ALBANY, NEW YORK

March 26, 1993

11:39 a.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

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

(A moment of silence was observed.)

The Secretary will begin by reading the Journal.

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

ACTING PRESIDENT FARLEY: Hearing

no objection, the Journal will stand approved as read.

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Present.

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

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

SENATOR STACHOWSKI: The Minority will conference immediately.

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

The Senate will stand at ease.

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

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

ACTING PRESIDENT FARLEY: Senate will come to order.

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

SENATOR PRESENT: Take them now.

ACTING PRESIDENT FARLEY: Senator DeFrancisco.

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

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

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

Highway.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 48.

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

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

ACTING PRESIDENT FARLEY: Amendments are received.

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

ACTING PRESIDENT FARLEY: The record will so indicate.

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

SENATOR PRESENT: Would you recognize Senator Marchi, please.

ACTING PRESIDENT FARLEY: Senator Marchi.

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

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

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

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

We have some substitutions, Senator Present. What's your pleasure?

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

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

THE SECRETARY: Senator Marino hands up the following Minority committee assignment changes: Senator Waldon assumes membership on the Committee on Investigations, Taxation and Government Operations. Senator Galiber relinquishing membership on the Energy Committee. Senator Solomon assumes membership on the Energy Committee.

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

Secretary will read the substitutions.

THE SECRETARY: On page 7 of

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

ACTING PRESIDENT FARLEY: Substitution is ordered.

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

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Present.

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

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

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

of non-hospital orders not to resuscitate.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 238, by Senator Tully.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Lay it aside.

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

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The

bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Lay it aside.

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

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: That bill is passed.

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

deposit.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 273, by Senator Kuhl.

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

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

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

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

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

Authorities Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: That bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

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

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

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: That bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: That

bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Let's take up the controversial.

ACTING PRESIDENT FARLEY: Controversial. Secretary will read.

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

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take -

SENATOR GOLD: Hold on one second.

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

SENATOR GOLD: Senator Saland yield for one question?

ACTING PRESIDENT FARLEY: Senator Saland, will you yield?

SENATOR SALAND: Yes, sir.

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

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

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

SENATOR SALAND: No, I haven't.

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

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

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

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

SENATOR SALAND: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

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

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

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

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

ACTING PRESIDENT FARLEY: Lay the bill aside.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Explanation.

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

SENATOR WALDON: Mr. President.

ACTING PRESIDENT FARLEY: Senator Waldon.

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

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

ACTING PRESIDENT FARLEY: The record will so indicate.

SENATOR WALDON: Thank you.

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

SENATOR GOLD: Yeah.

SENATOR SHEFFER: Is there some detail -

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

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

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

SENATOR GOLD: Will the Senator yield to a question?

SENATOR SHEFFER: Sure.

ACTING PRESIDENT FARLEY: Senator Sheffer.

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

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

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

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

SENATOR SHEFFER: Sure.

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

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

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

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

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

Are you negative?

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

ACTING PRESIDENT FARLEY: Senator Oppenheimer to explain her vote.

SENATOR OPPENHEIMER: I'm standing up.

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

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

ACTING PRESIDENT FARLEY: Senator Marchi.

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

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

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

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

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

The bill is passed.

Senator Present, I think that completes our controversial calendar.

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

ACTING PRESIDENT FARLEY: The Senate will stand at ease.

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

ACTING PRESIDENT FARLEY: Senator

Larkin.

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

ACTING PRESIDENT FARLEY: Is that your bill?

SENATOR LARKIN: Yes.

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

Senator Hoffmann.

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

SENATOR PRESENT: Will you hold just a minute.

SENATOR HOFFMANN: Yeah, sure.

SENATOR GOLD: Yeah, Mr. President.

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

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

SENATOR SALAND: Certainly.

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

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

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

ACTING PRESIDENT FARLEY: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

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

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

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

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

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

SENATOR HOFFMANN: Thank you.

ACTING PRESIDENT FARLEY: Senator Hoffmann.

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT FARLEY: Senator Dollinger.

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

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

I submit to you to not vote for

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

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

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

(Response of "Aye.")

Those opposed nay.

(Response of "Nay.")

The motion is not accepted.

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

SENATOR GOLD: One moment.

SENATOR HOFFMANN: Number 3508.

ACTING PRESIDENT FARLEY: 3508.

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

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

ACTING PRESIDENT FARLEY: Senator Hoffmann.

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

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

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

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

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

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

ACTING PRESIDENT FARLEY: On the motion.

SENATOR GOLD: Hold on a second. Yes, will the Senator yield to one question?

SENATOR HOFFMANN: Certainly.

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

SENATOR HOFFMANN: That's right.

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

SENATOR HOFFMANN: Right.

SENATOR GOLD: Would Senator Saland yield to a question?

SENATOR SALAND: Certainly.

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

SENATOR SALAND: Proposed Constitutional Amendment, correct.

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

proposed by Senator Hoffmann?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT FARLEY: Senator Hoffmann.

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

Saland for a moment. Would that be permissible?

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

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

ACTING PRESIDENT FARLEY: Senator Saland?

SENATOR SALAND: Yes, Mr. President.

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

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

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

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

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

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

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

SENATOR HOFFMANN: Thank you, Senator.

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

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

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

SENATOR HOFFMANN: Senator

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

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

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

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

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

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

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

SENATOR HOFFMANN: Thank you very much.

ACTING PRESIDENT FARLEY: Senator Hoffmann.

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

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

(Response of "Aye.")

Those opposed, nay. Party vote, Senator Present? Party vote. Call the roll on a party vote.

(The Secretary called the roll.)

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

ACTING PRESIDENT FARLEY: The motion is not accepted.

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

ACTING PRESIDENT FARLEY: There were none.

SENATOR HOFFMANN: Thank you.

I'd like to call up 3506, please.

ACTING PRESIDENT FARLEY: 3506.

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

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

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

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

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

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

SENATOR PRESENT: Voice vote.

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

SENATOR GOLD: Party vote in the affirmative.

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

(The Secretary called the roll.)

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

ACTING PRESIDENT FARLEY: The motions are not accepted.

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

ACTING PRESIDENT FARLEY: There were no exceptions.

SENATOR HOFFMANN: I didn't hear you.

ACTING PRESIDENT FARLEY: There were no exceptions.

SENATOR HOFFMANN: There were no exceptions.

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

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

I'd like to call up 3505.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Response of "Aye.")

Those opposed, nay.

(Response of "Nay.")

The motion is not accepted.

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

ACTING PRESIDENT FARLEY: Secretary will read 3504.

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

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

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

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

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

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

legislative budget.

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

SENATOR GOLD: Party vote in the affirmative.

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

(The Secretary called the roll.)

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

ACTING PRESIDENT FARLEY: The motion is not accepted.

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

ACTING PRESIDENT FARLEY: The vote was 35 to 16.

SENATOR HOFFMANN: Thank you, Mr. President.

Senator Present.

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

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

ACTING PRESIDENT FARLEY: The Senate will stand adjourned.

SENATOR PRESENT: Intervening days will be legislative days.

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

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