we don't have exact conclusions on what
18 will happen, many people throughout this state
19 and certainly the five eastern towns in Suffolk
20 County are following what you are doing.

21 The research we have done -
22 people talked about home rule messages. On this
23 floor when we debated the Peconic County

1 legislation, our research showed that we in this
2 Legislature have the ability to create political
3 subdivisions such as was done in Bronx County
4 and in other areas; and what greater when we
5 talk about how do the people feel -- the
6 question was asked of Senator Marchi -- 65
7 percent of the people said aye. I don't think
8 you can find a more enthusiastic affirmation on
9 an issue to get 65 percent of the people.

10 So I think it's very clear what
11 the people of Staten Island are saying and how
12 they hope that they can find a governance system
13 that will allow them to find their hopes and
14 dreams and aspirations.

15 And so, Senator Marchi, I rise
16 with great enthusiasm today to support you in
17 this legislation.

18 ACTING PRESIDENT KUHL: Chair
19 recognizes Senator Dollinger.

20 SENATOR DOLLINGER: Mr.
21 President. Will Senator Marchi yield to just
22 one question?

23 ACTING PRESIDENT KUHL: Senator

1 Marchi, do you yield to a question from Senator
2 Dollinger?

3 The Senator yields.

4 SENATOR DOLLINGER: Senator, I
5 apologize for perhaps not being better versed in
6 this, but one of the sections, 9, of this bill
7 would amend the County Law to provide for the
8 treatment of Richmond County to be similar to
9 that afforded the counties within cities with a
10 population of a million or more. Could you just
11 explain to me what the effect of that portion of
12 this is?

13 SENATOR MARCHI: The facilitation
14 of the status quo on taxation, on what are the
15 existing practices.

16 SENATOR DOLLINGER: I guess the
17 substance of my question is, in a sense Richmond
18 County wants to be treated like it were part of
19 the city of New York even though it would be
20 its own city, because we've passed, as you know,
21 a whole bunch of laws, and I'm sure you're well
22 familiar with them, that only apply to
23 communities that have more than a million people

1 in them. This is the New York City bills.

2 SENATOR MARCHI: Yes. This is
3 solely generous, really, because every county in
4 the State of New York has cities. New York City
5 has counties within the city, and it's probably
6 a fuzzy difference where -- this kind of an
7 arrangement. I guess it's unique in the United
8 States, really.

9 SENATOR DOLLINGER: It's really
10 been designed to preserve the status quo, again,
11 through you, Mr. President.

12 SENATOR MARCHI: Yes.

13 SENATOR DOLLINGER: Mr.
14 President. On the bill.

15 ACTING PRESIDENT KUHL: Senator
16 Dollinger on the bill.

17 SENATOR DOLLINGER: I have a
18 great deal of sympathy for Senator Marchi's
19 position, as well as the position articulated by
20 Senator LaValle.

21 ACTING PRESIDENT KUHL: Senator
22 Dollinger, may I interrupt?

23 SENATOR DOLLINGER: I will be

1 glad to yield, Mr. President, as I see the
2 Deputy Majority Leader -

3 ACTING PRESIDENT KUHL: Senator
4 Skelos.

5 SENATOR SKELOS: Could you have
6 the last section read for the purpose of Senator
7 Lack voting.

8 ACTING PRESIDENT KUHL: Secretary
9 will read the last section.

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT KUHL: Senator
16 Skelos.

17 SENATOR SKELOS: Would you
18 recognize Senator Lack.

19 ACTING PRESIDENT KUHL: Senator
20 Lack, how do you vote?

21 SENATOR LACK: Aye.

22 ACTING PRESIDENT KUHL: Senator
23 Lack will be a recorded in the affirmative.

1 SENATOR SKELOS: Senator

2 Stafford.

3 ACTING PRESIDENT KUHL: Senator

4 Stafford, how do you vote?

5 SENATOR STAFFORD: Aye.

6 ACTING PRESIDENT KUHL: Senator

7 Stafford will be recorded in the affirmative.

8 Senator Stavisky, how do you

9 vote?

10 SENATOR STAVISKY: No.

11 ACTING PRESIDENT KUHL: Senator

12 Stavisky will be recorded in the negative.

13 Senator Johnson, how do you

14 vote?

15 SENATOR JOHNSON: Aye.

16 ACTING PRESIDENT KUHL: Senator

17 Johnson will be recorded in the affirmative.

18 SENATOR SKELOS: Senator Wright,

19 please.

20 ACTING PRESIDENT KUHL: Senator

21 Wright.

22 SENATOR WRIGHT: Aye.

23 ACTING PRESIDENT KUHL: Senator

1 Wright will be recorded in the affirmative.

2 Senator Kruger.

3 SENATOR DOLLINGER: Mr.
4 President. Can I infer from this they think
5 I'll talk for some time?

6 SENATOR KRUGER: No.

7 ACTING PRESIDENT KUHL: Senator
8 Dollinger, a lot of your colleagues apparently
9 are bailing out.

10 (Laughter.)

11 SENATOR DOLLINGER: I'm winding
12 up, Mr. President.

13 ACTING PRESIDENT KUHL: There's
14 no offense intended, but -

15 Senator Kruger, how do you vote?

16 SENATOR KRUGER: No.

17 ACTING PRESIDENT KUHL: Senator
18 Kruger in the negative.

19 Senator Babbush, how do you
20 vote?

21 SENATOR BABBUSH: No.

22 ACTING PRESIDENT KUHL: Senator
23 Babbush will be recorded in the negative.

1 Roll call is withdrawn. Debate
2 continued.

3 Chair recognizes Senator
4 Dollinger to speak to the empty house.

5 SENATOR DOLLINGER: I will be
6 known as the Senator who cleared the house?

7 Mr. President. I have a great
8 deal of sympathy for the comments that were made
9 by Senator LaValle as well as Senator Marchi's
10 discussion about the relationship between Staten
11 Island and the Board of Estimate.

12 Unfortunately, from my
13 perspective, the comments made by Senator
14 LaValle with respect to the eastern portion of
15 Suffolk County and the comments made about
16 Staten Island could be true anywhere in this
17 state. I represent a city. It has
18 neighborhoods. It has well-defined
19 neighborhoods. Those neighborhoods could at any
20 time sit down and say, "We no longer want to be
21 a part of the city of Rochester and we would
22 love to be able to secede from the city of
23 Rochester."

1 The two votes that Senator
2 LaValle talked about, the fact that the eastern
3 towns in Suffolk County may never have more than
4 two votes in the Suffolk County Legislature that
5 comment can be made about the Town of Brighton,
6 which I represent, which can argue that it only
7 has one vote in the Monroe County Legislature,
8 and as a consequence, it should seek to withdraw
9 from Monroe County and form its own county. Any
10 level of government that doesn't have a position
11 of control can say we're not being dealt with
12 fairly because we don't have enough
13 representation.

14 It seems to me that's not the
15 argument that we should be looking at. From my
16 point of view, in an era when what we ought to
17 be doing is consolidating governments and saving
18 money, what we run the risk of is fracturing
19 government, creating additional levels of
20 government.

21 I point out that I voted against
22 the creation of the Karais Joel School District
23 because I don't think we should be creating more

1 school districts. I'm going to vote against the
2 creation of a city of Staten Island because I
3 don't think we ought to be creating more
4 cities. I think we ought to be looking at
5 consolidation as a way to solve the problem.

6 I understand the sentiments of
7 the people of Staten Island. I understand the
8 strength of those sentiments. I understand how
9 the Board of Estimates may have given them
10 expectations about their role in the City of New
11 York, but my view is the "one man one vote"
12 principle is the right principle. It's the
13 right idea, it brings us together, brings us
14 together with proportional strength based on our
15 numbers and based on the changes that occur in
16 this country, and I think we do a disservice
17 when we fracture our governments further.

18 And the notion that somehow
19 Staten Island has a special position, I
20 understand the sentiments of the people on the
21 Island, but I believe that their argument about
22 lack of power and representational government
23 can be expanded to any group in any organization

1 where they don't actually have control of the
2 political process.

3 So under those circumstances, Mr.
4 President, and also because to some extent I
5 think we have to look to guidance from the Mayor
6 of the City of New York. As Senator Connor
7 pointed out, I'm not so sure I would vote to
8 take away any portion of the city of Rochester
9 unless the mayor of the city of Rochester at
10 least told me how he felt about it; and because
11 I represent a city, a city that could have the
12 same kind of fracturing problem that occurs in
13 New York City, the same kind of fracturing
14 that's posed by this bill, Mr. President, I will
15 be voting in the negative.

16 I do so with some regret because
17 I know that Senator Marchi has worked on this
18 for a long time. I applaud your diligent
19 efforts on behalf of your constituents. But at
20 least at this stage, at this time, in this
21 state, at this time in my view of government, I
22 think we ought to be consolidating rather than
23 fracturing our governments further, and I will

1 be voting no, Mr. President.

2 ACTING PRESIDENT KUHL: The Chair
3 recognizes Senator Skelos.

4 SENATOR SKELOS: Mr. President,
5 Senator Paterson has informed me that no other
6 member of the Minority wishes to debate the bill
7 at this time so, if we could, at this time
8 Senator Marchi will close.

9 ACTING PRESIDENT KUHL: The Chair
10 recognizes Senator Marchi to close debate on
11 Calendar Number 363.

12 Senator Marchi.

13 SENATOR MARCHI: I listened with
14 interest to your remarks, Senator Dollinger.
15 It's difficult to analogize the circumstances.
16 Virtually all of the members of the Legislature
17 out of the -- outside the city of New York have
18 -- can relate to identifiable communities, so
19 that the absence of a voice -- you know, 400,000
20 people is -- represents many, many counties or
21 -- it's a giant -- it's a giant population, and
22 the only representation they have are two and a
23 fraction councilmen in a body of 51 members.

1 These are staggering facts that
2 underlie the dilemma that we have. I agree with
3 you, I didn't -- I didn't -- it's not that I was
4 at war with the one man, one vote. I argued
5 very eloquently, I think, in my own impoverished
6 way when I was younger and I did it better. I
7 thought it made eminent sense. People should be
8 represented fully and in the spirit in which you
9 said it, no question about that, but where does
10 that leave us? Where does that leave us?

11 We cannot live in a city where
12 we're -- our county concerns -- Do you realize
13 that if one of our councilmen has an issue, he
14 has the support of the other councilmen, but in
15 the city -- in the large counties where they -
16 where they -- Brooklyn, I think, has over 22 or
17 23 council members. These are big counties, so
18 that they have -- automatically you get a
19 certain support from your fellow members in the
20 -- within the borough, so we don't have that.
21 I mean put us all together, we have two and a
22 fraction, two and a fraction. Very -- it's a
23 very difficult task. So I'm not quarreling with

1 the decision of the Supreme Court.

2 As a matter of fact, at that time
3 I wrote a letter. I said, "Well, now you've
4 established the principle. Hallelujah!" I
5 wrote to each member of the Supreme Court and I
6 said, "The only thing is that perhaps you may be
7 sundering a city."

8 I received a letter from Judge
9 Souter, who had -- he wrote back, they all wrote
10 back, very nice letters, acknowledgments, and
11 Souter said, "Well, look, don't blame me," he
12 said. "I don't take credit or blame," he said,
13 "because I wasn't a member at the time that the
14 issue arose, but I did follow you in the '60s,"
15 which shows he's a lot younger than I am.

16 But, in any event, I would like
17 to -- maybe it's an imposition at this hour, but
18 I would like to read to you the Charter of the
19 city of Staten Island. Why? Because the
20 preamble -- because I wrote it and I put my
21 heart into this thing.

22 "The people of Staten Island,
23 exercising their right to propose a government

1 of their choosing through which all people can
2 be effectively represented, do hereby adopt this
3 Charter.

4 "The birth of a city must, of
5 necessity, take place in an aura of excitement
6 and great expectations when it occurs at a time
7 when society's experiencing strong institutional
8 challenges. In a climate of skepticism, it
9 places heavy burdens on those responsible for
10 leadership to sustain a commitment by the people
11 to live and function together as a community.

12 "The provision of a structure of
13 governance at the local level is an extraordin
14 ary and crucial responsibility. Sophocles --"
15 Well, I don't see Senator Skelos. "Sophocles
16 wisely observed that 'the city is the people.'"
17 Those are within quotes.

18 "The city of Staten Island must
19 place a high premium on assuring meaningful
20 participation of its citizenry in governmental
21 decisions affecting their lives.

22 "We must respect the principles
23 of equality and the social dignity of all of our

1 residents and provide them with a complete
2 development of the individual, promoting actions
3 which favor the advancement of men and women in
4 realizing their fullest potential.

5 "We must embrace policies that
6 promote and give effectiveness to the rights of
7 every person, with particular attention to those
8 who face special challenges in striving for a
9 full life.

10 "We must assert a policy of
11 favoring equal opportunity employment for all
12 women and men.

13 "We must foster a culture that
14 is peaceful and non-violent and that safeguards
15 the rights of all inhabitants to carry out their
16 lawful activities on Staten Island.

17 "We should give strong
18 supportive efforts for the conservation and
19 defense of the environment along with
20 advancement of the cultural and natural values
21 that sustain them.

22 "We consent to be governed by
23 the new municipality in the belief that a

1 smaller, localized city government may
2 effectively and responsibly balance the needs of
3 the people with the cost of providing municipal
4 services.

5 "The city of Staten Island can
6 serve as a model for the promotion of the common
7 welfare, the guarantor of individual liberties
8 and the guardian of the social, spiritual,
9 economic and cultural concerns of its
10 inhabitants.

11 "We believe this act of self
12 determination to be in the best interests of the
13 people of Staten Island and the people of the
14 city of New York. We hope together as sister
15 cities we can work cooperatively in efforts of
16 regional concern and the betterment of New York
17 State."

18 I authored this, and I think it
19 sums up my personal attitude and the commission
20 accepted it as an appropriate preamble to the
21 charter that we had formulated.

22 In your absence, Senator, I did
23 quote Sophocles.

1 SENATOR SKELOS: Thank you.

2 SENATOR MARCHI: Well, we have it
3 even in the case law of this state. I believe
4 it was in 1890 in the Court of Appeals of the
5 state of New York, when the presiding justice
6 said that our community -- our communities are
7 the cradles and the nurseries of liberty, and to
8 the extent that we can make it meaningful and
9 significant, that, I think, has characterized
10 the American system.

11 New York City is an unusual
12 city. I'm very proud of New York City. I ran
13 for mayor of New York City and, certainly, the
14 affinity is great and meaningful.

15 You mentioned the fact or someone
16 mentioned the fact that the mayors have been
17 strangely silent. In fact, I told -- when I
18 discussed this issue with each and every mayor,
19 I said, "Look, I wouldn't feel very good if you
20 said go. We're not going to object. I feel
21 that you're -- the fact that you want us in is
22 something sincere and that comes from the
23 heart."

1 Mayor Giuliani said he would not
2 attempt to block and, in fact, he has not
3 attempted to block, but he has also said that,
4 "I would do everything possible to -- to invite
5 your continued presence in the city of New
6 York."

7 So I had no quarrel with Mayor
8 Koch or Mayor Dinkins, and all three individuals
9 are friends of mine and I think you will know -
10 you will see that, in any action that comes
11 before us on this floor, you will find me on the
12 side of helping a "sister city", as we refer to
13 it in the preamble; but it's the fascination
14 that -- that, I think, the whole world respects
15 in the United States, the fact that there is,
16 even in the smallest community -- I had a -
17 when we were holding some of the hearings on
18 Staten Island, I had a picture of Sherrill. I
19 don't know who represents Sherrill, perhaps
20 Senator Stafford. Perhaps, yeah. That's a
21 little city of 2,600 people, and there was a
22 little girl there about seven or eight years old
23 who made a statement about her pride in being in

1 this little city. It's the smallest city of the
2 state of New York, Sherrill, New York, and she
3 shared her pride in the fact that she belonged
4 to this city and that she was an inhabitant of
5 the city of Sherrill, and there, of course,
6 government and people and society is very
7 close. Certainly the dimensions of size -- you
8 don't have Athenian democracy, but almost,
9 probably as close as you can possibly get to
10 it.

11 This is the -- this is the spirit
12 that animates us. This is the spirit that I
13 trust will animate my colleagues as they rally
14 to the -- to this forum to pronounce their
15 judgment, and we have to take pride.

16 Now, I know that Senator Connor
17 mentioned that the state of New York -- that
18 Staten Island was not the analogy of -- the
19 Declaration of Independence was not analogous to
20 Staten Island. I remember that I went to speak
21 before the Sons of the Revolution at Fraunces
22 Tavern in New York, and I started in by telling
23 them -- I said, "No one has yet to prove to me

1 that taxation with representation is any better
2 than taxation without it." They -- they were -
3 it was a very cordial exchange and we left on
4 the best of terms.

5 I thank you for your forbearance,
6 especially during the reading of the preamble,
7 and I thank you for the attentiveness and the
8 manner in which you've addressed this issue.
9 Whether you were on one side or the other, it
10 was always -- it was done in good taste and, I
11 think, with evident sincerity.

12 Thank you.

13 ACTING PRESIDENT KUHL: The
14 Secretary will read the last section.

15 SENATOR PATERSON: Slow roll
16 call, Mr. President.

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT KUHL: Senator
23 Paterson, are you asking for a slow roll call?

1 Are there five members? There are five members
2 standing.

3 I'll ask the Secretary to call
4 the roll slowly.

5 THE SECRETARY: Senator Abate,
6 excused.

7 Senator Babbush recorded in the
8 negative earlier today.

9 Senator Bruno.

10 (Affirmative indication.)

11 THE SECRETARY: In the
12 affirmative.

13 Senator Connor.

14 (Negative indication.)

15 THE SECRETARY: In the negative.

16 Senator Cook.

17 SENATOR COOK: Mr. President.

18 ACTING PRESIDENT KUHL: The Chair
19 recognizes Senator Cook to explain his vote.

20 SENATOR COOK: Mr. President, as
21 one of those persons who lives in a section of
22 New York State that is not officially part of
23 New York City but over which they, nevertheless,

1 try to exercise their governance, I have great
2 sympathy with the people of Staten Island, and I
3 enthusiastically vote in the affirmative.

4 ACTING PRESIDENT KUHL: Senator
5 Cook will be recorded in the affirmative.

6 The Secretary will continue to
7 call the roll slowly.

8 THE SECRETARY: Senator
9 DeFrancisco recorded in the affirmative earlier
10 today.

11 Senator DiCarlo.

12 SENATOR DiCARLO: Mr. President.

13 ACTING PRESIDENT KUHL: The Chair
14 recognizes Senator DiCarlo to explain his vote.

15 SENATOR DiCARLO: Mr. President,
16 as I said earlier, it's a very proud day for me
17 to be a small part in this creation of a new
18 city along with Senator Marchi.

19 I do it for the reasons which I
20 stated earlier and in -- just in brief response
21 to the Minority Leader, Senator Connor, I do
22 understand history and I think it was the
23 residents of Manhattan who held out longer, or I

1 would like to think that, than the residents of
2 Staten Island or Brooklyn with the British.

3 Also, I didn't have with me
4 copies of press releases or letters that the
5 Senator had done while he was a representative
6 of the borough of Staten Island, in which he
7 said that he was supportive, I believe, of
8 Staten Island becoming its own city. He says he
9 has matured with age. I surely hope so.

10 I vote aye.

11 ACTING PRESIDENT KUHL: Senator
12 DiCarlo will be recorded in the affirmative.

13 The Secretary will continue to
14 call the roll slowly.

15 THE SECRETARY: Senator
16 Dollinger.

17 SENATOR DOLLINGER: Mr.
18 President, just to explain -

19 ACTING PRESIDENT KUHL: Senator
20 Dollinger to explain his vote.

21 SENATOR DOLLINGER: My views on
22 the issue were well-known. I'll just say
23 something personally to Senator Marchi.

1 I vote against this bill today
2 not to deny you the title of the Father of
3 Staten Island, but instead in recognition of
4 what, I think, I hope and I know will be your
5 title in this state, that you will be known as
6 one of the great men of the city of New York, a
7 man who has run for mayor, a man who has
8 vigorously represented his constituents and a
9 man who was a voice for a great portion of the
10 city of New York.

11 Unfortunately, I, for the reasons
12 expressed and my own philosophical views of
13 fracturing government, I'm going to vote no, but
14 I think that that is a wonderful title and a
15 wonderful culmination of your career to have
16 that title alone, one that you have well
17 merited.

18 I'm voting in the negative.

19 ACTING PRESIDENT KUHL: Senator
20 Dollinger will be recorded in the negative.

21 The Secretary will continue to
22 call the roll slowly.

23 THE SECRETARY: Senator Espada,

1 excused.

2 Senator Farley.

3 ACTING PRESIDENT KUHL: Senator
4 Farley to explain his vote.

5 SENATOR FARLEY: Thank you, Mr.
6 President.

7 It's a pleasure to rise and
8 support Senator Marchi, one of the great
9 treasures of this whole Legislature who served
10 here longer than any other member, who's a
11 legend in Staten Island, literally a legend.

12 When somebody -- one of my
13 students comes from Senator -- from Staten
14 Island. He asked me if I know Senator Marchi,
15 and with pride I say I do; and I want to say
16 that a few years ago -- I think it was last
17 year, I'm not sure -- Senator Connor in an
18 impassioned speech really convinced me of the
19 merit of what you're trying to do here, Senator
20 Marchi, and it was with that that I
21 enthusiastically was convinced by Senator Connor
22 that Staten Island should become its own city.

23 It will be -- it's unique. It is

1 unique from the other boroughs. It's more like
2 upstate New York, as a matter of fact, by the
3 amount of automobiles that are owned by its
4 residents and the homes, and so forth. I think
5 that they're entitled to this. I think that
6 everybody in here supports the idea that the
7 government that is closest to the people is the
8 best government. I think we, generally
9 speaking, all concur in that, and certainly the
10 people of Staten Island are enthusiastically in
11 favor of their independence, and I think that
12 this Legislature and this government ought to
13 give them that.

14 I vote aye.

15 ACTING PRESIDENT KUHL: Senator
16 Farley will be recorded in the affirmative.

17 The Secretary will continue to
18 call the roll slowly.

19 THE SECRETARY: Senator Galiber.

20 (There was no response.)

21 Senator Gold recorded in the
22 negative earlier today.

23 Senator Gonzalez.

1 (There was no response.)
2 Senator Goodman, excused.
3 Senator Hannon.
4 SENATOR HANNON: Yes.
5 THE SECRETARY: Senator Hoblock.
6 SENATOR HOBLOCK: Yes.
7 THE SECRETARY: Senator Hoffmann,
8 excused.
9 Senator Holland recorded in the
10 affirmative earlier today.
11 Senator Johnson recorded in the
12 affirmative earlier today.
13 Senator Jones.
14 (Negative indication.)
15 THE SECRETARY: Senator Kruger
16 recorded in the negative earlier today.
17 Senator Kuhl.
18 SENATOR KUHL: Aye.
19 THE SECRETARY: Senator Lack
20 recorded in the affirmative earlier today.
21 Senator Larkin.
22 SENATOR LARKIN: Aye.
23 THE SECRETARY: Senator LaValle.

1 SENATOR LAVALLE: Aye.

2 THE SECRETARY: Senator Leibell.

3 SENATOR LEIBELL: Aye.

4 THE SECRETARY: Senator Leichter,
5 excused.

6 Senator Levy.

7 SENATOR LEVY: Aye.

8 THE SECRETARY: Senator Libous.

9 SENATOR LIBOUS: Aye.

10 THE SECRETARY: Senator Maltese.

11 (There was no response.)

12 Senator Marcellino.

13 ACTING PRESIDENT KUHL: Senator
14 Marcellino to explain his vote.

15 SENATOR MARCELLINO: Mr.
16 President, if I didn't rise to explain this vote
17 and to urge the support of John Marchi my
18 relatives, many though they may be, who live on
19 Staten Island, would rise up and move into my
20 district and probably vote against me. So I
21 have to do this, and I do this with pleasure
22 because, although I haven't had the privilege of
23 serving with Senator Marchi for very long, I've

1 known of his accomplishments and I read about
2 him for many years. He certainly is to be
3 honored in the work he has done on behalf of the
4 people of Staten Island and their desire to
5 secede is to his credit and to his honor.

6 We've heard a lot of arguments,
7 some who have said that we've fractioned
8 government by allowing the city to separate.
9 It's almost as if they're saying bigger is
10 better. It would be my contention that
11 government should be as close to the people as
12 possible and that, within reasonable limits,
13 bigger is not necessarily better; but that if
14 you can get a unit that is close to the
15 population, that is self-sustainable and can
16 handle the situation, as the people of Staten
17 Island have proven they can, I think you owe it
18 to them to allow them the right to secede, and I
19 look to my Senator -- my fellow Senator from
20 Long Island, from the east end, Senator LaValle,
21 and agree with his contention about the Peconic
22 County and will rise at that point in time,
23 hopefully, to be able to support that motion as

1 well in that movement.

2 This is a good day and a proud
3 day and I hope this motion carries. I vote aye.

4 ACTING PRESIDENT KUHL: Senator
5 Marcellino recorded in the affirmative.

6 The Secretary will continue to
7 call the roll.

8 THE SECRETARY: Senator Marchi.

9 SENATOR MARCHI: Aye.

10 THE SECRETARY: Senator
11 Markowitz.

12 SENATOR MARKOWITZ: Mr.
13 President.

14 ACTING PRESIDENT KUHL: Senator
15 Markowitz to explain his vote.

16 SENATOR MARKOWITZ: Thank you
17 very much.

18 Somehow, Senator Marchi, no
19 matter how much great respect I have for you, I
20 have some very definite feelings on this issue.

21 Maybe the answer should be to
22 make Staten Island part of New Jersey rather
23 than stay in the state of New York, I don't

1 know. I wonder if my colleagues would agree
2 with that?

3 Secondly, maybe the answer is not
4 to make Staten Island independent but to rip
5 down the Verrazano Bridge. It could be, knowing
6 some of the residents in your beautiful borough,
7 they still are bitter, many of them, about the
8 construction of the Verrazano Bridge. Maybe
9 with the right federal assistance from your
10 government down in the Congress, maybe they will
11 provide funds to rip down the Verrazano Bridge,
12 and I have a hunch that the residents of Staten
13 Island, those that are vocal on this subject,
14 would probably remain in the city of New York if
15 the bridge were down.

16 But in all seriousness, if there
17 was a county that should be free, it should be
18 Kings County, not Richmond County. If we're
19 really talking about who should be free, it
20 should be the 2.4 million people living in
21 Brooklyn, New York, Kings County, but the truth
22 of the matter is that I know, since I have
23 relatives and friends in Staten Island, Senator

1 Marchi, I understand -- I don't accept but I
2 understand some of their rationale for not
3 wanting to be part of our metropolitan New York
4 City. We know. I don't want to go into heavy
5 duty debates here, but I think many of us
6 understand some of the motivations.

7 I think that those that brought
8 the City together as a unit had the great wisdom
9 back then, Senator Marchi, and continue to have,
10 Senator, good wisdom to remain in the city of
11 New York. We want to maintain a multi-cultural
12 city, Senator Marchi, a multi-cultural city.
13 That means we go from the most urban to -- I
14 wouldn't call Staten Island rural, and I just
15 heard a comment that it's more like upstate New
16 York. That's not true. It's not true. Any of
17 you that have ever visited Staten Island, you
18 can't compare Staten Island with upstaters.
19 They are not upstaters. They are sophisticated
20 New York City residents, that's what they are,
21 who choose to live in a borough -- who choose to
22 live in a borough that has more -- excuse me.

23 ACTING PRESIDENT KUHL: Senator

1 Markowitz.

2 SENATOR MARKOWITZ: That's not
3 saying upstate is not sophisticated, they are.
4 Admit it.

5 ACTING PRESIDENT KUHL: Senator
6 Markowitz.

7 SENATOR MARKOWITZ: New York
8 City -

9 ACTING PRESIDENT KUHL: Senator
10 Markowitz.

11 SENATOR MARKOWITZ: Staten Island
12 is -

13 ACTING PRESIDENT KUHL: Senator
14 Markowitz, in order to free the members of this
15 chamber from your lecture, I would call a note
16 to you that your two minutes has expired. How
17 do you vote?

18 SENATOR MARKOWITZ: I will just
19 say -- I will just conclude -- I'll conclude by
20 saying that we value the residents of Staten
21 Island as part of our city and, in turn, part of
22 our state and by my voting no on this, it's
23 reaffirming how much we value their participa

1 tion in making New York City the great state
2 that it is -- the great city that it is.

3 ACTING PRESIDENT KUHL: Senator
4 Markowitz will be recorded in the negative.

5 The Secretary will continue to
6 call the roll slowly.

7 THE SECRETARY: Senator Maziarz
8 recorded in the affirmative earlier today.

9 Senator Mendez excused.

10 Senator Montgomery.

11 ACTING PRESIDENT KUHL: Senator
12 Montgomery to explain her vote.

13 SENATOR MONTGOMERY: Yes, Mr.
14 President, to explain my vote.

15 My colleague, Senator Markowitz,
16 has made such an eloquent argument against the
17 secession of Staten Island, but I would just
18 like to add to that, in addition to the issue of
19 multi-culturalism and the diversity of our city
20 and -- that Staten Island adds so much to that.
21 What would we do if somehow, for some reason,
22 the city of Staten Island decides that it does
23 not want residents from the borough of Brooklyn

1 to visit the children's zoo or the children's
2 museum? Those are treasures which we certainly
3 do not ever want to lose access to and -- among
4 other treasures that the borough of Staten
5 Island offers.

6 So, though I have every bit of
7 respect for Senator Marchi and I know how he is
8 revered in the borough of Staten Island, I am
9 voting no, not against Senator Marchi but
10 against the possibility of us ever possibly
11 losing access to those wonderful cultural
12 institutions that Staten Island offers.

13 I vote no, Mr. President.

14 ACTING PRESIDENT KUHL: Senator
15 Montgomery in the negative.

16 The Secretary will continue to
17 call the roll.

18 THE SECRETARY: Senator Nanula
19 recorded in the negative earlier today.

20 Senator Nozzolio recorded in the
21 affirmative earlier today.

22 Senator Onorato.

23 ACTING PRESIDENT KUHL: Senator

1 Onorato to explain his vote.

2 SENATOR ONORATO: Mr. President,
3 to explain my vote.

4 I rise to show my respect for
5 Senator Marchi, not by supporting the bill, but
6 by -- I can't envision of the city of New York
7 without the wonderful voice of Senator Marchi,
8 and I certainly cannot envision the city of New
9 York not being able to offer you the right to
10 run again for the mayor of the city of New York.

11 And, for that reason, Mr.
12 President, I vote no.

13 ACTING PRESIDENT KUHL: Senator
14 Onorato in the negative.

15 The Secretary will continue to
16 call the roll.

17 THE SECRETARY: Senator
18 Oppenheimer.

19 SENATOR OPPENHEIMER: Explain my
20 vote, please.

21 ACTING PRESIDENT KUHL: Senator
22 Oppenheimer to explain her vote.

23 SENATOR OPPENHEIMER: Well, even

1 though I also will be voting no like everyone
2 else, I want to say that you are -- you are
3 beloved and revered in this chamber, as well as
4 in your home borough.

5 I'm voting no because I have long
6 accepted the wisdom of the larger whole having a
7 say in this decision. I think I, more than
8 anyone else in this chamber, have experienced
9 the same situation when I was mayor of
10 Mamaroneck. I went three times to a referendum
11 for making our village a co-terminous town/
12 village, which would have required us coming out
13 of the two towns in which we're in, the town of
14 Mamaroneck and the town of Rye, and making us
15 our own co-terminous, single-boundary town/
16 village.

17 This is something that's not
18 uncommon in my county. Scarsdale is a town/
19 village, Harrison is a town/village, but I could
20 not get the acquiescence of both towns. I could
21 only get the vote out of one town and not out of
22 the other, and we kept going back, trying again,
23 trying to explain why it was important to this

1 village, which is a large village and has its
2 own identity and has all of its own offices. We
3 have assessors and engineers. I mean we had
4 everything, and we had nothing that the town was
5 providing us outside of the elections for which
6 they put up the machinery, and we really pleaded
7 with them, but we could not convince one of the
8 town's electorate to let us go.

9 So that was in the mid-'70s. It
10 colored my thinking. I know now, and acquiesce
11 to that philosophy, that the larger whole has a
12 right to vote on its dismemberment. So that's
13 why I'm voting no, through bitter experience but
14 also having come to terms with it.

15 ACTING PRESIDENT KUHL: Senator
16 Oppenheimer in the negative.

17 The Secretary will continue to
18 call the roll.

19 THE SECRETARY: Senator Padavan.

20 SENATOR PADAVAN: Yes.

21 THE SECRETARY: Senator Paterson.

22 SENATOR PATERSON: No.

23 THE SECRETARY: Senator Present.

1 SENATOR PRESENT: Yes.

2 THE SECRETARY: Senator Rath.

3 ACTING PRESIDENT KUHL: Senator
4 Rath to explain her vote.

5 SENATOR RATH: To explain my
6 vote.

7 My sincerest congratulations and
8 admiration to Senator Marchi for the excellent
9 job that you've done in 13 years of very hard
10 and, I would say, landmark legislation.

11 One of your comments in your
12 opening remark was that you had felt that it was
13 a moral obligation to pursue this with all of
14 the parties involved until every stone was
15 turned, and from following some of this today,
16 it appears that every stone has been turned and
17 we all will owe you a debt of gratitude, and I
18 may say, we may owe you a larger debt of
19 gratitude than we would ever know.

20 In western -- unsophisticated --
21 where's Senator Marchi -- unsophisticated
22 western New York, which I happen to be a member
23 of the western New York delegation and Dale

1 Volker and I are going to take that up with
2 Senator Marchi eventually, but let me tell you
3 what we have. If you'll take a walk with me
4 down a map, the Great Lakes, Lake Erie, Niagara
5 River, Lake Ontario -- Niagara River, Niagara
6 Falls, of course, Lake Ontario. Niagara River
7 has sitting in the middle of the Niagara River,
8 Grand Island, which is the world's largest
9 inland island, and right now, there's discussion
10 that the Indians may really own that island and
11 we may have to go back and take a look at every
12 bit of legislation and every bit of research
13 that has been done in relation to what can be
14 done.

15 Now, granted, an Indians' treaty
16 is a little different than what we're talking
17 about here but, indeed, if we go -- if this goes
18 to court, we have a set of circumstances that
19 may, as I said, be looking for every bit of
20 legislation.

21 Beyond that, however, let me
22 point out that in the Assembly there has been
23 legislation introduced other years indicating

1 that maybe we should have the state of "Upstate
2 New York" and, consequently, I followed some of
3 that in the county legislature because, again, I
4 was asked to take a look at doing memorializa
5 tion to the state, and what I found when we
6 looked at what Virginia and West Virginia did
7 was very interesting and, indeed, landmark
8 legislation because that didn't happen all that
9 long ago; and so we're talking about here -- and
10 Senator Marchi was very clear -- the right to
11 self-rule. We're talking about -- and Senator
12 Waldon indicated also, home rule and the right
13 to self-rule.

14 We may have other places in New
15 York State that are looking for self-rule, and
16 maybe the opportunity for the state of "Upstate"
17 may be a discussion some day down in the
18 future. I'm grateful and all of the people of
19 the state of New York will be grateful for the
20 spade work you have done in determining
21 self-rule.

22 I vote aye.

23 ACTING PRESIDENT KUHL: Senator

1 Rath in the affirmative.

2 The Secretary will continue to
3 call the roll.

4 THE SECRETARY: Senator Saland.

5 SENATOR SALAND: Explain my vote,
6 Mr. President.

7 ACTING PRESIDENT KUHL: Senator
8 Saland to explain his vote.

9 SENATOR SALAND: Like so many
10 others in this chamber on both sides of the
11 aisle, I would like to commend Senator Marchi
12 for certainly what's been a herculean effort for
13 one of the giants of this Legislature or any
14 other Legislature.

15 I commend you, not only for your
16 usual quality of work but for your perseverance
17 and your constancy. You've seen this issue
18 through from the beginning, and I'm sure you'll
19 continue until you have accomplished your final
20 end.

21 I would like to just remark, if I
22 might, on some of the comments from my disting
23 uished colleague, Senator Markowitz. They seem

1 somewhat reminiscent of comments I heard from a
2 former mayor of the city of New York who talked
3 about people in calico dresses and pickup
4 trucks. I would think that, Senator Markowitz,
5 given the level of sophistication that he has
6 attributed to the people of Staten Island, would
7 be one of the first people to support this bill
8 because, if they're as sophisticated as he says
9 he is, he should certainly should give them
10 their way on what is a home rule message.

11 Thank you, Mr. President. I vote
12 in the affirmative.

13 ACTING PRESIDENT KUHL: Senator
14 Saland in the affirmative. The Secretary will
15 continue to call the roll.

16 THE SECRETARY: Senator Santiago.

17 SENATOR SANTIAGO: No.

18 THE SECRETARY: Senator Sears.

19 SENATOR SEARS: Aye.

20 THE SECRETARY: Senator Seward.

21 SENATOR SEWARD: Aye.

22 THE SECRETARY: Senator Skelos.

23 SENATOR SKELOS: Aye.

1 THE SECRETARY: Senator Smith.
2 SENATOR SMITH: No.
3 THE SECRETARY: Senator Solomon,
4 excused.
5 Senator Spano.
6 SENATOR SPANO: Aye.
7 THE SECRETARY: Senator
8 Stachowski.
9 SENATOR STACHOWSKI: No.
10 THE SECRETARY: Senator Stafford
11 voting in the affirmative earlier today.
12 Senator Stavisky voting in the
13 negative earlier today.
14 Senator Trunzo voting in the
15 affirmative earlier today.
16 Senator Tully.
17 SENATOR TULLY: Aye.
18 THE SECRETARY: Senator Velella.
19 (There was no response.)
20 Senator Volker.
21 SENATOR VOLKER: Yes.
22 THE SECRETARY: Senator Waldon.
23 ACTING PRESIDENT KUHL: Senator

1 Waldon to explain his vote.

2 SENATOR WALDON: Very briefly,
3 Mr. President.

4 This legislation is of profound
5 importance to Senator Marchi and to Senator
6 DiCarlo and Assemblywoman Connolly and Straniere
7 -- Assemblyman Straniere and Assemblyman
8 Vitaliano, but especially to our dear colleague,
9 Senator Marchi, and even in this place, this
10 chamber, this Senate, what goes around comes
11 around.

12 I support Senator Marchi. I
13 think what he's doing is of great importance and
14 will be long remembered on behalf of the people
15 of the borough, soon to be city of Staten
16 Island, and I vote yes.

17 ACTING PRESIDENT KUHL: Senator
18 Waldon in the affirmative.

19 The Secretary will continue to
20 call the roll.

21 THE SECRETARY: Senator Wright
22 voting in the affirmative earlier today.

23 ACTING PRESIDENT KUHL: The

1 Secretary will call the absentees.

2 THE SECRETARY: Senator Galiber.

3 SENATOR GALIBER: No.

4 THE SECRETARY: Senator Gonzalez.

5 SENATOR GONZALEZ: Yes.

6 THE SECRETARY: Senator Maltese.

7 ACTING PRESIDENT KUHL: Senator
8 Maltese to explain his vote.

9 SENATOR MALTESE: Mr. President,
10 first of all, like so many of my colleagues, I
11 wish to congratulate Senator Marchi on not only
12 his persistence and perseverance, but certainly
13 his acumen and dedication in pursuing this
14 legislation.

15 I'd like to point out that, had
16 Senator Marchi achieved the victory in the
17 mayoral campaign when some of us worked together
18 with Senator DiCarlo's dad and many others in
19 his mayoral campaign, I don't know that the city
20 of New York perhaps would not have been much the
21 better, and instead of Staten Island seeking to
22 secede, we may have had Nassau, Suffolk and
23 Westchester seeking to join us; but since that

1 isn't the case, I'd like to briefly just comment
2 on Senator Markowitz' expressions.

3 In this 50th anniversary of the
4 Second World War, it's interesting that the
5 personification of Kings County, represented by
6 Senator Markowitz, as I remember, was the
7 presence of "them bums" and the exemplification
8 of Brooklynese as personified by William Bendix,
9 as I remember, in many of the old movies; but
10 given that Senator Markowitz feels that way,
11 then perhaps, with the secession of Staten
12 Island, we'll see the sophistication of New York
13 City rise and, if Queens County is able to
14 follow the excellent example of Staten Island,
15 then perhaps we can leave Senator Markowitz to
16 that level of sophistication that he wishes to
17 achieve.

18 Mr. President, I vote in the
19 affirmative.

20 ACTING PRESIDENT KUHL: Senator
21 Maltese in the affirmative.

22 The Secretary will continue to
23 call the absentees.

1 THE SECRETARY: Senator Velella.
2 (There was no response.)
3 ACTING PRESIDENT KUHL: Announce
4 the results.
5 THE SECRETARY: Ayes 36, nays 17.
6 ACTING PRESIDENT KUHL: The bill
7 is passed.
8 Senator Skelos.
9 SENATOR SKELOS: Is there any
10 housekeeping, Mr. President?
11 ACTING PRESIDENT KUHL: Yes. We
12 have a substitution at the desk, Senator
13 Skelos. Ask the Secretary to read.
14 THE SECRETARY: On page 19,
15 Senator Leibell moves to discharge from the
16 Committee on Housing and Community Development,
17 Assembly Bill 5097-A, and substitute it for the
18 identical bill, Third Reading 275.
19 ACTING PRESIDENT KUHL: The
20 substitution is ordered.
21 Senator Skelos.
22 SENATOR SKELOS: Mr. President,
23 at this time, I know that many members of the

1 Majority thought there would be a conference at
2 2:00 today. There will not be a conference
3 today at 2:00. There will be a conference on
4 Monday of the Majority at 2:00 p.m. sharp, and
5 there being no further business, I move we
6 adjourn until Monday, April 17th, 1995 at 3:00
7 p.m. sharp.

8 ACTING PRESIDENT KUHL: Without
9 objection -

10 SENATOR SKELOS: Intervening days
11 to be legislative days.

12 ACTING PRESIDENT KUHL: Without
13 objection, the Senate stands adjourned until
14 Monday, April 17th, at 3:00 p.m.

15 (Whereupon, at 1:08 p.m., the
16 Senate adjourned.)

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