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ALBANY, NEW YORK

March 26, 1993

11:39 a.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT FARLEY: The
3 Senate will be in order. The Senators will find
4 their places.

5 If you will rise with me for the
6 Pledge of Allegiance to the Flag.

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

9 ACTING PRESIDENT FARLEY: Today
10 in the absence of clergy, we'll bow our heads in
11 a moment of silent prayer.

12 (A moment of silence was
13 observed.)

14 The Secretary will begin by
15 reading the Journal.

16 THE SECRETARY: In Senate,
17 Thursday, March 25th. The Senate met pursuant
18 to adjournment, Senator Farley in the Chair upon
19 designation of the Temporary President. Prayer
20 by the Reverend Robert Hess of Delmar. The
21 Journal of Wednesday, March 24th, was read and
22 approved. On motion, Senate adjourned.

23 ACTING PRESIDENT FARLEY: Hearing

1 no objection, the Journal will stand approved as
2 read.

3 The order of business:

4 Presentation of petitions.

5 Messages from the Assembly.

6 Messages from the Governor.

7 Reports of standing committees.

8 Reports of select committees.

9 Communications and reports from
10 state officers.

11 Motions and resolutions.

12 Senator Present.

13 SENATOR PRESENT: Mr. President,
14 I move we stand at ease. There will be an
15 immediate meeting of the Majority in Room 332.

16 ACTING PRESIDENT FARLEY:
17 Immediate meeting of the Majority in the
18 Conference Room 332.

19 SENATOR STACHOWSKI: The Minority
20 will conference immediately.

21 ACTING PRESIDENT FARLEY: And an
22 immediate conference of the Minority.

23 The Senate will stand at ease.

1 (Whereupon at 11:40 a.m., the
2 Senate stood at ease.)

3 (The Senate reconvened at 1:33
4 p.m.)

5 ACTING PRESIDENT FARLEY: Senate
6 will come to order.

7 Senator Present, we have the
8 motions, if that's your pleasure.

9 SENATOR PRESENT: Take them now.

10 ACTING PRESIDENT FARLEY: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: Mr.
13 President, I wish to call up my bill, Print
14 Number 1921, recalled from the Governor which is
15 now at the desk.

16 ACTING PRESIDENT FARLEY:
17 Secretary will read the title of Senator
18 DeFrancisco's bill.

19 THE SECRETARY: By Senator
20 DeFrancisco, Senate Bill Number 1921, an act to
21 amend the Highway Law, in relation to
22 designating a portion of the state highway
23 system as the Veterans of Foreign Wars Memorial

1 Highway.

2 SENATOR DeFRANCISCO: I would
3 move to reconsider the vote by which this bill
4 was passed.

5 ACTING PRESIDENT FARLEY: Call
6 the roll on reconsideration of the bill.

7 (The Secretary called the roll on
8 reconsideration.)

9 THE SECRETARY: Ayes 48.

10 ACTING PRESIDENT FARLEY: The
11 bill is before the house. Senator DeFrancisco.

12 SENATOR DeFRANCISCO: I would now
13 offer the amendments that have been filed.

14 ACTING PRESIDENT FARLEY:
15 Amendments are received.

16 SENATOR DeFRANCISCO: Also, there
17 was one other matter. I was out of the room
18 when the vote was called on Number 261
19 yesterday, the Bill Number, Print Number 3156,
20 and had I been here, I would have voted in the
21 negative.

22 ACTING PRESIDENT FARLEY: The
23 record will so indicate.

1 Are there any other motions on
2 the floor? Senator Present had something.

3 SENATOR PRESENT: Would you
4 recognize Senator Marchi, please.

5 ACTING PRESIDENT FARLEY: Senator
6 Marchi.

7 SENATOR MARCHI: Mr. President,
8 there is a privileged resolution at the desk.
9 May the title be read?

10 ACTING PRESIDENT FARLEY: The
11 title will be read of Senator Marchi's
12 resolution.

13 THE SECRETARY: Legislative
14 Resolution, by Senator Marchi, honoring the
15 memory of Nicholaus B. Labeau of Staten Island
16 and Warren County, New York, a Civil War Greek
17 American upon the occasion of Hellenic Pride Day
18 in New York State.

19 ACTING PRESIDENT FARLEY: All in
20 favor of adopting the resolution, say aye.

21 (Response of "Aye.")

22 Those opposed, nay.

23 (There was no response.)

1 The resolution is adopted.

2 We have some substitutions,

3 Senator Present. What's your pleasure?

4 SENATOR PRESENT: On behalf of
5 Senator Marino, I hand up the following Minority
6 committee assignment changes.

7 ACTING PRESIDENT FARLEY:
8 Secretary will read those Minority committee
9 reassignments.

10 THE SECRETARY: Senator Marino
11 hands up the following Minority committee
12 assignment changes: Senator Waldon assumes
13 membership on the Committee on Investigations,
14 Taxation and Government Operations. Senator
15 Galiber relinquishing membership on the Energy
16 Committee. Senator Solomon assumes membership
17 on the Energy Committee.

18 ACTING PRESIDENT FARLEY: Those
19 committee assignments will be filed in the
20 Journal.

21 Secretary will read the
22 substitutions.

23 THE SECRETARY: On page 7 of

1 today's calendar, Senator Spano moves to
2 discharge the Committee on Mental Health and
3 Development disabilities from Assembly Bill
4 Number 6130, and substitute it for the identical
5 Calendar Number 319.

6 ACTING PRESIDENT FARLEY:
7 Substitution is ordered.

8 THE SECRETARY: On page 24,
9 Senator Goodman moves to discharge the Committee
10 on Elections from Assembly Bill Number 813-A,
11 and substitute it for the identical Third
12 Reading 220.

13 ACTING PRESIDENT FARLEY:
14 Substitution is ordered.

15 Senator Present.

16 SENATOR PRESENT: Then let's go
17 to the non-controversial calendar.

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

20 THE SECRETARY: On page 14,
21 Calendar Number 231, by Senator Tully, Senate
22 Bill Number 3400-A, an act to amend the Public
23 Health Law, procedural requirements for issuance

1 of non-hospital orders not to resuscitate.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 49.

10 ACTING PRESIDENT FARLEY: That
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 238, by Senator Tully.

14 ACTING PRESIDENT FARLEY: Lay it
15 aside for the day.

16 THE SECRETARY: Calendar Number
17 264, by Senator Saland, Senate Bill Number 2377.

18 SENATOR GOLD: Lay it aside.

19 ACTING PRESIDENT FARLEY: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 265, by Senator Saland, Senate Bill Number 2378,
23 an act to amend the Social Services Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 SENATOR GOLD: Lay it aside.

9 ACTING PRESIDENT FARLEY: Lay
10 that aside; withdraw the roll call.

11 THE SECRETARY: Calendar Number
12 266, by Senator Saland, Senate Bill Number 3334,
13 an act to amend Chapter 542 of the Laws of 1988,
14 amending the Social Services Law.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 49.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 267, by Senator Saland, Senate Bill Number 3378,
4 an act to amend the Domestic Relations Law.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 SENATOR GOLD: Lay it aside.

13 ACTING PRESIDENT FARLEY: Lay
14 that bill aside; withdraw the call.

15 THE SECRETARY: Calendar Number
16 269, by Senator Saland, Senate Bill Number 3383,
17 an act to amend the Social Services Law and the
18 Executive Law.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 49.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 271, by Senator Volker, Senate Bill Number 1539,
8 an act to amend the Executive Law, in relation
9 to Community Services Block Grant Program.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 49.

18 ACTING PRESIDENT FARLEY: That
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 272, by Senator Stafford, Senate Bill Number
22 2021, an act to amend the State Finance Law, in
23 relation to filing authorizations for direct

1 deposit.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 49.

10 ACTING PRESIDENT FARLEY: That
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 273, by Senator Kuhl.

14 SENATOR KUHL: Lay it aside for
15 the day, please.

16 ACTING PRESIDENT FARLEY: Lay
17 that bill aside for today.

18 THE SECRETARY: Calendar Number
19 274, by Senator Daly, Senate Bill Number 2635,
20 an act to amend the Executive Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 49.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 275, by Senator Levy, Senate Bill Number 72, an
10 act to amend the Transportation Law.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 49.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 276, by Senator Levy, Senate Bill Number 193, an
23 act to amend the Railroad Law and the Public

1 Authorities Law.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 49.

10 ACTING PRESIDENT FARLEY: That
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 278, by Senator Sheffer, Senate Bill Number
14 1021, an act to amend the Vehicle and Traffic
15 Law.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

18 SENATOR GOLD: Lay it aside.

19 ACTING PRESIDENT FARLEY: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 279, by Senator Volker, Senate Bill Number 1136,
23 an act to amend the Highway Law.

1 ACTING PRESIDENT FARLEY: That
2 bill has a home rule message here at the desk.
3 You can read the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 49.

10 ACTING PRESIDENT FARLEY: That
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 280, by Senator Levy, Senate Bill Number 1245,
14 an act to amend the Public Authorities Law.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 49.

23 ACTING PRESIDENT FARLEY: That

1 bill is passed.

2 Senator Present, that's the first
3 time through.

4 SENATOR PRESENT: Let's take up
5 the controversial.

6 ACTING PRESIDENT FARLEY:
7 Controversial. Secretary will read.

8 THE SECRETARY: On page 14,
9 Calendar Number 264, by Senator Saland, Senate
10 Bill Number 2377, an act to amend the Family
11 Court Act.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take -

16 SENATOR GOLD: Hold on one
17 second.

18 ACTING PRESIDENT FARLEY: Hold it
19 up for just a moment.

20 SENATOR GOLD: Senator Saland
21 yield for one question?

22 ACTING PRESIDENT FARLEY: Senator
23 Saland, will you yield?

1 SENATOR SALAND: Yes, sir.

2 SENATOR GOLD: Senator, I was
3 just given a copy of a memo in opposition by the
4 Association of the Bar of the City of New York.

5 SENATOR SALAND: I'm sorry, the
6 Association of...

7 SENATOR GOLD: The Bar of the
8 City of New York, and I haven't had a chance
9 really to read it through. I gather that just
10 from taking a quick look, that there may be just
11 some technical questions. Have you seen the
12 memo?

13 SENATOR SALAND: No, I haven't.

14 SENATOR GOLD: Would you be
15 interested in maybe laying it aside a day and
16 looking at it? I don't think -- it's up to you.

17 SENATOR SALAND: If you would like
18 me to, I certainly will.

19 SENATOR GOLD: Yeah, I just think
20 it would be useful, if -- you know, I trust your
21 judgment. Lay it aside.

22 ACTING PRESIDENT FARLEY: Are you
23 going to lay that bill aside?

1 SENATOR SALAND: Lay it aside.

2 ACTING PRESIDENT FARLEY: Lay it
3 aside.

4 SENATOR SALAND: Senator Gold,
5 let me lay it aside temporarily and at the
6 conclusion of the calendar, we can -

7 SENATOR GOLD: That's fine.
8 Splendid. That's fine.

9 THE SECRETARY: Calendar Number
10 265, by Senator Saland, Senate Bill Number 2378,
11 an act to amend the Social Services Law.

12 SENATOR GOLD: Senator Saland,
13 this one, could I perhaps get one day on this?
14 Thank you.

15 ACTING PRESIDENT FARLEY: Lay the
16 bill aside.

17 THE SECRETARY: Calendar Number
18 267, by Senator Saland, Senate Bill Number 3378,
19 an act to amend the Domestic Relations Law.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 50.

5 ACTING PRESIDENT FARLEY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 278, by Senator Sheffer, Senate Bill Number
9 1021, an act to amend the Vehicle and Traffic
10 Law.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

13 SENATOR GOLD: Explanation.

14 ACTING PRESIDENT FARLEY:
15 Explanation has been asked for. Let's just hold
16 up for a minute. Senator Sheffer.

17 SENATOR WALDON: Mr. President.

18 ACTING PRESIDENT FARLEY: Senator
19 Waldon.

20 SENATOR WALDON: Thank you, Mr.
21 President. While there's a pause, would you
22 allow the record to reflect that inadvertently
23 yesterday I voted yes on bill 2547. I would

1 have wished to have been able to vote no on
2 that.

3 ACTING PRESIDENT FARLEY: The
4 record will so indicate.

5 SENATOR WALDON: Thank you.

6 SENATOR SHEFFER: An explanation
7 has been requested, is that right?

8 SENATOR GOLD: Yeah.

9 SENATOR SHEFFER: Is there some
10 detail -

11 ACTING PRESIDENT FARLEY:
12 Senator, hold on a second. What do we have
13 here? 278, Senator Sheffer an explanation has
14 been asked for on your bill.

15 SENATOR SHEFFER: Sure. It's
16 simply to add funeral directors to the rather
17 lengthy list that we have of professions that
18 are authorized to have distinctive license
19 plates, obviously in response to a specific
20 request that we had, and one of the rationales
21 being that in many cases in, for example,
22 funeral processions as opposed to the old days
23 where they were almost invariably accompanied by

1 local police, that isn't always the case any
2 more and at least it's some distinctive
3 indication of what's proceeding on the street.

4 SENATOR GOLD: Will the Senator
5 yield to a question?

6 SENATOR SHEFFER: Sure.

7 ACTING PRESIDENT FARLEY: Senator
8 Sheffer.

9 SENATOR GOLD: In other words,
10 Senator, I want to get this right. In other
11 words, if you have a procession of about 15 cars
12 all with their lights on, with a big hearse with
13 a dead body in it, people don't know that that's
14 a funeral today?

15 SENATOR SHEFFER: Well, I mean
16 that that -- we're not really talking just a
17 hearse here, but a car. I guess the issue is of
18 given the fact that this is something that they
19 believe would be helpful, is there a basis on
20 which to deny them when so many other groups and
21 professions, not the least of which is state
22 legislators, have the right and ability to do
23 that and, of course, unlike some places we're

1 not giving them any gift here, they're -- they
2 need to pay the charge for doing it.

3 SENATOR GOLD: Well, Senator,
4 will you just yield to one more question?

5 SENATOR SHEFFER: Sure.

6 SENATOR GOLD: I mean I feel if
7 people want to pay extra money and we can raise
8 revenue, it might not be a bad idea. I mean I
9 know that, for example, there's a fellow in my
10 district who sells fresh fish and he'd like to
11 have, you know, Fish Seller on the plate because
12 when he goes down to the Fulton Fish Market he
13 wants to get that stuff back to the district as
14 fresh and as quick as possible.

15 I mean you think maybe we just
16 should have legislation that anybody who pays a
17 fee can put anything they want on the license
18 plate? Why wouldn't that be a good revenue
19 measure for the state instead of breakin' this
20 all up?

21 SENATOR SHEFFER: Well, Senator,
22 if you wanted to pursue that bill, I think that
23 you should. I, in my own mind, can distinguish

1 between someone going to get a load of fish and
2 a very solemn procession of a funeral.

3 SENATOR GOLD: Last section.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 51.

12 ACTING PRESIDENT FARLEY: The
13 bill is passed.

14 Are you negative?

15 SENATOR OPPENHEIMER: No. I'm
16 not, to explain my vote.

17 ACTING PRESIDENT FARLEY: Senator
18 Oppenheimer to explain her vote.

19 SENATOR OPPENHEIMER: I'm
20 standing up.

21 I'm in favor of this bill -- but
22 I -- as came up in committee, and I'm not sure,
23 I wasn't in here a couple of minutes ago, but

1 what concerns me is the varying charges for
2 these -- the special license plates. I think
3 that it's necessary for us to look at the
4 plethora of plates we have now with different
5 charges, some 15, 10, 25; we're talking 40. I
6 think there ought to be some regulation and
7 standard, and I would urge that we move ahead on
8 that in Transportation.

9 ACTING PRESIDENT FARLEY: Senator
10 Marchi.

11 SENATOR MARCHI: Mr. President.
12 Am I on the proper order for the explanation of
13 my vote?

14 ACTING PRESIDENT FARLEY: You're
15 always in order, Senator Marchi.

16 SENATOR MARCHI: I have an
17 ongoing antipathy to this type of bill, but not
18 necessarily this particular bill. But in my
19 district I have the honor of having an attorney
20 who puts the word "Acquittal" on his plate and
21 it just illustrates, at least in my impoverished
22 point of view, the depths to which my profession
23 has sunk.

1 But this bill, I think, is not -
2 doesn't labor under the same strictures that we
3 all always assume an honorable profession
4 follows and by virtue of the work they're
5 doing. This is something else, and it's basic
6 public information, and I find nothing immoral,
7 fattening or illegal about it, and I explain my
8 vote but, again, my basic antipathy is deeply
9 rooted, and it surfaces every time I hear one of
10 these things.

11 ACTING PRESIDENT FARLEY: Senator
12 Marchi votes in the affirmative, with
13 reservation.

14 The bill is passed.

15 Senator Present, I think that
16 completes our controversial calendar.

17 SENATOR PRESENT: Mr. President,
18 can we just stand at ease for a moment?

19 ACTING PRESIDENT FARLEY: The
20 Senate will stand at ease.

21 SENATOR PRESENT: Mr. President,
22 would you recognize Senator Larkin, please.

23 ACTING PRESIDENT FARLEY: Senator

1 Larkin.

2 SENATOR LARKIN: Mr. President,
3 I'd like to star Bill Number 1159, Calendar 296.

4 ACTING PRESIDENT FARLEY: Is that
5 your bill?

6 SENATOR LARKIN: Yes.

7 ACTING PRESIDENT FARLEY: It's
8 starred at the request of the sponsor.

9 Senator Hoffmann.

10 SENATOR HOFFMANN: I have some
11 motions at the desk. Are they in order at this
12 time?

13 SENATOR PRESENT: Will you hold
14 just a minute.

15 SENATOR HOFFMANN: Yeah, sure.

16 SENATOR GOLD: Yeah, Mr.
17 President.

18 ACTING PRESIDENT FARLEY: Senator
19 Gold, why do you rise?

20 SENATOR GOLD: Yeah. With
21 Senator Saland's permission, if we could take
22 264 now and ask to put it over one day. Thank
23 you for the courtesy.

1 SENATOR SALAND: Certainly.

2 ACTING PRESIDENT FARLEY: 264 is
3 laid aside for the day.

4 SENATOR GOLD: Yeah. No other
5 business except the motions; is that correct?

6 SENATOR PRESENT: Mr. President,
7 would you recognize Senator Hoffmann, please.

8 ACTING PRESIDENT FARLEY: Senator
9 Hoffmann.

10 SENATOR HOFFMANN: Thank you, Mr.
11 President.

12 I believe I have some motions at
13 the desk. Are they there, and are they in order
14 at this time?

15 ACTING PRESIDENT FARLEY: They're
16 here. The desk would like to know what number
17 motion.

18 SENATOR HOFFMANN: Let's do them
19 in a little different order. Would you please
20 take the last one, 3509, first, the open
21 meetings bill.

22 ACTING PRESIDENT FARLEY:
23 Secretary will read the title of the 3509.

1 THE SECRETARY: By Senator
2 Hoffmann, Senate Bill Number 3509, an act to
3 amend the Public Officers Law, in relation to
4 exempting political committees, conferences and
5 caucuses from the provisions of the Open
6 Meetings Law in certain instances, and repealing
7 subdivision 2 of Section 108 of such law
8 relating thereto.

9 SENATOR HOFFMANN: Thank you.

10 ACTING PRESIDENT FARLEY: Senator
11 Hoffmann.

12 SENATOR HOFFMANN: I find myself
13 in an even more constrained situation than I
14 usually am when I'm trying to bring such motions
15 to the floor or try to have a hearing for them
16 in our committee procedures because this year
17 through some -- for some unknown reason, the
18 Senate Majority Leader apparently made a
19 decision within the last 48 hours that bills
20 that are subject to motion to discharge will now
21 have to be presented on the floor on the day
22 that they are fully aged. The first available
23 opportunity now necessitates the sponsor

1 bringing them forward. In the past, we had the
2 courtesy of picking a date within a window
3 previously defined by the Majority Leader, but
4 today is the day, and I apologize to all of my
5 colleagues who would like to be out in the sun
6 shine, as I would, and be on my way home, and I
7 will keep my remarks brief in deference to our
8 good weather and other activities.

9 We've all been here for five
10 days, and I anticipate the outcome on some of
11 these measures based on what's happened in past
12 years, but I intend to go through the procedure
13 today, and I have a faint hope that we may see a
14 somewhat changed vote this time, and I can
15 assure you that I do not consider this the end
16 of this process because these bills are all
17 sitting within a committee, a committee duly
18 constituted in the Senate. These bills will
19 remain live and available for consideration as
20 long as this Senate remains in session. So
21 throughout this year, I will continue to do my
22 utmost to bring them to the attention of all of
23 my colleagues and of the taxpayers around the

1 state who have raised issues about the need for
2 legislative reform in this chamber.

3 A few years ago I, like many
4 other people in this chamber, witnessed a marked
5 change in the way this Legislature regarded open
6 meetings for local governments. We amended a
7 state law in 1985 which not only kept our party
8 conferences closed to the public and the press
9 but also extended the closed party conferences
10 to local government as well.

11 I'm happy to report that many
12 local governments around the state, in their
13 wisdom, have adopted resolutions in which they
14 rejected the notion of secret decision-making by
15 people organized under a political banner, and
16 yet that continues to be the norm for the way
17 business is conducted in this state
18 Legislature.

19 Virtually every significant
20 decision that is arrived at in this Capitol is
21 reached in secret either between the Governor
22 and the top legislative leaders meeting some
23 place on the second floor, or later ratified

1 within a closed-door party conference by the
2 majority members of either house of the
3 Legislature.

4 The abuses are the same in both
5 houses. My criticism is not reserved only for
6 the Senate, but this is the body where I serve
7 and I have no choice except to bring the issue
8 up here, and I continue to seek co-sponsors in
9 the Assembly for these same measures. In the
10 meantime, I am thrilled with the amount of
11 support across the state that has developed for
12 a true open meetings law.

13 Organizations as diverse as
14 Change New York, the New York State Grange,
15 Common Cause, NYPIRG, the League of Women
16 Voters, to name just a few, have now publicly
17 committed themselves to changing the way we do
18 business here. It's not the people don't want
19 us to meet in private. We're certainly entitled
20 to, but we should have the decency to put up a
21 message that says we are now talking about
22 political business, and we will be public once
23 again when we talk about the public business.

1 We have a committee procedure
2 that should be adequate if it were followed
3 fairly for the deliberation of all of our
4 legislation. If every member had an opportunity
5 to openly debate the bills, to amend them within
6 our committee process, this would be a far
7 better Legislature. That's the way that most
8 states conduct their legislation. That's the
9 way the federal government conducts itself. I
10 won't use Congress as a model for all of their
11 activities, but in this area alone they are
12 vastly more open than we are.

13 So I will urge all of my
14 colleagues to join me today in bringing to the
15 floor for a vote the motion to discharge the
16 open meetings bill, Number 3509, and I
17 particularly hope that some of my newly elected
18 colleagues who have campaigned on a theme of
19 openness and fairness and indicated a desire to
20 support legislative reform of this chamber and
21 the other chamber as well, will join -- join
22 hands with members across the aisle in
23 supporting this discharge motion.

1 ACTING PRESIDENT FARLEY: Senator
2 Dollinger.

3 SENATOR DOLLINGER: Mr.
4 President, I rise in support of the motion to
5 discharge. I, too, will be brief because of the
6 weather. It seems to me that there's been a lot
7 of discussion already in my brief tenure in this
8 chamber about the concept of mandate; that is,
9 instances in which the state requires local
10 governments to spend its money or to engage in
11 certain programs and doesn't provide the funds,
12 and where we don't provide the funds we don't
13 provide the leadership.

14 I dare say that the Open Meetings
15 Law seen in that light becomes the cruelest of
16 mandates, because we mandate that local
17 governments be open, we mandate that they
18 conduct their proceedings in public, all of it
19 based on the public interest that the more you
20 know about government, the better enlightened
21 the voter is, the better the decisions that are
22 made by government.

23 I submit to you to not vote for

1 this motion, to not put it before the floor and
2 enact it into law makes the Open Meetings Law
3 the cruelest and most hypocritical mandate of
4 them all.

5 I'd ask that my colleagues sup
6 port this motion. Let's bring it to the floor.
7 Let's make us subject to the same thing that,
8 for 15 years, we've required of local
9 government. Let's stop the hypocrisy. I'm in
10 favor of the motion.

11 ACTING PRESIDENT FARLEY: On the
12 motion, all in favor say aye.

13 (Response of "Aye.")

14 Those opposed nay.

15 (Response of "Nay.")

16 The motion is not accepted.

17 Senator Hoffmann. Do you have
18 another motion, Senator Hoffmann?

19 SENATOR GOLD: One moment.

20 SENATOR HOFFMANN: Number 3508.

21 ACTING PRESIDENT FARLEY: 3508.

22 THE SECRETARY: By Senator
23 Hoffmann, Senate Bill Number 3508, an act to

1 amend the Legislative Law, in relation to the
2 time for debate on matters before the
3 Legislature.

4 ACTING PRESIDENT FARLEY: Senator
5 Hoffmann.

6 SENATOR HOFFMANN: I think that
7 the common sense aspect of this bill is some
8 thing that all of our constituents understand.
9 Let's just face it, we're not too sharp
10 sometimes at four or five or six o'clock in the
11 morning, and the work product of this chamber
12 reflects that. We've got some of the strangest
13 legislation, some of the most unusual quick
14 fixes and taxes and fees any place in the world
15 coming out of of this Capitol in the wee hours
16 of the morning.

17 I'm glad to know that I'm not
18 alone in attempting to end the all-night
19 sessions. I was delighted when I received a
20 phone call last summer or last fall from a
21 member of the Syracuse city government, the City
22 Clerk there called me, and said he had just
23 gotten the newsletter from one of my colleagues

1 and he congratulated me on having Republican
2 support for ending the late night sessions, and
3 then he provided me a copy of a newsletter from
4 Senator Saland, and this newsletter, which has a
5 lovely letter at the front, Dear Friend, stating
6 that "business as usual can no longer be
7 tolerated. It has not served us well," and
8 Senator Saland, in his newsletter, which
9 apparently was mailed to many people in other
10 parts of the state, including city clerks and
11 other public officers, Senator Saland has a
12 beautiful article talking about under the
13 headline, "We need to end the all-night session"
14 and I was -- I was so pleased when I saw this,
15 but I'd never had any contact with Senator
16 Saland on this subject and I remembered that he
17 had been part of a party vote to deny this bill
18 from coming to the floor last spring, so upon
19 investigation I was a little startled to learn
20 that the bill would accomplish virtually the
21 same thing, but it would take years to do it
22 because it was a Constitutional Amendment. But
23 Senator Saland, Senator Hannon, Senator Larkin,

1 Senator Seward and Senator Sheffer and Senator
2 Spano, are all at least committed to the concept
3 according to this legislation, of the ending the
4 all-night legislative sessions, and I would make
5 this offer to them:

6 I would be happy to remove my
7 name from the bill that I have filed. I would
8 take my name off 3508 and offer prime
9 sponsorship to one of them or all of them. I -
10 even though I don't think that the bill that
11 they have prepared is as practical a bill
12 because it deals with a Constitutional Amendment
13 to accomplish something that we can accomplish
14 fairly simply with legislation, I would be happy
15 to support that as well.

16 So I would urge all of my
17 colleagues who have indicated a desire to end
18 the late night sessions to bring this issue to
19 the floor so that we can discuss it in greater
20 detail now and join me in moving 3508 to the
21 floor for a vote.

22 ACTING PRESIDENT FARLEY: On the
23 motion.

1 SENATOR GOLD: Hold on a second.

2 Yes, will the Senator yield to one question?

3 SENATOR HOFFMANN: Certainly.

4 SENATOR GOLD: Yeah, Senator,
5 we're doing 3508 right now, is that correct?

6 SENATOR HOFFMANN: That's right.

7 SENATOR GOLD: That's the one
8 which would limit our sessions?

9 SENATOR HOFFMANN: Right.

10 SENATOR GOLD: Would Senator
11 Saland yield to a question?

12 SENATOR SALAND: Certainly.

13 SENATOR GOLD: Senator, it's my
14 understanding that you have a bill in to do this
15 but by concurrent resolution, constitutionally.

16 SENATOR SALAND: Proposed
17 Constitutional Amendment, correct.

18 SENATOR GOLD: Senator, if you
19 will yield to a question, I mean a Constitution
20 al Amendment obviously takes a period of time.
21 Is there anything that you know in the law that
22 -- or in the Constitution that would bar us
23 from doing this by statute, the way it's being

1 proposed by Senator Hoffmann?

2 SENATOR SALAND: I wasn't here
3 for Senator Hoffmann's comments. I'm familiar
4 with her proposal. She is certainly free to see
5 fit to attempt to accommodate her ends the same
6 way I intend to accommodate mine.

7 SENATOR GOLD: Yeah, but I mean
8 when we say "accommodate an end".

9 SENATOR SALAND: I didn't -- I
10 didn't know that Senator Hoffmann had the
11 exclusive domain on attempting to reform the
12 procedures in this house and, if so, perhaps
13 what we ought to do in the future, if we have
14 any bills, we should send them to her first to
15 see if she approves.

16 SENATOR GOLD: Well, Senator, I
17 appreciate very much the nastiness in that
18 comment, which was unnecessary. But, Senator,
19 the fact that Senator Hoffmann or Senator
20 Dollinger or Senator Jones or others take
21 leadership roles, as you point out, doesn't stop
22 anybody else, and I'm delighted that you are
23 addressing this issue.

1 I'm just curious, Senator Saland,
2 whether or not you are of the opinion that, for
3 some reason, there's something in the
4 Constitution today that would bar us from
5 passing a law to accomplish this very end.

6 SENATOR SALAND: Well, once we've
7 concluded with this motion to discharge process,
8 and once we've determined whether or not this
9 measure is going to be on the floor, I'll be
10 more than happy to debate the merits of the
11 bill, might be something I'd even be willing to
12 consider supporting, but what we're doing at the
13 current time, as I understand it, unless I mis
14 understand the rules, we're here basically
15 dealing with a motion to discharge. Motion to
16 discharge doesn't even get to the question of
17 the merits of the bill. It merely gets to the
18 question of whether or not this bill is going to
19 be entertained by the house at this time.

20 SENATOR GOLD: Yeah, I'll -- on
21 the bill, Mr. President.

22 ACTING PRESIDENT FARLEY: On the
23 bill; on the motion to discharge.

1 SENATOR GOLD: Yeah, Mr.
2 President, the world, thank God, does change,
3 and I remember a number of years ago that was
4 the ploy, it's only a motion to discharge and,
5 no matter what you did, no matter how horrible
6 the vote was cast, it was only a motion to
7 discharge.

8 I think you gentlemen on the
9 other side really should start reading your own
10 newspapers. You don't have to read my newspaper
11 and I don't write your newspapers, but people
12 are -- they understand that kind of nonsense
13 now. You need to -- these are serious issues.

14 Senator Saland, you put in a
15 constitutional resolution, and it's co-sponsored
16 by six people on your side. Senator Hoffmann
17 has a bill that would do the exact same thing
18 right away, get it done, and we can give you 26
19 votes in final passage for this, plus your six
20 is 32 votes.

21 Not only that, Senator Saland,
22 but you want to put yours out, I'll give you 26
23 votes for that, even though I think it's a waste

1 of time. But this "good guy/bad guy" business
2 is really going to end, and this business of
3 hiding behind "it's only a motion to discharge"
4 is nonsense.

5 I guarantee you, Senator, that
6 there's nobody in Forest Hills who buys that
7 nonsense any more. They're not going to buy it
8 in Syracuse; they're going to have enough sense
9 in Syracuse to know that Senator Hoffmann is
10 serious about reform and, unfortunately for the
11 gentlemen on the other side, they're going to
12 understand statewide that you're not serious.

13 All right? You want to put in
14 these bills and then bury them in your own
15 committees, well, you're going to find out that
16 people in your communities are going to be
17 wondering why your votes on this floor vary from
18 your campaign promises, and I think we ought to
19 cut it out.

20 I would like nothing more than to
21 happen what Senator Leichter mentioned the other
22 day and that we get these out of here as
23 political issues. They shouldn't be political

1 issues. You resent the fact that we're on the
2 right side of these issues. You're the
3 majority; steal the issue, pass the bill and
4 we'll be out of here.

5 This is something that is so
6 basic, so basically wrong with our system that
7 the head of our Ethics Committee, Senator
8 Saland, wants to stop it. So does Senator
9 Hannon want to stop it and Senator Larkin and
10 Seward and Sheffer and Spano, all want to stop
11 it.

12 Baloney, you want to stop it!
13 Baloney! You have a chance today to vote to
14 stop it, without any nonsense, on this motion,
15 and I hope it prevails.

16 ACTING PRESIDENT FARLEY: Senator
17 Hoffmann. I'm sorry, Senator Dollinger.

18 SENATOR DOLLINGER: Mr. Chairman,
19 I rise to speak in favor of this one. I didn't
20 think I would so much talk about it because I'm
21 not familiar with the actual substance of the -
22 of the law, since I hadn't been here for one of
23 those late night sessions, and I don't quite

1 understand how we make decisions at that time
2 but I'll defer to my colleague who has been here
3 before, and my other colleagues who have been
4 here in the wee hours of the morning.

5 I just want to address the issue
6 of using the Constitution as a way to bypass the
7 power of body. It seems to me that by proposing
8 the Constitutional Amendment, what you're saying
9 is that this is the right thing to do. We ought
10 to do it, but what you're then saying is we
11 don't want to do it ourselves; we want the
12 people to tell us to do it.

13 Well, I'd submit you don't need a
14 Constitutional Amendment. You don't need the
15 approval of the people. You've got the elected
16 majority. You represent a majority of the
17 people in this state. You've got the power to
18 do it, just by putting this motion to discharge,
19 approving it, putting it on the floor and taking
20 into effect, vote for the motion when it gets
21 there.

22 There's no need for a
23 Constitutional Convention or a Constitutional

1 Amendment on this issue. I'd simply point out
2 that there's another bill hiding in committee,
3 which will probably never see the light of day,
4 a bill that I've prepared, which calls for a
5 full Constitutional Convention so we can prepare
6 a new Constitution in this state and deal with
7 the greater issues of reform in that context.

8 My point is, don't make the
9 constitutional mess -- amendment the last refuge
10 of an off-track reformer. Let's do the reform
11 here. We've got the power to do it. You've got
12 the power to do it. You've got the votes to do
13 it. Don't hide behind the flimsy excuse of
14 coming up with a Constitutional Amendment. If
15 you think it's the right thing to do, just as
16 Nike says, just do it.

17 ACTING PRESIDENT FARLEY: Senator
18 Hoffmann.

19 SENATOR HOFFMANN: Senator Saland
20 was out of the chamber at the time I spoke
21 earlier, and I want to make sure for his benefit
22 that he understands -- Senator Saland -- Mr.
23 President, I just wanted to address Senator

1 Saland for a moment. Would that be permissible?

2 ACTING PRESIDENT FARLEY: Are you
3 ready to yield, Senator Saland? She wants to
4 address you. I think she can do that with your
5 permission.

6 SENATOR HOFFMANN: I might -- I
7 might even ask Senator Saland to yield for a
8 question. I'd like -- I'd like to ask Senator
9 Saland to yield for a question, Mr. President.

10 ACTING PRESIDENT FARLEY: Senator
11 Saland?

12 SENATOR SALAND: Yes, Mr.
13 President.

14 SENATOR HOFFMANN: Senator
15 Saland, reading your newsletter, which is
16 excellent, by the way, graphically and from an
17 information perspective; it's just marvelous. I
18 just really compliment you on this and just tell
19 you it was read with much delight by people all
20 over the state who mailed it to me and congrat
21 ulated me on the apparent working relationship
22 we had developed, and I only wish that it were
23 true.

1 SENATOR SALAND: It was as much a
2 surprise to me as it was to you.

3 SENATOR HOFFMANN: Thank you. I
4 just want you to know -- Mr. President, I want
5 Mr. -- Senator Saland to know that I share his
6 enthusiasm to achieving this goal. His conclud
7 ing comments under the "we need to end the all
8 night session" article state, "Our democracy
9 would be much more responsive to public concerns
10 if it is forced to operate in the light of day
11 and under normal circumstances. My legislation
12 would help achieve this goal, and I am going to
13 fight for its enactment into law," which I think
14 is eloquent and right on target and, as a result
15 of reading this, I think perhaps you are better
16 suited than I am to carry this -- this issue
17 forward.

18 SENATOR SALAND: Oh, I couldn't
19 possibly believe that.

20 SENATOR HOFFMANN: So I am
21 willing, Senator Saland, to withdraw my name or
22 to offer you prime sponsorship, co-sponsorship,
23 whatever is your pleasure, to bring this about.

1 I am so pleased, and I know that other people
2 around the state are so pleased that we at least
3 share conceptually the idea that all-night
4 sessions should be terminated. So I offer my
5 services in whatever way possible to work with
6 you on that.

7 SENATOR SALAND: I can assure
8 you, Senator Hoffmann, I will work as genuinely
9 as you have to accomplish that end. It may take
10 me as long as it has taken you to get it this
11 far, but I will continue to pursue it.

12 SENATOR HOFFMANN: Thank you,
13 Senator.

14 SENATOR SALAND: I will continue
15 to pursue it as genuinely and with the same type
16 of aggressiveness that you have lent to the
17 cause, for which I commend you.

18 SENATOR HOFFMANN: Thank you.
19 One last question, Mr. President, if Senator
20 Saland would yield for one further question.

21 ACTING PRESIDENT FARLEY: Senator
22 Saland, are you still yielding?

23 SENATOR HOFFMANN: Senator

1 Saland, would you like me to remove my name from
2 this bill and in that case...

3 SENATOR SALAND: Oh, I wouldn't -
4 but of course not.

5 SENATOR HOFFMANN: -- would you
6 be willing to sponsor it yourself?

7 SENATOR SALAND: But of course
8 not. No, I -- there's no reason we cannot
9 pursue this as we have been. I certainly
10 wouldn't want you to somehow or other -

11 SENATOR HOFFMANN: Well, I'm not
12 sure it's productive -

13 ACTING PRESIDENT FARLEY: Just a
14 moment; Senator Saland is still answering.

15 SENATOR SALAND: I wouldn't want
16 you to withdraw from a cause that's so important
17 to you and I'm glad that we will be pursuing it,
18 perhaps not in the identical fashion, but
19 pursuing it nonetheless.

20 SENATOR HOFFMANN: Thank you very
21 much.

22 ACTING PRESIDENT FARLEY: Senator
23 Hoffmann.

1 SENATOR HOFFMANN: Thank you, Mr.
2 President. I am greatly relieved to hear that
3 Senator Saland is enthusiastically supporting
4 this concept, and I hope this particular bill as
5 well.

6 ACTING PRESIDENT FARLEY: On the
7 -- on the motion to discharge, all in favor say
8 aye.

9 (Response of "Aye.")
10 Those opposed, nay. Party vote,
11 Senator Present? Party vote. Call the roll on
12 a party vote.

13 (The Secretary called the roll.)
14 THE SECRETARY: Ayes 16, nays 35,
15 party vote.

16 ACTING PRESIDENT FARLEY: The
17 motion is not accepted.

18 SENATOR HOFFMANN: Were there any
19 exceptions, Mr. President?

20 ACTING PRESIDENT FARLEY: There
21 were none.

22 SENATOR HOFFMANN: Thank you.
23 I'd like to call up 3506, please.

1 ACTING PRESIDENT FARLEY: 3506.

2 THE SECRETARY: By Senator
3 Hoffmann, Senate Bill Number 3506, an act to
4 amend the Election Law, in relation to
5 statements of campaign receipts.

6 SENATOR HOFFMANN: This
7 particular bill would make it much easier for
8 people to know around the state who is financing
9 a campaign. It would allow single-form filing
10 so that regardless of how many campaign
11 committees are authorized to make expenditures
12 for an individual candidate, it would be readily
13 accessible information to the public. People
14 would be able to go and see that 200- or
15 \$300,000 had been spent in sum total on a
16 candidate, rather than people sometimes having
17 the misconception that a much smaller amount of
18 money has been spent because only one campaign
19 filing of one authorized committee is readily
20 accessible, and unless people are given the
21 information well in advance, they don't even
22 know where to look. Many of the reporters who
23 regularly conduct Freedom of Information

1 requests and pore through the voluminous
2 documents at the Board of Elections have
3 indicated great frustration in answering the
4 question, who is paying to elect this person and
5 the subsequent question, therefore, is the
6 person indebted to anyone upon his or her
7 election.

8 I think, in the interest of
9 fairness and openness and a willingness to
10 exercise the highest level of democratic
11 principles, everyone in this chamber should want
12 individual campaign records to be readily
13 available and easy to read. Therefore, I would
14 ask that we would have full support for number
15 3506 and the companion piece, 3507, and I will
16 accept the same vote for both pieces, Mr.
17 President, if that is all right with the Chair
18 because they are linked, unfortunately required
19 to be severed because one deals with finances,
20 the other deals with the filing of campaign
21 literature exclusively.

22 ACTING PRESIDENT FARLEY: On
23 motion 3506 and 3507, I guess we can take the

1 vote at the same time. Senator Present, what's
2 your -- voice vote or how -- what do you want to
3 do?

4 SENATOR PRESENT: Voice vote.

5 ACTING PRESIDENT FARLEY: All
6 those in favor, say aye.

7 SENATOR GOLD: Party vote in the
8 affirmative.

9 ACTING PRESIDENT FARLEY: Did he
10 say party vote? I can't hear. Party vote on both
11 of them. Call the roll on party vote on 3506
12 and 3507.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 16, nays 35,
15 party votes on both bills.

16 ACTING PRESIDENT FARLEY: The
17 motions are not accepted.

18 SENATOR HOFFMANN: Mr. President,
19 were there any exceptions?

20 ACTING PRESIDENT FARLEY: There
21 were no exceptions.

22 SENATOR HOFFMANN: I didn't hear
23 you.

1 ACTING PRESIDENT FARLEY: There
2 were no exceptions.

3 SENATOR HOFFMANN: There were no
4 exceptions.

5 ACTING PRESIDENT FARLEY: There
6 were 16 in favor and 35 against.

7 SENATOR HOFFMANN: I'm so
8 disappointed and surprised to hear that. I
9 thought surely there would be some exceptions
10 this time.

11 I'd like to call up 3505.

12 ACTING PRESIDENT FARLEY: 3505,
13 the Secretary will read the title.

14 THE SECRETARY: By Senator
15 Hoffmann, Senate Bill 3505, an act to amend the
16 Legislative Law, in relation to Senate and
17 Assembly officers.

18 SENATOR HOFFMANN: Mr. President,
19 this -- this piece of legislation really cuts to
20 the heart of how we have achieved such an
21 unusual spoils system in this state government,
22 and there really aren't any other examples
23 around the country that we can cite that have

1 done what we have done here in New York State to
2 reward people for political activities conducted
3 in conjunction with their legislative responsi
4 bilities. It's unbelievable to most people
5 that I speak with, but nevertheless very real
6 when I tell them that we pay, out of taxpayer
7 dollars, \$700,000 in stipends for people who
8 hold political titles.

9 Now, there's a very important
10 distinction between committee responsibilities
11 which carry a legislative stipend and the
12 political titles. The press refers to these as
13 "lulus"; that's their euphemism, but just to be
14 consistent with the vernacular, I think I'm just
15 going to adopt that same expression for this
16 afternoon.

17 These -- these particular lulus,
18 very often have no clear definition. There may
19 be a title, and there has been in the past no
20 published job description for most of them, no
21 indication about the time that is spent
22 exercising the responsibility for which the
23 political "lulu" is given, and the sad fact of

1 the matter is that, in the aggregate, the
2 compensation for political "lulus" is much
3 higher than the compensation to members for
4 legislative "lulus" for committee
5 responsibilities; and this is wrong.

6 We're not here to conduct
7 political operations. We're here to craft and
8 move and enact legislation, and those of us who
9 work with our committees should be reasonably
10 compensated for any additional time spent with
11 that specific committee.

12 I don't think anybody that I -- I
13 know of in central New York would have ever ob
14 jected to the late Senator Jim Donovan receiving
15 additional compensation for his chairmanship of
16 the Education Committee. During the years that
17 he chaired that committee, it was well under
18 stood that he traveled all over the state, in
19 fact around the country in that capacity, and he
20 was greatly respected and his expertise in the
21 area of education was often cited by many people
22 around the state and certainly in his district.
23 He earned that additional compensation. And to

1 be very blunt about it, at the time the whole
2 "lulu" concept arose, it was for good reason.

3 The Legislature, at that time,
4 was part time as it is today, but while some
5 members were asked to do considerably more than
6 others, they would then lose the ability to earn
7 outside income, many of them practicing law, so
8 it is not unreasonable to compensate someone
9 reasonably for doing the work of the taxpayers
10 in developing legislation through a specific
11 committee responsibility. I support that, and I
12 certainly support the idea of a part-time
13 Legislature. I do not think that it is in our
14 best interests to go to a highly paid full-time
15 Legislature, even though many of us have pretty
16 much given up outside activities and do make
17 this pretty much a full-time job.

18 But I just can't justify, and I
19 have looked at this so many times, I just can't
20 justify this whole long list of titles, many of
21 which were created only within the last few
22 years, nor the \$700,000 in taxpayer money that
23 goes with them, and this particular piece of

1 legislation that I hope that we can bring to the
2 floor today through this discharge motion will
3 put an end to those political titles.

4 Let me just read something that I
5 think is useful in the record. This is from the
6 Buffalo News. This is an editorial all the way
7 back in March of 1991, and it said: "Blame
8 tired Albany blues on mismanaged Legislature.
9 It's ponderous, secretive and undemocratic with
10 leaders holding far too much power," and you see
11 that really cuts to the heart of how this "lulu"
12 business works, because when leaders can give,
13 they can also take away, and members understand
14 that, and a few of us have observed this at
15 various times, so we then have a spoils system
16 evolving in the state where people feel
17 remarkably beholdng to leadership whose power
18 becomes stronger and stronger.

19 Reading from the Buffalo News,
20 this wonderful editorial, and I'll just read a
21 little excerpt of it because I don't want to
22 take too much of anybody's time, but it says,
23 "The responsibility for many of the problems of

1 state government comes back to rest with the
2 state Legislature, a ponderous institution, too
3 large and insular, weaned on perq's and
4 privilege and governed autocratically through a
5 system that gives too much authority to the few
6 and not enough to the many. Essentially the
7 buck in state government stops with the Albany
8 lawmakers. The authority to enact and repeal
9 the laws is enormous and fundamental, and in any
10 society and New York's constitutional language
11 means this authority rests is with the whole
12 Senate and the whole Assembly. Unfortunately,
13 that is not how it works today. Time and custom
14 have centralized power and decision-making so
15 tightly that only two leaders, the Speaker of
16 the Assembly and the Majority Leader of the
17 Senate, exercise consistent legislative
18 influence in what should be a broadly
19 deliberative, democratic branch of government.
20 Such a concentration of influence, which dilutes
21 the actual representation of scores of other
22 elected legislators cannot be justified and
23 should be changed."

1 Well, I just don't think that I
2 can add much more to what the Buffalo News said,
3 but I want to share with my colleagues that that
4 is just one of many editorials that have
5 appeared all over the state and, by golly, I am
6 pleased to tell you that the editorial writers
7 are anxious to write more about why we need to
8 change this ponderous, secretive and undemocrat
9 ic system. And what better way, especially in a
10 time of severe fiscal constraints for the
11 taxpayers of this state could we bring about
12 this change than by enacting this bill today
13 after its discharge to the floor, of course, and
14 say that we will give up the practice of using
15 taxpayer dollars to fund these undemocratic,
16 political "lulus".

17 ACTING PRESIDENT FARLEY: Voice
18 vote, or what do you -- all those in favor, say
19 aye.

20 (Response of "Aye.")

21 Those opposed, nay.

22 (Response of "Nay.")

23 The motion is not accepted.

1 SENATOR HOFFMANN: Mr. President,
2 I have one more; I'm an optimist. I have one
3 more motion up there on the desk, 3504.

4 ACTING PRESIDENT FARLEY:
5 Secretary will read 3504.

6 THE SECRETARY: By Senator
7 Hoffmann, Senate Bill 3504, an act to amend the
8 State Finance Law, in relation to requiring that
9 budget bills making appropriations or
10 reappropriation to the Legislature contain
11 specific categories and amounts of
12 expenditures.

13 SENATOR HOFFMANN: You know, we
14 have done this before. We have attempted to do
15 it before, and it just hasn't passed yet but,
16 again, I just think that it's always worth
17 giving it one more shot.

18 This budget of ours is a little
19 bit more, I gather, than the budget that Senator
20 Levy wanted to make sure had an open budget
21 hearing and was carefully understood. Calendar
22 280 today, under his sponsorship, requires under
23 the Public Authorities Law that the Transit

1 Authority in New York City hold a public hearing
2 so that all kinds of detailed information would
3 be readily available for that budget, and I
4 don't see how we can do any less for our own
5 budget.

6 Let's send a message out to the
7 countryside that we are willing to open up our
8 books, and we are willing to let people examine
9 how the decisions to use the resources of the
10 state taxpayers to fund a \$169 million state
11 Legislature are actually being used and I'd like
12 to also add, Mr. President, that there are a
13 number of organizations that have expressed
14 their support of this concept along with the
15 other bills, most of the other bills that I have
16 filed at the desk before today.

17 Among the groups that I think
18 deserve special recognition for their ongoing
19 commitment to these issues, Change New York,
20 NYPIRG, the New York State Grange, the New York
21 Citizens for a Sound Economy and the League of
22 Women Voters are all very much in favor of this
23 particular measure that would itemize our

1 legislative budget.

2 ACTING PRESIDENT FARLEY: On the
3 motion, all in favor say aye.

4 SENATOR GOLD: Party vote in the
5 affirmative.

6 ACTING PRESIDENT FARLEY: Party
7 vote. Call the roll on party vote.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 16, nays 35,
10 party vote.

11 ACTING PRESIDENT FARLEY: The
12 motion is not accepted.

13 SENATOR HOFFMANN: Were there any
14 exceptions, Mr. President?

15 ACTING PRESIDENT FARLEY: The
16 vote was 35 to 16.

17 SENATOR HOFFMANN: Thank you, Mr.
18 President.

19 Senator Present.

20 SENATOR PRESENT: Mr. President,
21 there being no further business, I move we
22 adjourn subject to a call of the Majority
23 Leader. We anticipate our next meeting will be

1 Monday, March 29th, at 2:30 p.m.

2 ACTING PRESIDENT FARLEY: The
3 Senate will stand adjourned.

4 SENATOR PRESENT: Intervening
5 days will be legislative days.

6 ACTING PRESIDENT FARLEY: The
7 Senate will stand adjourned, intervening
8 legislative days, all members may be subject to
9 the call of the Majority Leader over the week
10 end, but the session is expected to start at
11 2:30 Monday.

12 (Whereupon at 2:25 p.m., the
13 Senate adjourned.)

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