NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 17, 1999

3:08 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members to take their chairs, staff to find their places. I would ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT KUHL: If you will please remain standing, we are very pleased to have with us Dr. Lee Miller, a bishop of Up-State New York Synod, Evangelical Lutheran Church in America, which is headquartered in Syracuse, New York.

Bishop Miller.

BISHOP MILLER: Let us pray. Gracious God, we give thanks to You for this day, for the day itself and for the gift of life, for the opportunity that we have to be of service to the people of this State.

We pray, O Lord, Your blessing upon those who will be making decisions, for each who has worked hard leading up to this session and all of the work that will follow it.

We pray, O Lord, for those who are visiting, and we pray, O Lord, for the families of each of us that in the midst of our work on behalf of others that we know it involves time away from our families. And so, O Lord, we pray for our families and for all of the people of this State that what we do may be of help to them, lifting them up, encouraging them, being of service and strengthening each of us in our own ways to be of service to one another.

Gracious God, as we give thanks we ask Your blessing.

Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 16th, the Senate met pursuant to adjournment.

The Journal of Saturday, May 15th was read and approved.

On motion, Senate adjourned.

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

Presentation of petitions. Senator Bruno.

SENATOR BRUNO: Mr. President, could we at this time ask for an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Finance Committee, an immediate meeting of the Senate Finance Committee in the Majority Conference Room, Room 332.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Secretary are will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nominations; as a Justice of the Supreme Court of the Fifth Judicial District, John V. Centra of Fayetteville.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I stand to move the nomination of John V. Centra of Fayetteville, New York, as a

justice of the Fifth Judicial District of the Supreme Court. We received the nomination from the Governor. The Governor has made a very fine choice in choosing John Centra. He has served as a town justice for the town of DeWitt from 1989 to the present. He is very well known within his community. His credentials have been examined by the staff of Senate Judiciary Committee. He appeared before the committee earlier this afternoon together with members of his family. He was warmly welcomed by the committee and was unanimously endorsed by the committee for consideration at this time on the floor of the Senate and it is great pleasure that I yield, for purposes of a second, to Senator DeFrancisco.

ACTING PRESIDENT KUHL: The Chair recognizes Senator DeFrancisco, on the nomination.

SENATOR DeFRANCISCO: Thank you, Mr. President.

It is with great pleasure that I rise to second the nomination of John Centra for Supreme Court judge. I have known John

for many years now and there is no person that I can think of that has the qualities that John has that is suitable for the Supreme Court. No one better than John's qualifications. Not only has he been a practicing lawyer, which is important in my mind. Every judge should have practiced law before they go to the bench, but also he has been a judge as a town justice in the Town of DeWitt.

He is a practical individual. To be a judge you don't have to be the most expert person in the law. You don't have to be the most proficient trial lawyer, but you have to be someone who has a basic understanding of the law and a basic understanding of fairness. And that is how he handles people in his court presently in the Town of DeWitt. And his elevation to the Supreme Court, where he will hear all major trials in the civil arena is perfectly suited for him.

The other thing I mention at the committee that also is extremely important is you judge an individual by a lot in my mind by

the person's family. There is no better respected family, and many of them here with him, than the Centra family in Onondaga County. And they have done incredible charitable work, and they have always been there when people need them.

So it is with great pleasure that I second the nomination of John Centra and I wish him the best of luck in his new position as a Supreme Court justice.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Hoffmann on the nomination.

SENATOR HOFFMANN: Thank you. I am very pleased and honored to be able to second the nomination of Judge Centra for the very distinguished position of Supreme Court judge. We are familiar with the Centra family in central New York because of their long civic involvement. This is a second generation of involvement from my own personal experience. I knew John's parents years ago as very hard working members of the east side community, people who always were willing to go that extra distance to help youth organizations they were involved in with fund

raising activities. They were willing to try to promote the Westcott neighborhood when other people were fleeing it. They wanted to stay as proud merchants in that area and they stand today as an example of what kind of long term courageous decision making and civic involvement can actually lead to because not only have they helped stabilize a community, they have raised a fine son who now believes in providing leadership on a much larger scale that will be regarded well beyond his immediate neighborhood and indeed, well beyond the Syracuse community.

I think better illustrations of that are the civic involvements of John Centra himself as a member of the board of directors for youth court, as a member of the Onondaga County Alcohol and Drug Commission, as a member of the board of directors of the Landmark Theatre. He has shown this kind of family commitment that Senator DeFrancisco and I know and respect very well.

So I too am very pleased and proud today of my constituent, John Centra and I know that he will perform with distinction as

a member of the bench on the Supreme Court.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination?

Hearing none, the question is on the nomination of John V. Centra of Fayetteville, New York, to become a justice of the Supreme Court of the Fifth Judicial District. All those in favor of the nomination, signify by saying aye.

(Response of Aye.)

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is unanimously confirmed. We are very pleased to have Judge Centra in the gallery to your left, along with his wife, Mindy, their children, Nicky, Stephanie, John and Jake and his parents, Rita and Dino Centra with us.

Judge, congratulations. Goods work to you.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: As a Justice of the Supreme Court for the Ninth Judicial District, Joseph K. West of Yonkers.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President.

Again, it is with pleasure that I rise to move the nomination of Joseph K. West of Yonkers as a Justice of the Supreme Court from the Ninth Judicial District and another very fine appointment by the Governor.

Judge West's credentials have been examined by the committee and found to be more than in order as a long serving judge in Yonkers. Probably the second best known person there after Chippy Flynn and Senator Spano. But indeed has been warmly received by members of the committee. Earlier today he was unanimously moved to the floor for consideration this afternoon. It is with great pleasure that I yield to my newly sick but still functioning seat mate to the left, Senator Spano.

ACTING PRESIDENT KUHL: The Chair

recognizes Senator Spano on the nomination.

SENATOR SPANO: Thank you, Mr. President.

It is my pleasure to stand to second the nomination of Judge West. I have known Judge West for a couple of decades in the City of Yonkers, have served with him as a colleague, run for office with him. He is currently and continues to be a neighbor of mine for a long time.

He has served, starting out in the city court of Yonkers, elected to the county court, served with distinction as a supervising judge of the criminal courts of Westchester County, is currently an acting Supreme Court justice and will make us proud as a member of the Supreme Court.

Judge West's appointment from the Governor is another appointment that we can all be proud of because he is someone who has got deep roots in our community in Westchester County and has got the experience, having been for over 20 years an attorney. And certainly has the experience, having served in supervisory roles in the county courts and now

as acting Supreme Court judge.

It is my pleasure to second the nomination of Joe West for the Supreme Court and to say thank you to Joe West for his dedication to our community and to the judiciary. He makes us all proud. Congratulations, Joe.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leibell on the nominations.

SENATOR LEIBELL: Mr. President, it is truly a pleasure for me to also rise to second this nomination. I have known Joe West for I think it is close to 25 years now, coming in as a young assistant district attorney in Westchester County we were all so blessed to come into that office and to know Joe. He was truly the greatest trial lawyer in that office and one of the great trial lawyers in Westchester County. And more importantly than that, he did not hesitate to share his knowledge and his great trial technique with those of us who came along after him.

He is a great gentlemen. He has been a great, great judge over the course of

so many years now. This is another great nomination that has been sent to us by Governor Pataki, and I know on our State Supreme Court Joe West will continue to do the great and fine job that this gentleman has always done.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Joseph K. West of Yonkers, New York to become a Justice of the Supreme Court for the Ninth Judicial District. All those in favor of the nomination, signify by saying aye.

(Response of Aye.)

ACTING PRESIDENT KUHL: Opposed nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is unanimously confirmed.

We are very, very pleased to have the nominee with us today, together with his wife Shirley and their children Rebecca and Chris Ogese and Joe and Pat West.

Judge, congratulations and good luck.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will continue to read.

THE SECRETARY: Senator Stafford from the Committee on Finance reports the following nominations:

Members of the New York State Energy Research and Development Authority, J. L. Gottlieb, of New York City, and Elizabeth W. Thorndike, of Pittford.

ACTING PRESIDENT KUHL: The question is on the nominations. All those in favor signify by saying aye.

(Response of Aye.)

ACTING PRESIDENT KUHL: Opposed nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

Senator Bruno.

SENATOR BRUNO: Can we ask for an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Senate Rules Committee, an immediate meeting of the Senate Rules Committee in Room 332, the Majority Conference Room.

The Secretary will continue to read.

THE SECRETARY: Also as a Member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Oxford, Charles E. Dolson, of North Syracuse.

ACTING PRESIDENT KUHL: The question is on the nomination. All those in favor signify by saying aye.

(Response of Aye.)

ACTING PRESIDENT KUHL: Opposed nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

The Chair recognizes Senator

Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of a number of Senators here we would like to amend these following bills:

For Senator Rath, page 18, 489, Senate Print 2949.

Senator Trunzo, page 27, Calendar 640, Senate Print 4202.

Senator DeFrancisco, page 29, Calendar 662, Senate Print 3868.

For Senator Farley on page 44, Calendar Print 857, Senate Print 4650.

For Senator Rath on page 50, Calendar 920, Senate Print 5114.

For Senator Rath, on page 50, Calendar 919, Senate Print 4947.

And also again for Senator Rath, on page 49, Calendar 907, Senate Print 4206.

For Senator Leibell, on page 24, Calendar 600, Senate Print 4545.

And I ask that these bills retain their places on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The

amendment is received and adopted and the bills will retain their place on the Third Reading Calendar.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a privileged resolution at the desk by Senator Kruger. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the privileged resolution by Senator Kruger, which is at the desk, in its entirety.

THE SECRETARY: By Senator Kruger, Legislative Resolution Number 1359, honoring the memory and celebrating the life and accomplishments of Assemblyman Anthony J. Genovesi.

Whereas, this assembled body is moved to recognize and pay tribute to the life and accomplishments of Assemblyman Anthony J. Genovesi, an individual of distinguished purpose and enduring commitment, a man who dedicated his life and career to public service and the law, and

Whereas, it is with great sorrow and deep regret that this assembled body records the passing of Assemblyman Anthony J. Genovesi on August 11, 1998, at age 61, noting the significance of his purposeful life and many accomplishments. Throughout Brooklyn and all of New York City, in Albany an across the State, Anthony Genovesi, Tony as he was known as a dedicated public servant with a sharp mind and ready sense of humor. A man of boisterous spirit and down to earth manner, always full of passion, compassion and vitality, and

Whereas, the son of Sicilian immigrants, Anthony Joseph Genovesi was born, raised and lived his entire life in his beloved Brooklyn, he attended St. Francis Xavier High School and earned a degree in economics at St. Peter's College. He graduated from the Fordham University School of Law in 1961 and was admitted to the New York State Bar later that year. Assemblyman Genovesi had a long and varied career in law. He was activated in the United States Army in 1962 as a member of the Judge Advocate

General's Corp. He resigned from the United States Army Reserve in 1971 as a major.

Assemblyman Genovesi was law assistant to the deputy administrative judge of the New York City Civil Court, opinion clerk for the Civil Court of New York County and law secretary of the New York City Criminal Court. He was also an adjunct lecturer in law at Baruch College of the City University of New York, and

Whereas, throughout his tenure in the New York State Assembly, Assemblyman Genovesi maintained his private law practice on Flatlands Avenue in Canarsi with several partners, including his son, Anthony, and recently welcomed his daughter Laura to the practice. Exemplifying the man he was, he often took on the cases of neighborhood residents, frequently at no charge. An astute devotee of the body politic, Tony Genovesi soon became a well known and legendary figure in local Brooklyn political and community affairs. The many ways he served his community included his services as president of the Bergen Beach Civic Association and

member of the Mayor's Council on Intergroup Relations, Community Planning Board 18, the Jamaica Bay Citizens Committee, and the Confraternity of Christian Doctrine. The Canarsi Mental Health Clinic, Knights of Columbus, Rambam Canarsi Lodge and the B'nai B'rith, also benefitted enormously from his involvement and expertise.

Assemblyman Genovesi began his long relationship with the New York State Legislature as counsel to Senate Minority Leader Joseph Zaretzki. He also served as counsel to the Assembly majority Program and Counsel Staff and as the Executive Director of the New York State Legislative Commission on Economy and Efficiency in Government and its succeeding commission on Public Management Systems from 1979 to 1986, and

Whereas, Anthony J. Genovesi was elected to the New York State Assembly in 1986, representing the 39th Assembly District, part of Kings County, he took office on January 1, 1987, succeeding his dear friend and partner in government, Speaker Stanley Fink.

As a member of the Assembly he was widely admired for his powerful and moving speeches on the floor of the Assembly and for his determined representation of the people and interest of his district and all of Brooklyn and King's County.

Assemblyman Genovesi served as Chairman of the Assembly Oversight, Analysis and Investigation Committee, the Subcommittee on Corporate Law and the Subcommittee on Property Rights. He was also a member of the Steering Corporations Authorities and Commissions, Education, Judiciary and Tourism, Arts and Sports Development Committees, and

Whereas, Anthony Genovesi had an enormous heart and a genuine compassion for people, he wanted government to do what our founding fathers intended, most especially to help those who could not help themselves. He followed his beliefs, served as a mentor to many and could be counted on to serve in the best interest of the people. Assemblyman Genovesi will always be remembered as a man of principal, a man of his word, genuineness, humor and loyalty, a legacy which will long

endure the passage of time, and

Whereas, remembered by his followers, foes and friends as a sincere and thoughtful leader of true purpose and conviction, Assemblyman Anthony J. Genovesi is survived by his wife Joyce, five children; Joseph, Mark, Anthony, Elana Ciroda and Laura, two sisters and several grandchildren, now, therefore be it

Resolved, that this legislative body pause in its deliberations to honor the memory of Assemblyman Anthony J. Genovesi and pay tribute to his life and accomplishments, recognizing the significance of his exemplary record of public service and selfless dedication to the people of his community and the citizens of the State of New York, and be it further

Resolved, that a copy of this resolution, suitably engrossed, be transmitted to the family of Assemblyman Anthony J. Genovesi with the deepest condolences of this legislative body.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Kruger on the resolution.

SENATOR KRUGER: Mr. President, on the resolution. This afternoon we are joined by the Genovesi family, his wife Joyce, his children Joseph and his wife Maria, and their sons Matthew and Anthony, Dr. Mark Genovesi, his wife Shawnee, Anthony Genovesi, Jr., his wife Carolyn and their children Marielle and Bennett, Elena Sirota, her husband Jonathan and their daughter, Emily Ann, Lara Genovesi, and her friend John Travaglia.

His sisters Grace Pergolizzi and her sons Daniel and Christopher, Francesca Bliss, her husband David and their son Mark.

Today is a difficult day for so many of us. It is a day where we have an opportunity to reflect and to think back. Most importantly we have to recognize that this is not an opportunity to memorialize, but rather it is an opportunity to celebrate, to celebrate the accomplishments and the life of an individual who has touched the hearts of so many people by his actions and by his deeds. Tony truly exemplified what a caring individual is.

Today the concept of commitment and dedication and loyalty seems to become fuzzy and faded and we seem to lose what it really means. Tony was an individual who was able to put a spotlight on those very, very principles. He was able to engender the best in people. He was able to be the standard bearer for people who could not speak for themselves. His fight to protect public education, his support of womens rights, his dedicated zeal and commitment toward developing programs for the developmentally disabled, catapulted Tony's position not only here in the Legislature but across this State as truly a spokesman for the downtrodden and those that needed him.

A political mentor and a friend, Tony exemplified the highest positions of not only what this party stood for, but what the very quality of the human character should be.

So many of us are products of Tony's life and of his political world. I am joined today with so many of my political family from Brooklyn, particularly and most notably my political mentor, Bernard Catcher,

the president of the Thomas Jefferson Club, and Lucy Schwartz, and so many, many other people that have left an indelible mark and impression not only in the life of our community but basically for what Tony stood for.

His untimely death I think stood as a monument. It is a testament that we have to all reflect and realize how fragile our very existence may be. But at the same time Tony left a legacy, a legacy that he proved that somebody who cares can truly make a difference.

Tony leaves a legacy of work that will continue, of fights that will go on. But most importantly to each and every one of us as we move on in our lives and in our career, the fact that we were able to share for a brief moment the opportunity to be a friend of Tony Genovesi will be the legacy that will live on in our hearts and in our minds and he will be an inspiration, I know, for generations that we will never know that government and caring and commitment and dedication and principle are concepts that

have not died, but will live on in the hearts and minds of the people that are reflected in the life of Tony Genovesi.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Balboni on the resolution.

SENATOR BALBONI: Mr. President, I wish to remark on my relationship with Anthony Genovesi because it is one of the small unknown stories that shape your life.

Tony Genovesi was the first man to hand me a round defeat on the floor of the State Assembly. He did it often times. He was a terrific debater. But through the years we grew in friendship and we actually ended up trying a case together as co-counsels in Brooklyn, and though Tony was probably one of the most partisan people in terms of his fervor and love of the Democratic Party, he had a heart the size of Montana. He took me under his wing, but he never truly took me under his wing until he went to Ireland with my parents and my sister. And they had a wonderful, wonderful trip and it was a memory that my family will always cherish, and from

that time on, little known, Tony would never debate me again, even though I was up all the time. And he always said, I promised your mom I would take care of you.

I never made it to Tony's funeral and it is something I deeply regret, but on the day of Tony's funeral I was to meet Assemblyman John Flanagan. He was coming to my house. And by some divine providence he arrived an hour earlier. Fifteen minutes after he arrived my daughter went into grand mal seizure. It was the first time it happened. It was a terrifying moment. And my wife and I grabbed the child and ran out and got to the hospital. And if it had not been for John Flanagan being there because we were both going to the funeral we don't know what we would have done. And when I got there and after things calmed down, I thought about us sitting in the emergency room. Tony Genovesi always said one thing to me. No matter what happens here, no matter how much you think it matters, public service is important, but there is nothing as important as your family. It was a great lesson taught by a great

teacher.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Marchi, on the resolution.

SENATOR MARCHI: Mr. President, I was deeply saddened, even though this is a celebratory resolution, and I compliment you Senator because you really said it completely.

This is a splendid, wonderful human being. I have been here over 40 years, and if I had a short list of people that have really -- this became a great institutional loss. It wasn't the passing of a member, this is a great loss to the entire legislative institution. And the short list, I believe anybody who had the opportunity and the joy of knowing this individual will attest to the fact that he is among the greats. And I know he is up there and looking down on us and I hope we live up to his expectations because his were very high and he lived up to his.

ACTING PRESIDENT KUHL: Senator Maltese on the resolution.

SENATOR MALTESE: Mr. President, many of my colleagues have already covered the

gamut about Tony Genovesi, and Senator Marchi, as usual, has hit the nail right on the head with his expression of a short list of distinguished people who were good friends and who distinguished the body that they sat in.

Tony and I were classmates at Fordham Law over 30 years ago and he took a path to the Legislature and to government that was somewhat idealogically different than mine. He and I used to joke about it and I felt always that he was one of the only ones who gave liberalism a good name and he forgave me my transgressions so to speak, and did not take the issues out of the Legislative chamber. But there was no tougher person in a fight, nobody who you would rather have on your side than Tony Genovesi.

As president of the Italian American Legislators I leaned on him very, very heavily and despite grousing, which was his mode and sometimes complaints, he was always there at that time that was at some expense to his personal live, his family life and his district and yet he was there for us and I guess that is what I would like to

remember Tony as a close, good friend who was always there.

I am proud to second the resolution.

ACTING PRESIDENT KUHL: Senator Markowitz, on the resolution.

SENATOR MARKOWITZ: When I think of Tony I think of Brooklyn 100 percent. Tony exemplified the best that Brooklyn has ever produced. When he loved you no one could love you more. When you were on his wrong side, and I could speak to that, believe me, get out of the way because he was passionate in love as he was passionate when he wasn't in love with you. But one thing you knew about Tony, what he believed in he did. No job was too small for him, no job. I remember vividly in an effort of ours together which may have not succeeded, maybe that's why I am still in this chamber, but he carried those printing machines, printed everything by himself, lent a hand and stuck those letters in those envelopes and carried them to the post office. Whatever he had to do he got done. He asked no one to do anything that he wasn't willing

to do. And all I can think about is that Tony was Brooklyn. Brooklyn 100 percent. And for that and for all he meant to all of us as a shining example of what politics, service in government, we will miss him for the rest of our lives.

ACTING PRESIDENT KUHL: Senator Lachman on the resolution.

SENATOR LACHMAN: Tony Genovesi represented the best and noblest tradition of the progressive wing of the Democratic Party for over a half a century. From Roosevelt to Truman to Kennedy, he exemplified what was best. He was a man of great integrity, great intelligence, great feeling for others. Whether one differed or agreed with him in instances, one had to respect his integrity and his commitment at all times.

When I think of Tony Genovesi I also think of what the late great vice-president Hubert Humphrey once said, that America's great political leaders have to set their principals and their compasses toward those in the dawn of life, those in the shadow of life and those in the twilight of life. By

dawn of life Hubert Humphrey meant the youth of our nation. Shadow of life, Hubert Humphrey meant those who were with disabilities. And the twilight of life, Hubert Humphrey meant senior citizens.

Tony Genovesi dedicated his life to help those in need; children, seniors and those who needed because of a disability the aid, willing and giving aid of government. We will all miss him, but his spirit remains here in this Legislature, not only in the Assembly that he served with grace, but in the Senate where he frequently appeared.

ACTING PRESIDENT KUHL: Senator Stachowski on the resolution.

SENATOR STACHOWSKI: Mr. President, I would just like to rise to add my voice to those that have paid tribute to Tony Genovesi today. I had to laugh when Serf said he gave Liberals a good name. I can remember Tony having a good name for Republicans and Conservatives too, but I am not going to use those words.

Tony obviously was bright, but Tony and I had one special relationship that nobody

else here had with him. That is, every day when I would be coming out of the gym I would run into Tony and so I could tell him that I worked twice as long so he could eat whatever he wanted that night at dinner. And I know nobody else had that relationship. And for those kinds of little gestures and little conversations I will miss him dearly and I am glad I had a chance to add my voice to his tribute.

ACTING PRESIDENT KUHL: Senator Saland, on the resolution.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I came to know Tony in a capacity as being a target in a special election when he, with his boundless energy and great capacity was charged with making sure I didn't make it. In later years he would tell me that I was the first of his many races that he ran on behalf of the Assembly Campaign Committee and they learned a little bit, whatever it may be because I think they did a lot better there after. But I must tell you, he was capable of being both profane and

most profound. An extraordinary talent and extraordinary family man, very much loved deeply, not only his wife, his children and their extended family. Linda and I came to know Tony, my wife and I came to know Tony and Joyce and their family over the course of a number of years. Our relationship was a very warm, friendly one. But I can very well recall one evening in particular when a member of my family was in a critical care unit with some questions about how he was going to progress if he was going to progress at all and who showed up at this hospital in Poughkeepsie but Tony and Joyce. They were there because Linda and I were their friends and they were our friends and they wanted to be there for us and share with us.

An extraordinary man who would excel at anything that he set his mind to. Truly one of the most talented people that I have had the opportunity to serve with, and more importantly, truly an extraordinary friend.

May he rest in peace and may his family know that his honor and good name lives

on.

ACTING PRESIDENT KUHL: Senator Hoffmann on the resolution.

SENATOR HOFFMANN: Assemblyman Genovesi had that rare quality that is sometimes missing in elected officials. He did not take himself too seriously. This was even more remarkable for somebody who had such an inordinate amount of power, both in the elected and in the party arena. He was a giant among the men and women of this Legislature. And yet when he would visit with us in conversation he was more inclined to talk about family activities and the day to day things that we do outside of government. He was never inclined to want to impress people with what he could achieve or what he might do if people disagreed with him. It was unspoken because it was not necessary. He preferred instead to build those kinds of personal relationships, and that is what makes leaders great people.

When I first met Tony we talked often about agriculture because he was interested. He wanted to learn. He knew I

represented a farm district and he was curious. It was that insatiable curiosity about life that gave him that frame of reference to make him an equal conversationalist with any person that he encountered along life's path. And I enjoyed my conversations with him because we could escape from the tedium or the frustrations about the Legislature and there were times where we would be on the same train going into New York or meet someplace around the Capitol and it was always a pleasant time out, because after the initial comment about whatever frustration we all experienced he could instantly change the subject and sequel into something that would give you a sense of personal satisfaction.

It usually involved something to do with home repairs. He liked the fact that he was able to fix things. He liked the fact that he understood the elementary aspects of plumbing, electrical wiring and sheetrocking. And it was a nice exchange to be able to talk with a colleague in this beautiful chamber of the other beautiful chamber or any place else

in the Capitol about something that involved using our hands. And in talking with Tony you always knew that you would have respect for other people who worked with their hands and that somehow made us feel like we were doing a little bit more for the taxpayers of this state.

It was that link to ordinary people. It was that ability to never take himself too seriously that made him one of the greatest people in this Legislature. For that he will be sorely missed.

ACTING PRESIDENT KUHL: Senator LaValle on the resolution.

SENATOR LAVALLE: Thank you, Mr. President. I must say that I was very touched, as I am sure the family was by Senator Kruger's remarks and Senator Balboni's remarks, and those of others.

Tony Genovesi was a very, very special person not only as a legislator but just as an individual who touched so many people in so many ways, whether it was his intelligent discussions on politics or on a piece of legislation, but there are two things

that seems to me that he contributed a great deal to and that is the Italian American Legislators Group. There were times when things were not always going great but Tony made sure that the group stayed together and prospered.

He and I carried for many, many years a bill on Cooley's Anemia that would give information to people who got married, whether the trait, whether there was a positive trait or not.

The other thing, and often times we as legislators maybe don't say it enough to our own families, but it is something that Tony and I think other people talking about Tony on the floor today mentioned his deep commitment and this feelings about family, and how proud he was of his family. And so I am so happy that so many people have risen here today to talk about a very, very unique and dear colleague who will be remembered for the many, many things that he did for his humanity and caring and for the legislation that he passed that made New Yorkers and New York a better place.

ACTING PRESIDENT KUHL: Senator Duane on the resolution.

SENATOR DUANE: Thank you, Mr. President.

I wanted to acknowledge and express my gratitude for the kindnesses and generosity that Tony Genovesi provided to me and to my family and particularly to my brother John. In fact he provided in even larger ways than I was able to grasp at the time that he was providing them. And I also came to know him as someone who really believed that government could help people, could make lives for people easier, and I think that his loss in government was a great loss for the State of New York.

Thank you.

ACTING PRESIDENT KUHL: Senator Gentile to close.

SENATOR GENTILE: Thank you, Mr. President.

As one of Brooklyn's most recent elected officials I didn't have the opportunity to serve at any great length with Tony Genovesi, but I must say that my

connection with Assemblyman Genovesi actually began at the district level as a newly, as a new graduate of Cornell University in 1981, going back to Brooklyn. One of, I think the first political club that I attended was the Thomas Jefferson Club with Tony Genovesi. And it struck me as a new graduate interested in local events and local politics to watch Tony Genovesi operate at the grassroots level. And that taught me a great deal about how effective someone can be in making government work at the grassroots level. So I learned a great deal. In fact my very first trip to Albany was with the Young Democrats of the Thomas Jefferson Democratic Club and Tony Genovesi. So that is something that I will never ever forget and I believe part of the reason I am here today, Mr. President, is because of the impression that Tony Genovesi left on me and that the fact that at the grass roots level we could get something done and to help people, and that's what Tony Genovesi was all about.

Fortunately, while in the times that I did speak to him up here through the

Italian American Legislators he gave me great insight into the political process.

Unfortunately I won't have that benefit in the future, but I do have those memories, and so to the family and to everyone who had an association with him I extend my condolences and I still have those memories.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Kruger.

SENATOR KRUGER: Mr. President, we are joined by the Genovesi family this afternoon. I would ask that they be recognized and that we extend the privileges of the house.

Thank you.

ACTING PRESIDENT KUHL: The question is on the resolution. I would ask all the members who support the resolution to stand for a moment of silence in recognition of Anthony J. Genovesie's life.

(A moment of silence was observed.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, there is a another privileged resolution at the desk by Senator Skelos. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 1417, memorializing Governor George E. Pataki to proclaim May 17th through 21, 1999, as Bone Marrow Donor Awareness week in New York State.

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

(Response of Aye.)

ACTING PRESIDENT KUHL: Opposed nay.

(The resolution is adopted.)

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to reports of standing committees, and I believe there is a report at the desk by the Rules Committee. I ask it be

read at this time.

ACTING PRESIDENT KUHL: We will return to the reports of standing committees.

The Secretary will read.

THE SECRETARY: By Senator Bruno, report from the Committee on Rules, Senate Bill 5594-B, by Senator Skelos, an act amend the Tax Law and the General City Law.

The bill is ordered direct to third reading.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Move to accept the report of the Rules Committee.

ACTING PRESIDENT KUHL: The motion is to accept the report of the Rules Committee. All in favor say aye.

(Response of Aye.)

ACTING PRESIDENT KUHL: Opposed nay.

(No response.)

ACTING PRESIDENT KUHL: The report is accepted and ordered direct to third reading.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1080.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1080, by Senator Skelos, Senate Print 5594-B, an act to amend the Tax Law and the General City Law, in relation to the definition of non-resident.

SENATOR BRUNO: Mr. President, before that, can we ask that the last section be read for the purpose of allowing Senator Stafford to cast his vote.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: The Chair recognizes Senator Stafford for the purpose of casting his vote.

SENATOR STAFFORD: Aye.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Lack for the purpose of

casting his vote.

SENATOR LACK: Aye.

ACTING PRESIDENT KUHL: Both members recorded in the affirmative. Roll call withdrawn.

FROM THE FLOOR: Explanation.

ACTING PRESIDENT KUHL: Senator Skelos, an explanation has been requested.

SENATOR SKELOS: As my colleagues know, in 1966, the Legislature passed what is today known as the Commuter Tax, which was one quarter of one percent to persons who commuted into the City of New York but did not reside there.

In 1971 during one of New York City's many fiscal crisis there was a temporary surcharge or additional commuter tax of one fifth of one percent that has been extended every two years for the past 28 years.

This legislation would repeal the Commuter Tax in its entirety for the New York City fiscal year commencing July 1st, 1999.

ACTING PRESIDENT KUHL: Does any Senator wish to be the recognized?

SENATOR PADAVAN: Yes, I do.

ACTING PRESIDENT KUHL: We have a list going, Senator.

Senator Goodman.

SENATOR GOODMAN: Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Goodman, on the bill.

SENATOR GOODMAN: Mr. President, in recent days we have sadly witnessed a situation in the war in the Balkans in which a United States -- can we have some order, please, Mr. President.

In which the NATO forces released a bomber which accidentally hit a target by mistake killing a number of innocent bystanders. And I respectfully submit to you, Mr. President, that with perhaps good intentions this piece of legislation is parallel to what occurred in that instance. This maybe well intended but it is inadvertently hitting a number of innocent bystanders in such fashion as to cause serious damage to the City of New York.

Mr. President, I happen to have

been one of the authors of the original tax to which this bill refers. As the city's finance commissioner serving in the administration of Mayor John Lindsay in 1966, we introduced a tax package which consisted of a tax on residents of the city and then there was quite a bit of internal discussion as to what else should be done in that year and it was very broadly felt that I think substantial logic that since significant services were being delivered to commuters that those commuters should have an opportunity to pay a fair share albeit a very considerably lesser share than was being paid by the residents of the city.

When a commuter comes into New York City and steps off a commuter train they are immediately seen -- they are immediately examined for their safety or there is oversight for their safety by the New York City police department. If they are mugged there is a cop around hopefully to arrest the mugger, but more importantly there is great deterrents from crime around the railroad stations and the other areas of the business community to which commuters must go.

If there is a fire in one of their office buildings where they earn their daily bread, the city fire department is called and it puts out the fire hopefully preventing it through a whole series of measures which the fire department uses to prevent the outbreak of fire.

In going to work to and from, many people use the subways and the buses and I submit to you that that involves a considerable amount of subsidization which is provided by the city for those services as well.

So whether it be police, whether it be fire, whether it be transit or any innumerable other services which a city provides to the people who come in and out of it on any given day, it is perfectly clear that there is a tax appropriate to proportionally deal with the cost of these services and to eliminate that tax, with at best, the unjust and very unfair and disproportionate approach.

Now, believe me, when we decided to impose the tax we knew that it wouldn't be

popular because obviously no one wants any kind of a tax to be imposed upon their income. But the amount of the tax is indeed modest and in all of the 28 years since it was imposed it has never been raised. Whereas the city's personal income tax has been increased by a full 10 percent during that period.

So I think we have tried very hard to keep this at the lowest level we could and to keep its dent in the pocketbooks of the commuters at a very modest level.

Lets be specific. First of all, remember whatever the amount of the tax it is deductible against the federal income tax. It is therefore only a fraction of the hit that would otherwise be if it were not a deductible expense.

Now, the City of New York has a tax rate on commuters of .45 percent. That is less than one half of one percent. Lets compare this to other commuter taxes imposed by other major cities in the United States. Los Angeles has a .8 percent tax, almost double that of New York.

Newark has a 1.0 percent tax, more

than double that of New York.

San Francisco has a one and a half percent tax, which is almost four times that of New York.

Cleveland has a two percent tax, almost five times that of New York.

Philadelphia has a 4.3 percent tax, which is obviously almost more than ten times greater.

And Yonkers, another city in the State of New York, actually has a .5 percent tax.

Each of these commuter taxes is larger than the tax levied by the City of New York against its commuters so I submit to you that these are very modest amounts that are being asked to be paid. Indeed, you should also note that the average income of the nonresident is significantly greater than the average income of the resident. We have statistics which prove that. They show that the average income of a New Yorker is roughly one third of that of a commuter.

So I say to you that the effort to remove this tax is one which is stemmed from a

situation which is wholly irrelevant to the question of tax policy, rather it relates to a situation that occurs in one of our counties where there is impelling logic and reason for a Republican to be elected. That is the last thing I will say about that particular part as an observation. You may or may not agree with that.

Having said that, I would respectfully submit that to use such a tax as a lever from either side, and by the way, if you will note, the New York Times editorial this morning it did properly affix the blame for the origin of this idea upon the members of the other party. It stated, and I read you its first paragraph, "The idea" -- it says, "Idle Hands In Albany". "The idea was it would be a good political ploy to rally support for their candidates for State Senate seat north of New York City, several Democrats endorsed what has long been little more than a suburban whim. They announced that they wanted the State Legislature to end the Commuter Tax for suburbanites who work in New York City."

Now, Mr. President, let me simply say to you that by every reasonably measure that one can possibly conceive of this tax does not make sense. There is also a question relating to its constitutionality by imposing the tax upon solely the people in the -- the commuters who are New York State residents where you run afoul of the federal constitution. And furthermore there is a very serious and pressing question with regard to the need for a home rule message on this tax.

Let me remind this body that when the tax was adopted it was adopted only after the passage of a home rule message. I take you back to the year 1996 and I remind you that Chapter 774 of the laws of 1966, I misspoke a moment ago, 1966, was passed on a home rule request pursuant to Article 9, Section 2(b)(ii) of the State Constitution. The fact that the legislation authorizing the city to impose the nonresident earnings tax was passed under home rule message clearly manifests the need for a home rule request prior to any action at this time. And there is no home rule request.

So whether you look at this in terms of the sheer equity and fairness of the need to impose a tax in order to cover the cost of services, whether you look at it from a standpoint of comparisons with other cities in the United States, in fact, taxes on commuters are vastly greater than that in New York. And you look at the one other jurisdiction within New York State, namely Yonkers, which has imposed a tax that is even higher by five tenths, if you take a look at the questions of its constitutionality in being before us there are serious questions both in terms of the U.S. Constitution by virtue of the fact that this relates only to the citizens of New York State and not to those of Connecticut and New Jersey for example. And finally there is no home rule message which is clearly required.

Hence, Mr. President, I respectfully submit to you this is not properly before us, and even if it were it merits a negative vote strictly on the sense of fairness which says that when people obtain services they should be paid for and those

services certainly would not be paid for if this tax is repealed.

As the author of the tax I think it is my baby. I'm not of the baby. It was an ugly, crying, mewling, puking infant, as Shakespeare said, from its very inception, but one that was necessary for the health of the city. We have to nourish it. We have to give it adequate milk and other nutrients to keep it going. I can only say to you that the attempt to kill this little baby which was born in 1966 would be a sad miscarriage of justice and it would be a misguided missile of the worst sort. So I urge you, please, my colleagues, vote in the negative on this matter.

Thank you.

ACTING PRESIDENT KUHL: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

I will not attempt to expand upon the prose that we just heard from Senator Goodman, but I do know that when gauntlets are thrown down and the people that pick them up,

what happens thereafter is usually most unsatisfactory, destructive to both sides. Things happen that people would not want to happen if they were acting perhaps with a little more forethought.

I think that is the situations we have here. Senator Goodman pointed out the rate of .45 percent. If someone earned from outside the City of New York, $50,000, the average commuter tax, income tax, would be $225.

We all know many people, those of us in the City of New York, friends, relatives who live outside of the City of New York who work in the city and have businesses in the city and frankly if you spoke to any one of them, one on one, and said, you know, your business, your employment, your safety, all the things that you require when you get off the Long Island Railroad or arrive by car in the city, are they worth $225? The answer would be yes.

New York City is an open city, meaning our parks, our libraries, our museums, the zoos that we have, everything that we

have, all of which cost money, is available to everyone in the City of New York, both resident and nonresident. That is not true when you leave the City of New York and go elsewhere you can not get into a local park without a town permit. You can not use the local library unless you are a resident of that particular jurisdiction.

We would not want it any other way as far as the City of New York is concerned. But the 800,000 people, more or less, who come into the city and earn their livelihoods, support their families, are really being asked to share a very, very small burden.

As my colleague pointed out, this tax was first adopted in 1966, with a home rule message. Why one is not required at this juncture logic of that also escapes me. Both in this house and in the Assembly, which historical has also always asked for a home rule message. For some reason, from what I read, and maybe I will be proven to be wrong, that is not any longer the case. So there a certain hypocrisy that permeates the Capitol on this issue.

Now, the bill before us relates only to repealing that tax for New York State residents who are commuters. However, based on recent decisions and certain challenges that have taken place by people outside the State of New York, specifically New Jersey, there is no doubt that the out of state commuter tax will also evaporate. And the total hit will be $360 million, which the Mayor has placed in his budget, in his fiscal plan, earmarked for many, many things that are of value not only to city residents, but also those from outside the city.

So I suggest to you that by eliminating this tax you not only hurt the people in the City of New York, but all those who come to the City of New York, because it has to be taken out of somewhere. And how they will refashion that is yet to be determined.

There is also a question as to whether or not, based on the 1996 Court of Appeals decision, as to whether or not action on this legislation without a home rule message will stand constitutional muster.

That remains to be seen. My reading as a non attorney indicates that it will not.

However, irrespective of that, it will be months before that judicial determination takes place and in the interim we'll have many, many problems.

I think, you know, as a person who at one time represented part of Nassau County, for ten years represented the communities of Great Neck and a number of other communities in that area, Kings Point and so on, I can well understand an attitude that some might perceive relevant to coming to another jurisdiction and being taxed. But at the same time I repeat what I said earlier. Most of those constituents of mine at that time understood quite clearly that the burden they were being asked to share was very, very small and the rewards for going into New York City and conducting their business or being in the places of employment or going to all of the cultural facilities that we have to offer in the City of New York, all of which are subsidized to some degree or other within our city budget. That that small tax was worth

it.

So I suggested to the proponents of this legislation today that it is ill advised. It is unfair. It maybe unconstitutional. It certainly should not be done without a home rule message from the City of New York. And I would urge everyone to vote in the negative.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could, at this time have the last section read for the purposes of Senator Saland voting.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Saland, how do you vote?

SENATOR SALAND: I vote in the affirmative, Mr. President.

SENATOR SKELOS: Mr. President,

if I could just make a couple of comments or observations concerning the arguments made by Senator Goodman and Senator Padavan.

Number one, when the Commuter Tax was authorized by the state Legislature in 1966, the Journal Clerk's transcripts and records indicate that there was no home rule message required by the Senate. In fact our records indicate that when the temporary portion of the Commuter Tax was extended in 1997, there was no home rule message either in the Senate or the Assembly.

Putting that aside, there are numerous case decisions that have indicated that the Legislature has the inherent power to prescribe and the method of collection of taxes. That includes local taxes. The Commuter Tax is paid and collected by the State of New York and then distributed to the City of New York. And what numerous cases decisions have held, what the Legislature giveth, the Legislature can taketh away.

Now, a few thing I would like to point out in terms of out of state, in state residents, the bill is carefully drafted to

state, number one, that the repeal of the Commuter Tax shall apply to non New York City residents who reside within the State of New York. We then state that should a court find the legislation to require it to cover all residents, whether New York State residents or not, then the Commuter Tax would be repealed in its entirety.

We feel though that under the substantial reason rule, and there have been numerous cases in this area, that the courts will find that the legislation is constitutional and that it can apply to the - solely to New York State residents who do not live in the City of New York.

Now, there have been comments made about how we who live in the suburbs take advantage of all of the niceties of New York City. And let me say, I thoroughly enjoy going into New York City. Thousands of my commuters that reside in my district in Nassau and Suffolk Counties commute into the city. But there are 115,000, these are statistics I have from the LIA, the Long Island Association, New York City residents who

commute to Long Island and work. And they are not being asked to pay a commuter tax to use our roads, to use our police services, and neither are the residents of New York City asked to pay for the use of our roads if there going out to the Hamptons for the weekend. They are not asked to pay for police services. They are not asked to pay for fire services. They are not asked to pay for any services whatsoever other than what others would maybe be asked to pay for.

When New York City residents go up to the Adirondacks or the Catskills, and take pleasure in using all that tax exempt property the taxpayers and residents of those upstate communities, they don't ask for a commuter tax or anything like that to subsidize the tax exempt use of those beautiful parks in the Adirondacks and in the Catskills.

Many press accounts indicate how minimal the elimination of the Commuter Tax can be for those who reside in the suburbs. I know that in my district, and many others on Long Island and I am sure Westchester and Rockland, the amount of that commuter tax can

add up to perhaps six months of commuting free into the city to pay for the Commuter Tax for the privilege of working in the city.

You know, there are so many good things that we have done in Senate Majority, that the Governor has done, in cutting taxes throughout the State of New York. And when you look at them, you know, they all may not be a lot of money but it all starts adding up. You know, whether it is the sales tax on exemption on clothing that may only be 90 to $100, whether it is the STAR program that may be 700 to $800 hundred, whether it is the elimination of the PIT, which only may be a few hundred dollars, they all slowly add up and become real money.

The City of New York right now has a $2.1 billion surplus and Mayor Giuliani is to be congratulated. He has turned that city around. The crime rate is down. Just today reading in the papers and hearing in the news, the lowest crime rate of all cities over one million. New York City, Mayor Giuliani. And he is to be congratulated.

He is also to be congratulated for

in the fiscal year 2000 there will be $2 billion in tax cuts. That is either new ones that have been proposed in his present budget, or other ones that are being phased in. Two billion dollars in tax cuts, $2.1 billion surplus. Mayor Giuliani should be congratulated, but suburban commuters should not have to subsidize those tax cuts.

We go through the list of tax cuts that the city has enacted, you know a lot of them, and again, the argument was made, what is $50 here, what's $80 here. Taxes, commercial rent reduction, $21 million. Extension of the co-op condo property tax of relief, $166 million. The elimination I believe it was last year of the surcharge on the New York City PIT, amounted to five or six hundred million dollars in tax relief to New York City residents.

Again I congratulate the Mayor. It is the right way to go. He is doing the right thing for the residents of the City of New York, and now we're saying for, 33 years, 33 years, suburbanites, suburban legislators who passed this legislation in the passed, many of

them Republican, because the city was in crisis at numerous times did the right thing then, passed it, but now the right thing to do is to repeal the Commuter Tax in its entirety.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I had prepared some remarks but Senator Skelos in his eloquence has basically stated everything I was going to say and then some. I would just like to say I agree with the Senator. I congratulate him for this piece of legislation. I congratulate the Mayor and the Governor of this State for turning around both the State and the City of New York and making us able and capable of passing this kind of legislation.

It is long overdue and I look forward to voting aye.

ACTING PRESIDENT KUHL: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President.

On the bill. Mr. President I rise

to commend my Republican colleagues for their opposition to this piece of legislation. I agree with Senator Goodman and Senator Padavan.

This legislation is unconstitutional. It should not be before us because there is no home rule message as is required. It is being done for political reasons, not economic reasons, not policy reasons. And I will not reiterate but there are a whole series of arguments, some of which we have heard today, where you can justify this very small tax, less than one-half of one percent, on individuals who prosper in their employment in the City of New York and as a consequence of that employment utilize a whole series of city services that I really don't need to articulate here.

Having said that, having said that, at least when we enacted the STAR Program there was compensation by the State for all the municipalities that forfeited revenue as a consequence of that very good program. Here there is absolutely no regard for the fiscal impact that this legislation will have on the

City of New York.

And I think it is very important that I correct come misperception that somehow has been able to circulate out there because, yes, it is true, the City of New York now has a $2.1 billion surplus. Any one who suggests that this is a condition that is permanent is just kidding themselves. So let me, if I may, show you what is going to happen in the City of New York over the next few years.

Next year projections are that the current $2.1 billion budget surplus will be reduced in excess of $1 billion. That is fiscal 2000, the fiscal year that will be first impacted by this legislation. In fiscal year 2001 the city, in the best case scenario, best case meaning all the risks that are inherent in the budgets that we are going to see, if those risks don't materialize the City of New York will have a $1.8 billion deficit, deficit, best case scenario. In the year 2001, fiscal year, the worst case scenario the city will run a $2.7 billion deficit, deficit.

In 2002, the best case scenario, the city will run a $2 billion deficit, again,

deficit. The best case scenario -- I'm sorry, the worst case scenario in 2002, the city will run a $3.3 billion deficit, and not to be repetitive here, in fiscal year 2003, the worst case scenario, the city's deficit that year will balloon to $3.5 billion.

I will remind everybody that if this legislation is enacted the $360 million hit would not just be $360 million every year as a permanent loss to the city. That number that the city will realize, the .45 percent will increase, as it has increased for the increased revenue for the City of New York for the past 10 or 15 years. So it is an additional loss of revenue that we will never see again as the structural deficit in the City of New York increases and expands.

Senator Skelos outlined for us some of the tax cuts that the City of New York has implemented and I just would like to thank him for doing that and to suggest that the tax cuts that the City of New York has proposed for the upcoming fiscal year, which begins on July 1st of this year are targeted tax cuts that will stimulate the economy of the City of

New York that will drive the revenue stream both in the city and the State. And some of the -- if I may be allowed, some of the taxes that the city proposed to implement that total $400 million, ironically or not, closely approximating the amount of loss that we will see if this legislation is enacted, there are $57 million in business tax cuts that the City of New York intends to implement, $57 million. There is a $21 million reduction to the commercial rent tax, a tax that has long been decried as something that is absolutely blockage of economic development in the city. Absolutely antibusiness. We are trying to bring that down. This flies in the face of it and will prevent the City of New York from moving ahead with its economic package that has stimulated the economy and has resulted in our wonderful economic condition today, which it will not be in successive years. And I just would like in conclusion to remind everybody here that this is not only bad economic policy, it is penny wise and pound foolish. Because although the City of New York has a $2.1 billion surplus this year, the

State ironically has a $2 billion surplus this year. I will remind everyone that that $2 billion state surplus, state surplus, almost in its entirety is a direct consequence of the fire sector in New York City, particularly Wall Street. So if we do this here today and we damage the City of New York, hinder its ability to implement targeted tax reductions that will stimulate economic progress and development of the city we will be cutting off our nose to spite our face and state revenue will come down as a consequence.

I have great sympathy for the individuals from the surrounding communities in the City of New York, for the neighboring counties. I absolutely do. This is not a Democrat, Republican issue, as evidenced by Republican colleagues rising in opposition to it. And this is not an issue that should be looked at upon as a city not city issue. This is something that is important for the regional economy and the State economy of New York. For that reason and the 19 others that have been outlined today on both sides of the aisle I rise in opposition to this and I urge

all of my colleagues to vote no on this legislation.

ACTING PRESIDENT KUHL: Senator Marchi.

SENATOR MARCHI: Mr. President, I was present and took the initiative on the enactment of the very legislation that we put in place in 1966. And some of the remarks that have been made here, today and I can understand Senator Skelos' arguments where the task of going to this constituency and saying, well you are paying a tax to another jurisdiction for giving of your labors, so he made some very persuasive arguments.

On the other hand you also made some very valuable considerations that we can not predicate at this point an eternal euphoria and that we have several billion dollars as they contend at the other end of this floor, therefore we can spend a lot more here in the state based on that euphoria and that it will continue.

Plainly the situation does call for prudence on a widespread basis. And I submit that I am opposed to spreading that euphoria

into next year until we are on very solid footing. If we escalate, as is the expectation on the other end of this floor down the hall, another billion dollars or more, we may find ourselves in a very precarious condition next year. And for the same reason, having participated in the enactment of this legislation, having lived through the crisis that we survived and city has honored its limitations without deviation through Democratic and Republican mayors, the city has lived within that limitation since then.

I would submit that submitting a $330 million hole at this point makes it very difficult for those of us who live in the City of New York and may have to respond to the question if the euphoria indeed is not eternal. What are we going to do about certain urgent needs that confront the people of the City of New York.

There may be another time when it would be urgent that we act on broadening that base of deduction. I don't feel that we have it available to us at this time. So that I

can in all candor find it impossible to support this legislation, as much as I respect the feeling that prompted the reaction which is wholly consistent with the relationship he has with his own people. I can not find it within myself an act of responsibility to support it at this time. So I will urge a no vote.

ACTING PRESIDENT KUHL: Senator Goodman.

SENATOR GOODMAN: Mr. President, it is difficult for me to debate against one of the class acts of this house, Senator Skelos, for whom I have inordinate regard, but I am afraid in this case I must respectfully disagree with him for the following reasons.

First of all, let me point out that there is quite an array of people on a bipartisan basis who oppose this tax. They include the Mayor of the city, speaker of the city counsel Mr. Valone, the comptroller of the State of New York Carl McCall, comptroller of the City of New York Alan Hevesi, and a formidable array of business leaders known as the partnership.

In a memo, a cogent memo, submitted by George Lence, the acting senior vice president for government affairs of the partnership, some of you may remember George, he was my counsel until earlier this year and so therefore is a well trained intellect without question, they point out a couple of interesting things that I think we should keep in mind. First of all they make it clear that in 1996 nonresidents earned 40 percent of New York City's wages and paid only what percent would you guess of the taxes? You are right, eight percent.

Ninety-two percent of the wages are earned by residents and they pay only 60 percent of the -- excuse me, let me restate that in correct sequence. Residents earn 60 percent of the city's wages and pay 92 percent of the city's tax revenues. Nonresidents, 40 percent of the city's wages and pay eight percent. Residents, 60 percent pay 92 percent. You can see where the burden falls. The burden falls directly on the people of the City of New York.

Now, Senator Skelos, I would be

willing to enter into a bargain with you right now by swap. If we could take all of the areas from which New York City derives benefit when its people leave the city, such as the Adirondacks and Jones Beach and you name it, and if we could let the city dwellers pay a tax that is equivalent to the services they derive if in turn you permit us to let the commuters pay for the services they derive in the city I assure you that the percentages of the tax that the commuters pay and the proportions they pay would be exponentially greater than what they pay right now.

The fact of the matter is that this tax structure short changes the city beyond question. I would like further to point out to you that the Commuter Tax is a permanent tax. It has been around for 28 years and if we rationally keep it on the books it will be on for a number of additional years into the future. But the city surplus is a one shot. It is very unlikely it will recur. We know, my good friends, that trees do not grow to the sky. The Dow Jones average teetering precipitously at 11,000 is not likely to go

much beyond this, although it is conceivable that it could carry for a while, but I commend to you a book by John Kenneth Galbraith, a professor of economics at a little junior college in Cambridge called Harvard who wrote a book about the crash of 1929. The great crash depicts the enthusiasm and the optimism with which everybody assured one another the greatest experts, including Mr. J.P. Morgan and the Whitneys and all the rest that there would be a perpetual prosperity generated by the stock market. And when the stock market came crashing down at a congressional hearing the people were so upset at what had happened put a midget on Mr. Whitney's knee while he was testifying before the Congress to indicate the pygmy proportions of his intellect which dared to predict that the prosperity would go on indefinitely.

So I point out to you that this prosperity can't go on indefinitely but the Commuter Tax is something which is reliable.

Now, keep in mind something else that I think is extremely significant. That is that the Mayor and the speaker of the

counsel have carefully crafted what you could regard as a tax program best designed to stimulate the job economy of the city. And in the recently enunciated budget of the Mayor there were several taxes that he expects to cut. Among these are the following; the mayor's plan would cut the four percent sales tax on books which would save book buyers an estimated $25 million a year. The Mayor has an earned income tax credit for lower income families, savings are estimated at $80 for an average household but could go even higher in the city council amendments.

There is a cut in the mortgage recording tax for first time home buyers on mortgages under $250,000, estimated average saving $900 per home buyer. Notice the say the Mayor is focused on helping the little people overcome their economic burden. Furthermore, the auto use tax paid as part of our car registration would involve a two year savings of $30 for each car owner.

The one near and dear to my heart and that of anybody with any co-op apartments in their district is a measure in the Mayor's

tax reduction package, tax relief for co-op and condo owners, total annual savings of $160 million.

These will all be crowded out by this nonjudicious attempt to eliminate a tax which should remain on the books. The partnership memo says that eliminating the nonresident earnings tax would put a $360 million recurring annual hole in the city's budget. It goes on to point out that under the leadership of the Mayor and the president of the city council the partnership feels very strongly that the job economy of the city would be stimulated.

Now, the partnership is no mean group. It consists of every major builder, banker, entrepreneur in the City of New York and I can only tell you this is a real blue book and it is their collective judgment to repeal this tax would be a dreadful mistake.

My friends, we have all heard of the nattering nabobs of negativism and I submit to you that what is going on here is a product that can only be associated with the shall I put it bluntly, the false fatuous

fiscal fumbling of a group of well intended people but this false fatuous fiscal fumbling must be blocked and blocked on this floor.

Lets rise to the occasion with good common sense and not allow something like this to hurt our city as it surely will do.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On the bill, I just want to point out of course that there really haven't been any hearings on this proposal, let alone any substantive hearings, no impact statements have been put forward about the impact which of this legislation. No discussions about the shared destiny of the City of New York with its suburbs and with the State of New York.

I don't understand, what's the rush? What's the rush? We have not even done a budget. This is more important than getting a budget done? I fail to see why we are looking at this piece of legislation which has such a major impact for the City of New York and the suburbs and the State of New York

short term and long term without those kinds of discussions and before we have even looked at how this year's state budget could make up for the loss of revenue for the City of New York.

You know, it is a terrible thing when we go out and start usurping local control and that is exactly what is happening here. We are usurping local control and we are not having a discussion about what the impact of that usurpation will be. No hearings on that, no impact statement, no discussion of the link and the common destiny designee between the City of New York, its suburbs and the State of New York and what that means for the State's revenue as well, long term.

There is no doubt but that services will continue to be provided in the City of New York and that when commuters come in they will be safe, that police and fire protection will be there, the subways, which are also heavily subsidized will continue to run, that people will continue to be able to walk on sidewalks without breaking their ankles

because the sidewalks are being repaired. All of these things will remain in place. But you can bet what will be cut are programs which serve those New Yorkers who are most in need.

The millions of dollars we are talking about you know will go toward cutting services to New York City's working people and its poor people because the City of New York will continue to provide all of the services which will insure the quality of life for those people who live in New York City and those people who work in New York City.

Again, what is the rush? Why are we doing this now? We don't have what exactly the impact will be and we have not had the discussion of the link and the destiny of New York City, its suburbs and the State of New York.

I urge my colleagues to vote no.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

Since 1987 this legislation has been before the Senate. Twelve years, 12

years. Maybe it should have been taken a little more seriously. But it is a tax. It is not a fee. It is a tax. And one thing this body has done so well in the last four and a half years is reduce taxes.

Senator Skelos said it best. 115,000 people travel everyday to Nassau and Suffolk Counties. As a Nassau County resident I pay taxes. I pay for my portion of the police, of the roads. We don't charge individuals who come into our county or our island to enjoy our parks, to enjoy traveling throughout the island.

This is a tax. It is an old tax. Senator Skelos, let me commend you. This is one tax that we should retire today.

ACTING PRESIDENT KUHL: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

Lets face it, there was a political event coming up that caused us to concentrate on this legislation and moving it. And you know the thing that disturbs me, I have heard arguments against this legislation that it is

bipartisan, that we have Republicans and Democrats in New York City opposing this commuter tax.

Let me tell you what I have observed quickly in the last ten years here. It is not Republican or Democrat any more. I hear all these arguments of upstate versus downstate. And that is the politics that drives the budget and that's the politics that drives much of the legislation that we put forth.

I have heard it said that New York City wants to reduce taxes on the little people. Well, let me tell you about the little people from Sullivan County, Ulster County, Orange County.

Sullivan County, their sales tax was $24 million 10 years ago. They are at twelve and a half. Their wealth has been diminished in half. Their unemployment is above the state average and above the national average. Commuters that come to New York City are the little people. So this is an opportunity, now that the city is a little flush, $2 billion a year, to give something

back to the little commuter that comes to New York City.

You impose now an MTA tax on those commuters. Every day we spend a quarter of one percent that we give for your buses and your subways. So I think on the merits this is the right thing to do even though we all know it was prompted by a political event that is scheduled to happen.

Now, if the City falls on tough times you come back to this Legislature and we'll look to help New York City people. Aren't we the same? What is the difference of a New Yorker from New York City or a New Yorker in Buffalo or the Hudson Valley? We are a New York family and when we talk about upstate and downstate, you know what, it diminishes our state. So this is a judgment call and I happen to be representing those commuters that will benefit this time around. But I have voted for New York City legislation in the Assembly that helped the little people when on the merits it was right.

So I believe that on the merits for the little commuter that comes in from

Sullivan and Ulster and I haven't told you the bad number in Ulster County where when IBM pulled out we lost 7,000 jobs. We have only recouped 2,000. We are still struggling. We are in rural New York that goes to New York City.

I support the legislation on the merit. It should have been done. I don't say it should have been done back in '87 because New York City wasn't doing that well. But they are doing well now, and from everything that we can see, Wall Street aside, Wall Street aside, because your real estate market is booming, your tourism is booming, your hotel industry is booming, your job creation in Bronx and Brooklyn is booming.

And I sat with the Mayor in Delaware County Saturday night. He was there as the main speaker, and he said, we are a family. And when New York City benefits the State of New York benefits. So I say to the Mayor, yes we are benefitting by passing this commuter tax and I applaud all of those members that vote in favor and I thank Senator Skelos for bringing it forward and sticking

with it.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

I want to join with my other colleagues in the support of this legislation. 12,000 people out of my district commute to New York City every day for their livelihood. They make a living in New York City, but many of them say to me, hey, we are paying the Commuter Tax, we are paying the MTA tax. When is it our turn. We hear the city saying they are flushed with money. Maybe what we ought to think about is the time that the New Yorkers, city people, residents, come up to our areas and they expect our fire departments to be available, they expect our ambulance service. They expect a lot of services from our rural areas who go to New York and pay for services.

They buy services. They buy goods. This is the right time to do something for those people who a lot of people call the

little people. These are the people that are not making a hundred thousand. These are individuals who take a train in my area at 5:13 in the morning and get home at 8:30 and 9:00 o'clock at night.

What we are doing is something that we imposed upon them many years ago when times were tough. Times are flush now in the city, and what we are saying is it is time to take care of those people who we went to and said we need your dollars for the city. It is time we turned around and said to them, Now we are going to take care of you. I wholeheartedly support this legislation.

ACTING PRESIDENT KUHL: Senator Balboni.

SENATOR BALBONI: When I arrived in this chamber in 1990, tax cuts were mere political slogans. We were not doing them. As a matter of fact, in 1986, the famous tax act that Governor Mario Cuomo kept putting off and putting off and putting off. We didn't do the tax cuts. And so tax cuts became a part of the political rhetoric that floated around this legislature like a sick joke.

Things have changed. They have changed in large part because of Governor George Pataki. But they have also changed because now, as part of our philosophy, particularly in this chamber, tax cuts have become a reality.

Senator Duane asked, why don't we slow this bill down, why rush to judgment. Ladies and gentlemen, we have been waiting for this bill on Long Island for over a decade. Thanks to Dean Skelos and his perseverance to keep this issue alive, and when you call it political, look when Senator Skelos introduced this bill. Look back when he did it. There were no races going on. There was nothing. It was Senator Skelos's believe that this is a bad tax and we all joined him in that effort.

But when you take a look at other issues like economic development, we will always talk about the needs to have an effective, educated work force. And we should do nothing to dissuade them from coming to our places of business to join in economically. Apparently not so for New York City because it is okay to do a commuter tax, which penalizes

individuals, individuals who are the work force for the businesses in the City of New York, very important. But it also is a divisive tax. It once again draws that great line across Queens and says, now we really are different because we are going to tax you for coming in here. But yet the reality of it is today's economics say we are a region. We are not a city versus the suburbs. We are an economic region. If you do well we do well.

Lastly, another one of those sick jokes around Albany, except for a couple of years ago when something was called a temporary tax and everybody laughed and said, Yeah, yeah, right temporary tax. Well today lets puts the word temporary in its proper context. That is something that should be reexamined from time to time, and when the economic circumstances permit, lets repeal it.

Ladies and gentlemen, the economic circumstances not only permit, but in fairness an equity demand this repeal.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Leibell.

SENATOR LEIBELL: Yes, Mr. President.

Just briefly, to echo what so many of my colleagues have said, for those of us who represent many of the suburban areas outside of New York City, we recognize that New York State has a very different economy than it had a few years ago. And New York City has also a very different economy.

It is a strong city. It is a strong economy. It is providing and recommending numerous tax cuts and breaks for its own citizens, and that's a good thing to do. But for those of us who commute into New York City, for those of my constituents who commute in there this is a tax whose time has come to end.

I want to point out for my colleagues from the city, both parties, that we provide many services to New York City. Not only do New York City residents spend a great deal of time in my district, but I might add that my district is probably the heart of the watershed. And we provide an awful lot of our land at a pretty good reduced price to

keep New York City's water supply clean and available.

On another note I would like to also point out that despite this dramatically reduced crime rate we have in New York City, you still have a few bad people there. And when you incarcerate them you send them frequently to my district and that is where we provide housing for them. So there are many services that come out of a district like mine and my colleagues in the suburbs that go to New York City residents and I might add that we have no intention of asking for any sort of a tax for New York City residents who wish to venture into Westchester, Putnam or Dutchess Counties.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: Senator Leibell took some of the words that I was going to use.

I have for the last 14 years, 15 years, said either we ought to have no commuter tax or a commuter tax that was

equitable that also permitted the counties outside of New York City to tax those residents who were coming from the city into the suburban areas. As it turns out, right now I believe our incommutation is equal to our out-commutation in Westchester County, which is something that has come about just in recent years. But because we have so many of corporate America's headquarters in our county we see a lot of people coming from New York City up to our county and to the surrounding counties.

I wanted to mention also that we are the watershed for New York City water. We have a great deal of land that is not on our tax rolls because we are the watershed of New York City.

And I wanted to point out actually those prisons are in my district. We have several prisons. You have Bedford. But I have several prisons in my district including in Ossining, Sing Sing. So it is an unfortunate thing, but we do provide housing at those prisons and we certainly have those lands off of the tax rolls.

So I feel that on another point I wanted to make is that we are now looking at development that we are calling sustainable development that is to be considered on a regional basis. This is something that has come to the forefront in the last year and I certainly hope we will pass our sound economic development program this year in this house.

But the fact is we are regional economies now. We're no longer isolated. We no longer look just to our boundaries and say that is where the benefits or the damages occur.

So I feel that since I have had a bill for so long that said we should either be taxing both ways or not taxing I am going to be very happy to vote in favor.

ACTING PRESIDENT KUHL: Senator Skelos to close.

SENATOR SKELOS: Thank you, Mr. President. I thank my colleagues for -

ACTING PRESIDENT KUHL: We have one more speaker, Senator Skelos, before we close.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

Senator Skelos, I am struck by the fact that we are clearly dealing with an issue that is not a partisan that has -- where there are strong advocates for repealing this tax from the city, Democrats and Republicans, for opposing the repeal from Democrats and Republicans from the city. Strong advocates such as Senator Oppenheimer and Senator Skelos who support repealing the tax from both parties. Not a Majority, Minority issue.

I appreciate the arguments about equity where you have a tax that is one way it can not help but look inequitable to those who pay but feel that their jurisdictions do not receive.

I think though that if we look at the overall situation of equity regarding the City of New York, which is the engine of economic life for much of the State of New York we have to take an overview, and I hope that my Republican colleagues from the city will join me in taking on far more damaging and discriminatory acts of this house toward

the City of New York and I am speaking about the inadequate funding of our transit system by the State where suburban transit systems are far more heavily subsidized. The inadequate funding of our public schools by the state. These are things I look forward to working on a bipartisan basis with vigorous advocates from the city in both parties and redressing. And I think that while I can not support the repeal of the tax under these circumstances I do understand the arguments and I think it is very, very important though to understand that this is a debate that we are having on a regional basis and on a basis of values and I have been very impressed with the arguments of some of the strong advocates from the suburbs in the Democratic party on this issue and in the Republican party and I hope that we will be able to take the same sort of a bipartisan approach to assessing other issues that deal with the equity of our regional economy, because we do all work together or fail together as an economic engine in New York. And I will be voting no, but I am respectful of the fact that many

Democrats in Nassau and Westchester and active Democrats speaking up for repeal of this tax in Rockland County disagree with me on this issue.

ACTING PRESIDENT KUHL: Senator Skelos to close.

SENATOR SKELOS: Thank you, Mr. President. And I thank my colleagues for what has been a great debate.

I first introduced a bill to repeal the Commuter Tax in 1987. I have voted consistently as have so many of my colleagues in the Majority from the suburban areas not to extend the temporary part of the Commuter Tax as it has come up every two years as it would again this year.

On April 23rd I put out a press release basically saying that we should consider not extending the temporary part of the Commuter Tax and I had discussions concerning the entire concept of the Commuter Tax. Voices did come from other areas of the state, Republicans who were interested in Rockland County in repealing the entire thing. But as I have learned in life, everything

sometimes is timing when things happen. And the bottom line is you can have many offers of a great idea. But this Legislature today is doing the right thing in repealing the Commuter Tax. This is not an issue of interfering with home rule. It is an issue of taxation without representation. Because if the city wishes to tax its residents or not tax their residents they have that option to do it through the Legislature. But when you are taxing people who do not reside within your community with an income tax or a commuter tax, that is not an issue of home rule, that is an issue of taxation without representation.

It is an issue of fairness. As was said, $2.1 billion surplus and tax cuts of almost $2 billion and those tax cuts continue to grow, $2,000 and one of $2,000 and if there is a structural deficit in the city maybe that is what should be reviewed.

The power to create the tax carries with it the inherent power to repeal the tax. That's the right that we have as a Legislature. It is not an issue of home rule,

it is an issue of the inherent right resides in the Legislature and that's why I am hopeful today the Senate will join me in voting to repeal the Commuter Tax and that Speaker Silver and the Assembly Majority will follow suit as they have pledged and vote to repeal the Commuter Tax in their house.

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

Senator Goodman, why do you rise?

SENATOR GOODMAN: Is it possible to close for the opposition, Mr. President?

ACTING PRESIDENT KUHL: Senator Goodman, you have already had the opportunity to speak twice and as often remind people on both sides of the aisle, you are only allowed to speak twice on the -

SENATOR GOODMAN: Mr. President, may I remind you that Senator Skelos also spoke twice preceding his closing.

ACTING PRESIDENT KUHL: That is not true, Senator Goodman. You are out of order. If you want to explain your vote and address the body at that time you are certainly allowed two minute under the rules

of the house.

SENATOR GOODMAN: Thank you.

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

SENATOR SMITH: Slow roll call.

ACTING PRESIDENT KUHL: I knew we'd get to that.

Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Slow roll call is requested. Five members standing. The Secretary will call the roll slowly.

The bells are illuminated.

THE SECRETARY: Senator Alesi.

(No response.)

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Aye.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Yes.

THE SECRETARY: Senator Breslin.

(No response.)

THE SECRETARY: Senator Bruno.

(No response.)

THE SECRETARY: Senator Connor.

ACTING PRESIDENT KUHL: Senator Connor to explain your vote.

SENATOR CONNOR: Thank you, Mr. President.

This indeed has been an interesting debate. It has certainly been an interesting development with respect to this legislation over the last week and a half or so.

Mr. President we are one state. The suburbs, the city, upstate, we are interdependent in many, many ways. And I have listened to both sides of the argument and certainly as the Democratic Minority leader of the Senate didn't wish to take a narrow view. I thank Senator Goodman for his many points, particularly for pointing out to this entire body whose idea this was, that is was the Democratic Majority leader of the Rockland County legislature that first proposed this and I thank Senator Goodman for that because these things are often hard to credit. But now we have a credible source for confirming

what we all know. And in view of all that, Mr. President, and communications I have had with people in Rockland County, I vote aye.

ACTING PRESIDENT KUHL: Senator Connor will be recorded in the affirmative.

Continue with the slow roll call.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

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

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: I am glad and I concur with Senator Connor. I am glad the Democratic ideas about tax cuts are catching on. I note that Senator Goodman pointed out the mortgage income tax deduction for first time home buyers in New York City. Great idea that the Mayor has caught onto that idea, proposed by Senator Connor.

Cuts in the earned income tax credit. Another great idea proposed by

Senator Connor and gathered in by a Republican mayor in New York City and low and behold, now we are doing the commuter tax. Another good Democratic idea.

I would add, Mr. President, that there is another reason to vote in favor of repealing this tax. And it has to do with a point that Senator Skelos made and one that I agree with. And that is it really an instance in which the payer of the tax is delinked from the political process that puts the tax in place and benefits from it. Whenever you disenfranchise the payer of the tax and the power to repeal it or the ability to change it you really uncouple what I think is the most important part of American government, and that is people's free choice to tax themselves for the public good. That is what happens here when commuters pay a tax that ends up benefitting the City of New York.

There are policy reasons and I understand those reasons articulated by Senator Goodman, but the bottom line is I think the way to restore that representation component, the way to get a good public policy

is to link the taxpayer with the benefits of the tax or in this case to repeal the tax that is payed by people who do not have the political power inside the City of New York to advocate for its repeal.

So I think this is the right public policy. I am glad this idea is catching on. I have voted for billions of dollars in tax cuts before. I willingly vote for this one, Mr. President. I am voting aye.

ACTING PRESIDENT KUHL: Senator Dollinger, you will be recorded as voting in the affirmative.

THE SECRETARY: Senator Duane.

SENATOR DUANE: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Aye.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: No.

THE SECRETARY: Senate Gonzalez.

(No response.)

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: To explain my vote.

ACTING PRESIDENT KUHL: Senator Goodman to explain his vote.

SENATOR GOODMAN: Mr. President, this is a bill which is a product of the gang that couldn't shoot straight. The gang is a bipartisan group of well intended people eager to win an election, but in the process have managed to come up with a tax which is so - with the repeal of a tax, an idea which is so inherently senseless, so destructive and so completely deconstructing of a careful fiscal plan for the City of New York that I assure this will go down in the annals of this house as one of the most foolish pieces of fiscal folly ever perpetrated on the public if it should pass.

We still have time to beat this thing. Lets pull up our socks, put on our careful thinking caps and recognize that since every major political figure involved in the rational analysis of the future of the City of New York apart from those of us in this chamber which have somehow been

anesthesthitized by virtue of something I can't really understand that we should clearly defeat this tax and allow it to go back into the recesses of the great minds that produced it and allow them to come up with something a little more productive in their next round of imaginative produce here in the legislature.

This is a bad tax repeal. It is a tax that deserves to remain so we can repeal the taxes that really have an impact on jobs and the economy. Folly, folly, folly, and we all ought to realize this and act accordingly because it is not quite too late yet.

Thank you.

ACTING PRESIDENT KUHL: How do you vote Senator Goodman?

SENATOR GOODMAN: In the negative, with enthusiasm.

ACTING PRESIDENT KUHL: Senator Goodman will be recorded in the negative. Continue the slow roll call.

THE SECRETARY: Senator Hannon.

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

ACTING PRESIDENT KUHL: Senator

Hannon to explain his vote.

SENATOR HANNON: Mr. President, I wasn't going to speak, but I think it is incumbent to point out that this is a tax that was born of a period totally different in economic perspective than now.

When I was very young and a staffer I was in this chamber when people were saying, those of you in the affluent suburbs don't abandon the city. Well, I think the history of this state, the history of this body is that we did not abandon the city. We looked to be in partnership with them when they were in need. And in fact, in terms of the enactments we have made since then in regard to transportation and other services that we have been there and looked upon the suburbs and the city as a region. But it is also appropriate when economic circumstances have changed totally that those things that arose then are repelled now so I would vote yes and urge that we retire this tax and give it a gold watch and send it out to pasture.

ACTING PRESIDENT KUHL: Senator Hannon will be recorded in the affirmative.

Continue the roll.

THE SECRETARY: Senator Hevesi.

SENATOR HEVESI: No.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Yes.

THE SECRETARY: Senate Johnson.

(No response.)

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: No.

THE SECRETARY: Senator Kuhl.

(No response.)

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: No.

THE SECRETARY: Senator Lack, voting in the affirmative earlier today.

Senator Larkin.

SENATOR LARKIN: Yes.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: Aye.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Libous.

(No response.)

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: No.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: To explain my vote.

ACTING PRESIDENT KUHL: Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Earlier we heard discussions and numbers tossed about. The impact of this tax on Nassau County residents, $88 million out of the county.

The impact on Suffolk County residents, $38 million out of the county.

Was it necessary to help New York City at one time? Yes, I believe it was. I was working in New York City at the time living on Long Island. I was a school teacher, and if I may say so, heavily under paid. And to pay an additional tax is not a pleasure. I did it because I understood it was necessary to help the city which I was born in. I want to make sure it was helped. But lets put a name, lets put a face to some of the people who pay that tax. They are police officers. They are school teachers. They are fire people. They are accountants.

They are nurses. They are sales people. There are a whole host. Are there some CEOs? Absolutely. But the real people are the people who are providing those very services for New York City residents that you are charging the outsiders for, they are the providers of them. So not only are they providing it, they are paying their own salaries.

Fairness demands that this tax, in times of good and time of high economic income for all levels of government that we repeal this tax and work with the city and help it to keep it on a sound fiscal footing, but we should also pass along those tax cuts, those targeted tax cuts to the residents of the boroughs and the suburbs that help support it.

I vote aye.

ACTING PRESIDENT KUHL: Senator Marcellino, you are recorded as voting aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: No.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Yes.

THE SECRETARY: Senator McGee.

SENATOR McGEE: Yes.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Yes.

THE SECRETARY: Senator Mendez, excused.

Senator Montgomery excused.

Senator Nanula.

SENATOR NANULA: Yes.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: To explain my vote.

ACTING PRESIDENT KUHL: Senator Onorato to explain his vote.

SENATOR ONORATO: Mr. Chairman, I would be most happy to support this legislation. I love to reduce taxes. But under the current way the bill is drafted I think it would be very, very detrimental to the City of New York, without justifiably compensating them for the loss of that

revenue.

The City of New York has been providing a great deal of services based upon the income derived from that particular tax. Now if the state were to enacting a harmless clause like we did years ago with the education system when the outer boroughs and the outer counties of upstate and all around the area were losing student population we maintained the same affordable assistance for their public education systems. The City of New York student population is exploding, our buildings are falling down and last year we vetoed, the Governor vetoed $700 million worth of benefits, $500 million worth of school construction that would have benefited the entire state.

So if you are going to start cutting taxes from the City of New York lets do it equitably across the entire state and make sure that New York City is not the only one bearing the harm.

I vote no.

ACTING PRESIDENT KUHL: Senator Onorato will be recorded in the negative.

Continue the roll call.

THE SECRETARY: Senate Oppenheimer.

SENATOR OPPENHEIMER: Yes.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: No.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: Yes.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Rosato, excused.

Senator Saland voting in the affirmative earlier today.

Senator Sampson excused. Senator Santiago.

SENATOR SANTIAGO: No.

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: No.

THE SECRETARY: Senator Seabrook, excused.

Senator Seward.

SENATOR SEWARD: Aye.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.

THE SECRETARY: Senator Smith.

SENATOR SMITH: Yes.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: Senator Stafford, voting in the affirmative earlier today.

Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Velella.

(No response.)

THE SECRETARY: Senator Volker.

SENATOR VOLKER: No.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: No.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: The Secretary will call the absentees.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Yes.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Velella.

(No responses.)

ACTING PRESIDENT KUHL: The Secretary will announce the results.

THE SECRETARY: Ayes 39, nays 16.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the non-controversial calendar.

ACTING PRESIDENT KUHL: The Secretary read the non-controversial calendar.

THE SECRETARY: Calendar Number 299, by Senator Kuhl, Senate Print 1724-A, an act to amend the Agriculture and Markets Law

in permitting raffles.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 312, by Senator McGee, Senate Print 3016-A, an act providing for the deduction by the State Farm future aid payments.

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

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

ACTING PRESIDENT KUHL: Call the roll:

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: No, excuse

me, Mr. President, I apologize, Calendar Number 299, if you are on the roll call I'll sit down, if I could be recognized after the roll call.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Dollinger, why do you rise now?

SENATOR DOLLINGER: Mr. President, did Calendar Number 299 pass the house?

ACTING PRESIDENT KUHL: Yes, it did, Senator.

SENATOR DOLLINGER: If I could have unanimous consent to be recorded in the negative on that bill, Mr. President?

ACTING PRESIDENT KUHL: Without objection.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Dollinger is recorded in the negative on calendar Number 299.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT KUHL: Senate Padavan, why do you rise?

SENATOR PADAVAN: On Calendar Number 299, I would like to also be recorded in the negative.

ACTING PRESIDENT KUHL: Without objection, Senator Padavan will be recorded in the negative on Calendar Number 299.

The Secretary will continue to read the non-controversial calendar.

THE SECRETARY: Calendar Number 315, by Senator Maziarz, Senate Print 2963-A, an act to amend the Executive Law, in relation to conforming.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 488, by Senator Bonacic, Senate Print 4139, an act to amend the Public Housing Law, in relation to the sale or lease of a housing project.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll:

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 1. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 614, by Member of the Assembly Weisenberg, Assembly Print Number 7126, an act to amend the Mental Hygiene Law, in relation to establishing.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 648, by Senator Maziarz, Senate Print 4271, an act to amend the Executive Law, in relation to increasing income eligibility levels.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 680, by Senator Marchi, Senate Print 1640-A, an act to amend the Limited Liability Company Law and the Partnership Law, in relation to publication.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 702, by Senator Skelos, Senate Print 4455, an act to amend the Real Property Law, in relation to the time period.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

774, by Senator Trunzo, Senate Print 4486, an act to amend the Transportation Law, in relation to the provision.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 859, by Senator Johnson, Senate Print 5351-A, an act in relation legalizing and ratifying actions.

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

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 887, by Senator Lachman, Senate Print 2699, an act to amend the Public Authorities Law in relation to prescribing.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 906, by Senator DeFrancisco, Senate Print 4020, an act in relation to authorizing the transfer of funds.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 951, by Senator Skelos, Senate Print 4722, an act to amend the Public Health Law and the Social Services Law, in relation to instituting.

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

THE SECRETARY: Section 6. This act shall take effect on the first day of April.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1014, by Senator Goodman, Senate Print 4035, an act to amend the Alcoholic Beverage Control Law, in relation to the imposition.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1024, by Senator Goodman, Senate Print 4281, an act to amend the Public Lands Law, in relation to authorizing.

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

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

ACTING PRESIDENT KUHL: Call the roll:

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1032, by Senator Wright, Senate Print 1478, an act to amend the Real Property Tax Law, in relation to the real property tax exemption.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1036, by Senator Alesi, Senate Print 97, an act to amend the Executive Law, in relation to prohibiting state agencies.

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

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1058, by Senator Lack, Senate Print 3103, an act authorizing the State University of New York to lease and contract for service.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1061, by Senator LaValle, Senate Print 4280, an act to amend the Education Law, in relation to representation.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1062, by Senator LaValle, Senate Print 4767-A, an act to amend the Education Law, in relation to the administration.

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

THE SECRETARY: Section 4. This act shall take effect September 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1070, by Senator LaValle, Senate Print 5377, an act to amend the Education Law, in relation

to indemnification.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1071, by Senator Spano, Senate Print 1930, an act to amend the Mental Hygiene Law, in relation to renaming of the Letchworth Village Developmental Disabilities Services Office.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Dollinger why do you rise?

SENATOR DOLLINGER: Mr. President, again, I apologize. We moved through it very quickly, but I would ask for unanimous consent to be recorded in the negative on Calendar Number 1024, as I believe I was recorded last year as well.

ACTING PRESIDENT KUHL: Without objection.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number 1024.

Senator Meier, why do you rise?

SENATOR MEIER: To make a motion, Mr. President.

ACTING PRESIDENT KUHL: Return to the order of motions and resolutions, Senator Fuschillo. That we will do. The Chair recognizes Senator Meier for the purpose of a motion.

SENATOR MEIER: Thank you, Mr.

President.

On behalf of Senator Goodman, on page 22 I offer the following amendments to Calendar Number 549, Senate Print 2753-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendment is received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, is there any other housekeeping at the desk?

ACTING PRESIDENT KUHL: There is none.

SENATOR FUSCHILLO: There being no further business I move we adjourn until Tuesday, May 18 at 3:00 p.m.

ACTING PRESIDENT KUHL: Without objection. Hearing no objection, the Senate stands adjourned until tomorrow, Tuesday at 3:00 p.m.

(Whereupon, at 5:26 p.m., the Senate adjourned.)