ALBANY, NEW YORK

April 16, 1996

3:00 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their place, the staff to find their places. Ask everybody in the chamber, including those in the gallery, to rise and join me in saying the Pledge of Allegiance to the Flag.

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

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

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 15th. The Senate met pursuant to adjournment. The Journal of Sunday, April 14th, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On page 28 -- this is on behalf of Senator Sears. On page 28, I offer the following amendments to Calendar 597, Senate Print 5917 and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 597 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: On behalf of Senator Johnson, please place a sponsor's star

on Calendar Number 411.

ACTING PRESIDENT KUHL: Calendar Number 411 is starred at the request of the sponsor.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could adopt the Resolution Calendar.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

There is a privileged resolution at the desk by Senator Mendez. I would like that title be read and then move for its adoption.

ACTING PRESIDENT KUHL: Senator Paterson, you're correct. There is a privileged resolution at the desk. I'll ask the Secretary to read the title.

THE SECRETARY: By Senator Mendez, Legislative Resolution honoring the lifetime achievements of Henry Nichols.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Seward.

SENATOR SEWARD: Yes, Mr. President. I believe there's a privileged resolution at the desk. I would ask that the title be read and the members adopt the resolution.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk. Direct the Secretary to read the title.

THE SECRETARY: By Senator Seward, Legislative Resolution honoring Robert W. Mauer upon the occasion of his designation as recipient of the 1996 Citizen of the Year Award by the Otsego County Chamber of Commerce.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Skelos, that completes the resolutions we have. What's your pleasure?

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

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

THE SECRETARY: On page 7, Calendar Number 18, by Senator Cook, Senate Print 4875-A, an act to amend the Agriculture

and Markets Law, in relation to agricultural practices.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 515, by Senator Saland, Senate Print 2105, an act to amend the Social Services Law and the Public Health Law, in relation to disclosure of HIV-related information.

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

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 518, by Senator Marcellino, Senate Print 4951-B, an act to amend the Social Services Law, in relation to child day care.

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

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 521, by Senator Cook, Senate Print 293, an act to amend the County Law, in relation to review and approval of names for rights-of-way.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator Kuhl, Senate Print 3360, an act to amend the General Municipal Law, in relation to authorizing municipal corporations to establish volunteer cemetery maintenance and cleanup programs.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 530, by Senator Leibell, Senate Print 6123, an act to amend the General Municipal Law, in relation to buildings that are part of urban development action area projects.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 531, by Senator Leibell, Senate Print 6124, an act to amend the General Municipal Law, in relation to powers of municipalities in carrying out urban renewal plans.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 539, by Senator Skelos, Senate Print 6385, an act to amend the Insurance Law, in relation to limitations of expenses of life insurance.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 611, by Senator Present, Senate Print 768, an act to amend the Criminal Procedure Law, in relation to eligibility for youthful offender status.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, that completes the calling of the non-controversial calendar.

SENATOR SKELOS: Mr. President, could you please call up Calendar Number 515, by Senator Saland.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 515.

THE SECRETARY: Calendar Number 515, Senator Saland, Senate Print 2105, an act to amend the Social Services Law and the Public Health Law, in relation to disclosure of HIV related information.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Read the last section.

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

THE SECRETARY: Section 4. This act shall take effect 90 days after it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: If we could now move to the controversial calendar, I believe there's one, Calendar Number 18.

ACTING PRESIDENT KUHL: The Secretary will -- the Secretary will read Calendar Number 18.

THE SECRETARY: On page 7, Calendar Number 18, by Senator Cook, Senate Print 4875-A, an act to amend the Agriculture

and Markets Law, in relation to agricultural practices.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Cook, an explanation of Calendar Number 18 has been requested by the Acting Minority Leader, Senator Paterson.

SENATOR COOK: Mr. President, this bill has been debated earlier, so I won't go into it in great detail, except to indicate that this does not, contrary to some information that's being spread about, change the regulation as it relates to how pesticides or any other substance will be applied. These are the regulations that apply to the application of pesticides. They remain in effect.

All this bill says is that the aerial application of substances, whatever -- it could be seed. It could be fertilizer. It could be pesticides -- is an agricultural practice and accepted agricultural practice, and that the practice itself is acceptable and cannot be challenged, but that doesn't change

the regulations that apply to the manner in which pesticides specifically are applied to the licensure for applying, for the inspection of how it's applied or any of the other regulations that relate thereto.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I don't want to take up much time. Senator Cook and I debated this bill at some length earlier this session. We have an issue of aerial spraying and we also have an issue of litigation for those who could be afflicted by anything caused by aerial spraying.

A number of members voted against this bill. In fact, I think my work in this chamber should be reflected by the disposition of this bill earlier this session. So I will just spend the rest of whatever time I would have allotted to just reflect on that magic moment, and we would like a slow roll call on

this bill.

SENATOR COOK: Would you lay the bill aside. I think that the Minority has some very important things they want to do today, and I wouldn't want to interfere with it.

ACTING PRESIDENT KUHL: The bill will be laid aside for the day.

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

Senator Onorato, why do you rise?

SENATOR ONORATO: Did we record the vote on Calendar Number 18?

ACTING PRESIDENT KUHL: The bill was laid aside, sir.

SENATOR ONORATO: Okay. Thank you.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: May we please take up motions to discharge.

SENATOR TULLY: Mr. President.

ACTING PRESIDENT KUHL: Senator

Tully, why do you rise?

SENATOR TULLY: Would Senator Skelos yield to a question?

SENATOR SKELOS: Yes, Senator Tully.

SENATOR TULLY: Mr. President, would you ask Senator Skelos whether or not the matters we're about to discuss on the motions to discharge are substantive matters or procedural matters?

ACTING PRESIDENT KUHL: Senator Skelos, do you wish to make a statement on that matter?

SENATOR SKELOS: In my opinion, they are politically procedural.

SENATOR TULLY: Thank you, Senator Skelos.

SENATOR DOLLINGER: Would the Deputy Majority Leader -

ACTING PRESIDENT KUHL: Senator Paterson -- Senator Paterson, as the Acting Minority Leader, we have a number of motions to discharge. At the top of my list, I have one by

Senator Waldon. I know he's not in the chamber. Is there some procedure, some order that you would like us to take these up?

SENATOR PATERSON: Yes. Thank you, Mr. President.

Would you please recognize Senator Dollinger, Senator Hoffmann, Senator Leichter and then Senator Waldon. That's the batting order.

ACTING PRESIDENT KUHL: You said Senator Dollinger, Senator Hoffmann, Senator Leichter and then Senator Waldon, is that correct? You've got Senator Waldon batting cleanup?

SENATOR PATERSON: Batting clean up.

ACTING PRESIDENT KUHL: Okay. Senator Dollinger, you have two motions to discharge. Which one would you like read first?

SENATOR DOLLINGER: Yes, Mr. President. Before we start, I would like the record to reflect that I have been described as

the speedy lead-off hitter. In the first time of my personal career, I have earned that claim, Mr. President. So I would like to thank my Deputy Minority Leader for giving me that.

ACTING PRESIDENT KUHL: "Fantasy" is the word of the day, I think, Senator Dollinger. Which one would you like to take up?

SENATOR DOLLINGER: The one on the inaugural committee, Mr. President.

ACTING PRESIDENT KUHL: Which would be Senate 4640, I believe.

SENATOR DOLLINGER: That's correct, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Dollinger, Senate Print 4640, an act to amend the Election Law, in relation to contributions to inaugural committees.

SENATOR DOLLINGER: Mr. President, I would move that the bill be discharged from committee.

ACTING PRESIDENT KUHL: Would you like to be recognized on the motion?

SENATOR DOLLINGER: Yes, please. On the motion to discharge.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Dollinger on the motion to discharge.

SENATOR DOLLINGER: Mr. President, there are few times, I guess, in the -

ACTING PRESIDENT KUHL: Senator Dollinger, excuse me just a minute. There's a great deal of noise and disruption going on on the floor. Can we show our fellow Senators some respect?

Thank you for the interruption, Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

There are few times in this body every year when the public's confidence in government and our credibility among the voters is put to a test. The bill that I seek to

discharge from committee today is a bill that I think will go a long way to re-establishing the public's confidence in its government.

What this bill seeks to do is to require that any inauguration committee be treated like every other campaign committee in New York State, that it be required to disclose to the public where it raises its money and how it spends its money, and that it's subscribed to the rules that we require of everyone that participates in the political process by giving money; that it's subscribed to the rules on limits on campaign contributions on an annual basis; that it contain the types of disclosure of information that anyone running for office is now currently required to give, but I don't think that I need to speak persuasively on this floor to tell you why this bill ought to come out of committee and be a part of the law of the state of New York.

Let me just give you a sample of the editorial judgments of newspapers in New York State. Let their voice ring out and

perhaps you'll understand why this bill should become a part of New York law.

From the Post Standard in Syracuse dated December 13th, 1995, it describes the Pataki administration talking about ethical propriety is a little like Prince Charles talking about fidelity. Neither is known for their expertise on the subjects. Ethics require information to be revealed, not covered up. Ethics require promises to be kept, not broken. Ethics requires telling the truth.

As you all know, the Pataki administration had an inaugural party in January of 1995, frankly, in my judgment as anyone who wins the office of the state of New York is entitled in their discretion to decide to throw a party for the people of this state. What I believe, however, they are not entitled to do is to ignore all the campaign finance disclosure laws when they raise money for that party, when the appearance of influenced peddling is widespread in the wake of all of that fund-raising. To this date, we don't know how

much was raised. From my point of view, it's not for lack of my own trying.

I started writing letters to the Governor of this state on April 24th, 1995. I asked him to fulfill a promise that he made in January of 1995, to simply abide by the laws of this state and to disclose of amounts that have been contributed to his inaugural committee, how much had been contributed, how much had been spent, who gave it and who got it. A very simple question, one that this body in passing finance disclosure laws has always agreed has been in the public interest.

The Post Standard told you that Governor Pataki talking about ethics is like Prince Charles talking about fidelity. What about this comment from Russ Davis writing in Utica? "Pataki leads the most ethically bankrupt administration since the days of Warren Harding. He's doing more stonewalling than Richard Nixon. One of those presidents died in disgrace because he was an out-of-the-loop nice guy in a flock of 'gimme' birds. The other had

to resign in disgrace for knowing the truth but peddling lies. The facts make it clear something is rotten in Albany. It's time to quit" and, again, they use this word, "covering up". "It's not a case of good or bad but which evil. Has Pataki been spinning fiction with his protestations of the ignorant innocence or has he been out of the loop while state government has been up for sale? Enough games. Enough cutesy, little sound bites. Enough fiction. It's time the people learned the truth."

How do they get to that truth? We passed a law that requires inaugural committees to disclose where they received their money and how they spent it, which is the subject of this bill.

What about the Albany Times Union in responding to the Governor's -- the disclosure in the New York Times about how campaign finances or how campaign contributors had given to the inaugural committee? They pointed out that the explanations offered by the Governor from the second floor don't wash, when

they said the Times had no trouble tracking down some of the donors whose generosity exceeded state limits on campaign gifts. One pharmaceutical company gave $25,000, five times the campaign contribution. That same company had $1.7 million worth of contracts with the state for medical products and services. Two banks gave generously as well, and the state just happens to use them for pension deposits and low interest loan programs. "With one big name contributor after another being identified in the press", the Times Union went on to say, "The Pataki administration might argue that it doesn't matter whether the books were open or not. That won't wash either. A complete listing is in order if the public is to judge where the administration has compromised itself. Another explanation is also due why some contributors were so grossly allowed to exceed state guidelines. The most important explanation of all has to do with the Governor himself, namely, why he promised an accounting for a fund that sponsored people's reception,

only to shut those same people out when that accounting was due."

The Governor has promised to produce this information. He knows it's in the public interest to promise this information, but yet he stonewalls the efforts of this Legislature and our colleagues in the Assembly to find out where those funds came from.

In the Daily News, April 1st, 1996, editorial writers continued to argue for the passage of this bill and the disclosure of that information. In describing Governor Pataki's refusal to publicly name the donors, the Daily News noted "The reasons have changed with the seasons. First thing Pataki said the list was confidential because the Governor had to be shielded from knowing who was on it, lest he feel obliged to pay favorites. What is he a mushroom; he has to be kept in the dark? Then came the excuse that the donors were promised confidentiality to shield them from harassment from Pataki's political enemies. Next, the dog ate the list? Pataki must stop the silly

defenses and come clean. He must release the donors' names, show how much was raised, how much was spent, how it was spent and much -- how much is left."

One other comment from the Press and Sun Bulletin. This is back in November of 1995. "The inaugural bash used no government funds and Pataki was not obligated to apply campaign contribution limits to it." I debate that, but that's what the editorial says, "but the Governor's instincts were correct when he promised to abide by the limits and reveal the campaign contributors. When the Governor or any politicians accept large donations, the public is bound to wonder if his administration will give donors interests special consideration."

That's the issue that this bill presents. Is the government of the state of New York for sale? Is it for sale by George Pataki and his administration or by anyone else? Whenever anyone gives their money to a public official, the people of this state are entitled to know who gave it and they're entitled to know

what it was spent for so that they can trace the pattern of those funds and assure themselves that this government is not for sale.

I think we need to send a message to the second floor that we in this chamber have a high standard of ethics, that we in this chamber who have to report our contributions, who have to give an accounting of where our funds go, that we subscribe to an ethical standard that every elected official in this state should subscribe to, whether they're in this chamber, as George Pataki was two years ago, or whether they sit on the second floor as the Governor of this state.

I'm afraid, my colleagues, that the odor of potential corruption that this failure on the part of the Governor to realize has permeated this state. Look at the editorial writers and what they'll tell you is that they can smell it in Syracuse. They can smell it in Utica. They can smell it in Buffalo. They can smell it in Rochester. They can smell it in New York City. I have urged this Governor to reveal

the names of these donors, to make it available to the public. He has refused to do so.

The time has come for the members of this chamber to stand up and say that we have an ethical standard that we will not permit any departures from. We will not permit the Governor to depart from it. We will not permit any elected official in this state. If we fail to pass this law, I'm afraid that the message that we send is that there is one person in this state who is above the law. It is our sworn duties as members of this body to ensure that that never happens, that we all abide by the same laws and the same standards, and that we don't send to the public a confusing message about how certain laws apply to them, but if you're rich enough and powerful enough to be elected the Governor of the state of New York, you are exempt from those laws.

It seems to me that that would be a tragedy for democracy, a tragedy for the people of this state and destroy the public's confidence in this government. I believe that

this bill embodies nothing less, and that in order to restore that confidence, this bill should come before this house today and should become a part of our law, so that we can march down the road to a better informed, better enlightened public that has confidence that its state government is not being bought.

Mr. President, I urge that this bill be considered by the house and that the motion to discharge be approved.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Gold on the motion.

SENATOR GOLD: Thank you very much, Mr. President.

Mr. President, first of all, I ought to be very clear. There's no doubt in my mind that an individual -- forget the title "Governor" -- that an individual named George Pataki is an honest man. I happen to believe that. I also happen to believe that there are other honest people and that whatever the game is or the guidelines, it should apply to all as Senator Dollinger pointed out.

So I understand that in the nation's capital, the junior Senator from New York has suggested that there be certain guidelines as it applies to an investigation which involves the President, which guidelines are completely different than the guidelines he wanted when the United States Senate and others were looking into matters that he was involved with. Without judging the junior Senator, it seems to me that guidelines ought to apply in cases the same way.

I started out by saying that I believe personally knowing an individual named George Pataki, that I believe that individual to be honest. I think that individual makes a big mistake when you are honest and you don't give the public the total perception that it deserves of the honesty of a situation, and it is not enough to say that I am an honest person and, therefore, you should not raise the questions. I do not think that is fair. I think that when you are in public life, people are allowed to ask you questions that the average citizen may

decide to answer or not answer, and that is the issue of the bill.

The issue of this bill is not the personal honesty of an individual, but whether or not the public has the right to not only have an honest public servant but to feel and perceive that the person is honest and, therefore, what this bill does is just give an assurance to the public that they deserve.

Now, this is very much in line with what Senator Dollinger and I and others have cried for for years in terms of the Legislature as a whole. We are very delighted that after our urging and pushing and pushing, we finally got you to the well and you are going to release the numbers, financial numbers of the New York State Senate. You promised to do that for the first three months of this year and have it as a continuing basis. That was years of pulling and pushing, and we tried to explain to you that we weren't looking to make these numbers public because we were calling you dishonest. We wanted the numbers public because

the public has a right to see the numbers, and if they are honest -- and in the case of a governor, I certainly hope they're honest. I certainly believe they're honest, but in the case of a governor, let the public go to sleep at night without there being stories questioning whether or not the state's for sale, whether he is favoring contributors. I don't believe it is and I don't believe he does.

We've had all -- most of us at any rate in this chamber -- had the opportunity to serve with George Pataki, and while he was not my druthers for Governor on the basis of political philosophy, I never had a bad word to say about him as a human being or as to his morality, and all that this bill does, it's an urging on the part of Senator Dollinger, for every citizen of this state to be able to go to sleep at night with the same faith in the honesty and integrity in the Governor as I have and as I assume everybody has.

So let's not divert the issue. I would support this bill if it was the exact

similar situation and Mario Cuomo was the Governor or anybody was the Governor. The issue is the public's right to know and who the particular player is, be it George Pataki, be it Bill Clinton or Alphonse D'Amato, you either have to take the position that the public has a right to know in all of these situations or not.

Those of us on this side of the aisle are going to vote for the public's right to know.

SENATOR DOLLINGER: Mr. President -

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: -- would Senator Gold yield to a question?

ACTING PRESIDENT KUHL: Senator Gold, do you yield to question from Senator Dollinger?

SENATOR GOLD: I didn't do it right?

SENATOR DOLLINGER: No.

ACTING PRESIDENT KUHL: The

Senator yields.

SENATOR DOLLINGER: Did you know that President Bill Clinton, who had an inaugural party, released the names of the people who donated to the inaugural event that he held in Washington and also demonstrated exactly where all of the funds went do? Were you aware of that?

SENATOR GOLD: I wouldn't have expected anything less.

SENATOR DOLLINGER: Were you aware that Rudy Giuliani who was elected mayor of the city of New York, a Republican from New York State, also did exactly the same thing, that he held an inaugural event and that he raised money for the inaugural event and that he disclosed who gave him the money and where it was spent? Were you aware that he followed that pattern as well?

SENATOR GOLD: I don't agree with everything that the mayor does, but he's does some good things, and following the example of the President was one of them.

SENATOR DOLLINGER: Would you be surprised that Christie Whitman, the Republican Governor of the state of New Jersey, had an inaugural event, raised monies for the inaugural, took -- gave the public an accounting of exactly where she raised the money and where it was spent?

SENATOR GOLD: In that case, I'm shocked but I'm delighted.

SENATOR DOLLINGER: Would it seem to you like that was a pretty good trend to follow?

SENATOR GOLD: I think it's a terrific trend, and I'm glad you asked those questions.

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

Senator Leichter.

SENATOR LEICHTER: Mr. President, we had a very clear indication why this bill is necessary, and if you take a look at the history of what has happened in regard to the Pataki

inaugural committee and the commitments that were made to the public, when that inaugural committee was formed, a promise was made that all contributions would be made public, and that's the practice, I think, that the public expected, certainly one that the public demanded and clearly one that the public has a right to.

However, as time passed, there was no disclosure. When Senator Dollinger - and I think he deserves great credit for having served the public in pursuing this issue - asked, "Where are the records", he was stonewalled. When others asked, they were stonewalled. When the Assembly asked, the Assembly was stonewalled. The Assembly finally had to issue subpoenas. I thought one of the more amusing things that has happened in the Capitol in some time was that, I believe it was two weeks ago one of the assemblyman, I think it was Assemblyman Tonko, said that there is evidence that some of the money from the inaugural committee went to pay off campaign expenses, expenses of the Pataki campaign, and

the Governor's spokesperson said, "That's outrageous. It's totally false". So the press said, "Well, would you tell us why it's false? Just show us the record." "Oh, we're not going to do that." Well, that shows you the importance of a bill like this to overcome this sort of stonewalling and this refusal to be honest with the public.

I don't know whether it was Justice Brandeis or Justice Douglas that said that the best disinfectant is openness, is public disclosure, and that's all really that this bill asks for. I think that it's an accepted principle of American Democratic life and American electoral life that the public has a right to know who contributes to campaigns, who contributes to public officials, so that the public can judge if there's been some undue influence or something else which the public should know and which may explain why particular action was taken by the public.

In this instance, we have a departure. We have a refusal to abide by the

rules, a refusal to keep promises. One can only conjecture why this is being done, why this steadfast refusal to make these records public. Is it a cover up? If so, why? What has happened to the money? Why not make it public. Is there something to hide here? The public has a right to know, and we as legislators have an obligation to see that inaugural committees are covered by the laws requiring disclosure of campaign contributions.

The Governor has an obligation to make that public, and we as legislators have an obligation to see that the law does not have this sort of an exception, but that inaugural committees are covered. You can stonewall only that long, but if you study the history of American politics, eventually you're going to end off much worse than if you came forth initially and said, "Here it is", and as legislators, the Republicans in this house can stonewall. You can stand with your Governor and tell the public you've got no right to this information. We thumb our nose at you. We

don't have to keep our promises, but I'll tell you, you will end up paying for it.

I hope that you will let this do the right thing. Let this bill out for a vote.

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

(There was no response.)

Hearing none, then a vote in the affirmative is a vote to discharge the bill from committee. A vote in the negative is a vote to defeat the motion and leave the bill in the committee. The question then is on the motion to discharge. All those in favor signify by saying aye.

(Response of "Aye".)

Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, we would like a party vote in the affirmative.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 19, nays 37. Party vote.

ACTING PRESIDENT KUHL: The motion is defeated.

Senator Skelos.

SENATOR SKELOS: Mr. President, just for the record, since today is going to be "Motion to Discharge Day", the one day we all look forward to every year, the Minority has informed us that Senate 2553, Senate 5794-B and Senate 6645, those -- the motions to discharge on those bills will not be brought this year.

ACTING PRESIDENT KUHL: Thank you, Senator Skelos.

SENATOR VELELLA: Mr. President.

ACTING PRESIDENT KUHL: Senator Velella, why do you rise?

SENATOR VELELLA: If I may, just as a notice to my colleagues, I'm going to be listening to a lot of the debate on the motions to discharge and just in case anyone's in their office, I would like them to know that there is a possibility there may be some slow roll calls

called on some of these motions since they are of such importance. I'm sure all the Minority would like to be present and be in the chamber to vote in support of their colleagues and be here to be recognized as to where they stand on the issue. So there may be some slow roll calls.

Thank you.

ACTING PRESIDENT KUHL: Thank you, Senator Velella.

The Secretary will call the next motion to discharge. I believe it's Senate 6456, by Senator Dollinger.

Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, actually, Senator Dollinger would be willing to wait, and if you would now -- before you do that, how did the last motion turn out?

ACTING PRESIDENT KUHL: The recorded vote was ayes 19, the nays 37. Party votes were recorded in both. The motion was defeated by a narrow margin.

SENATOR PATERSON: Thank you.

Well, we'll keep working. Would you please recognize Senator Hoffmann.

ACTING PRESIDENT KUHL: Senator Hoffmann, do you wish to have your first motion to discharge read at this time?

SENATOR HOFFMANN: Yes, I do, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will then read. I informed, Senator Hoffmann, that you wish to take them in order, Senate 2069, Senate 2070, Senate 2072, Senate 2073, Senate 2074 and then conclude with 2071, is that correct?

SENATOR HOFFMANN: That's correct, Mr. President.

ACTING PRESIDENT KUHL: All right. The Secretary will read the motion to discharge on Senate 2069.

THE SECRETARY: By Senator Hoffmann, Senate Print 2069, an act to amend the Public Officers Law, in relation to exempting political committees, conferences and caucuses

from the provisions of Open Meetings Law.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Hoffmann on the motion to discharge.

SENATOR HOFFMANN: Thank you very much, Mr. President.

I have been looking forward to this opportunity for two years now. Some of you may remember that I did not introduce these motions a year ago, giving the new Governor and the new Majority Leader an opportunity to bring about some of the changes that we had heard about during the campaign that preceded the beginning of this term, but I do believe that the time has come to introduce these motions once again.

I would like to thank Senator Velella at the outset for his very kind suggestion to those members who are a little bit tardy coming to the chamber today. I appreciate that. I too would very much like to see a slow roll call or two this afternoon, maybe more, and I thank you for your admonition to anybody who's

within the sound of our voices and hope that they will come posthaste.

I have to note, however, that the Acting Majority Leader on the floor spoke with a little bit of sarcasm, if I'm not mistaken in saying this is a day that we all look forward to. I don't want to misquote Senator Skelos, and he is a loyal member of this chamber and a very hard working Senator, but I did detect just a little bit of cynicism in stating that you were looking forward to this afternoon, and it saddens me to hear that because, as a duly elected member of this Senate, this is virtually the only opportunity that I have, constrained as it is, to bring forward these motions, and I've received widespread support, as have some of my other colleagues who are co-sponsors with me, from organizations, from individuals, from newspapers all across the state, and to be forced into a narrow time framework, into an arcane parliamentary procedure that only allows me the opportunity to request that the bills be discharged from committees in which they are

entombed is insulting enough without having to have the added admonition that this is somehow an ordeal that other people must endure.

My right of free speech and, in fact, the right of the 300,000 people in Central New York that I represent for free speech and adequate representation is severely curtailed by the way this Legislature conducts its business, and that's why I feel compelled to bring these issues forward again this year -- or to attempt to discharge them from committee.

I want to say at the outset that I had a wonderful sense of future hope and optimism today when I sat in, the first for me and only the third for the state Conference Committee between both houses, for approximately two hours this morning under the wonderful chairmanship of Senator Cook of the Education Committee in this house and Assemblyman Sanders from the Assembly. A group of about 15 or 16 of us Senators and Assembly members met to try to hammer out differences between the two houses' bills which deal with the right of small cities

in New York State to vote upon their school budgets.

There are a myriad of differences between the two bills. There are also differences of opinion between most of us who sat in that conference room today, and yet we had a wonderful give and take. We were able to roll up our sleeves, as Assemblyman Sanders said, and talk in a meaningful way about the rights of the small cities to either have the vote or to opt out of voting as some may choose to, what type of issues would be covered under contingency budgets, whether or not there should be a triggering mechanism like a cost of living increase, at which point a vote would be enacted. Otherwise, there would be an opting out provision for some localities. All of this we could discuss without ever once hearing the word "Majority" or "Minority" or "Republican" or "Democrat", and in 12 years in this Legislature, that was probably the most refreshing experience I have ever had, and I believe that it is the way that all of our

committees should run. This should not be some crazy experiment. This should be the way in which we do our business all the time. We have the committees. In fact, we have very capable chairmen and chairwomen of virtually all of the committees and members on both sides of the aisle with expertise, but yet in this house, in this Legislature, all of the principal decision-making continues to take place behind closed doors, in rooms in which people are organized under a political banner. It is the closed door party conference which is the principal decision-making arena in New York State government. More often than not, it is in the dead of night.

How many times have I been given assurances that black was white, that red was green, that yellow was blue at a 2:00 a.m., 3:00 a.m. or 4:00 a.m. meeting in the Democratic Conference Room down the hall, only to find out a few hours later that, in fact, that was not the case at all, and then we were all rushed into the Senate chamber with barely time for the

ink to dry on bills and forced to vote on measures that we had little knowledge of and certainly had no time to validate.

Probably one of the most offensive examples in recent memory was a bill that was presented to us as a debt reform measure. A few years ago we were told that the bond raters liked it, that the comptroller loved it, everybody was on board, and that it really wouldn't cause any more new debt for the state. I voted against it and then stayed up all through the night trying to figure it out. The next day one the first people who called me in response to the FAX that I sent out with a more thorough analysis than the one that I had received before the bill came up came from the comptroller at that time, Ned Regan who said "thank you for figuring out what this means. I think this is terrible." I said, "Ned, I was told at 2:00 a.m. today that you just loved this." "Oh, no. Nobody ever talked to me", but we were in a closed door party conference. No press, no public, no comptroller. I doubt that

he even knew we were meeting then on this measure, and until we change that way of doing business, the people of this state are going to continue to be ill-served. It is the committees where we should have this orderly discussion of the important issues of this state, and in the beginning of this term, it looked like we were headed in that direction.

Senator Bruno did a number of wonderful things, and I -- I still remember the great sense of excitement in this chamber that I and everyone else felt when he took that seat in which Senator Skelos now stands. He rose on the floor and he, in a most sentimental and passionate way, complimented his family, extolling virtues he learned from his father who he described as a uneducated laborer. I don't remember exactly the characterization he made, but from his heart, he thanked his family for teaching him the values of this country that allowed him to rise to that position of success, and then with no fanfare at all, our new Majority Leader introduced a rule for the -- a

resolution, I believe, for the -- for this body that would eliminate the late night sessions. The language that he chose was the same language that I had had for years in one of these measures that I'm attempting to bring forward today, and we just passed it. It showed the power and the commitment of a new leader in this chamber to change to reform and to fairness, to good government because, of course, we don't make good legislation, we don't make good decisions. A lot of us can't even keep our eyes open at 4:00, 5:00, 6:00 a.m., and I can remember times when we worked literally around the clock for three days straight. At the end of that third day, I think probably most of us were ready to be checked into some place for closer evaluation and we have, in fact, seen members taken out of here by ambulance because exhaustion or other physical problems brought on by that duress, but Senator Bruno, in his wisdom, showed a willingness to change that.

This year it became part of our permanent rules. I would hope that when we get

to that measure as a bill in a few minutes, that we will be able to vote to make it a permanent law, or at least let it pass this chamber and go to the Assembly so it will become a law of this state, but there are other areas where Senator Bruno also demonstrated some wonderful openness, and the newspapers were full of stories giving him credit for moving forward. "Bruno moves to open the process" from the Legislative Gazette. "Bruno's proposal: Victory for Reform", this from the Observer Dispatch in Utica, New York back in December of 1994, shortly after the announcement that he was to be the new Majority Leader. Said "There is hope now for long needed reforms under Senator Joseph Bruno, who will become Senate Majority Leader next month", and then it quotes Senator Bruno saying "We're in a new era. I represent a change. Governor Pataki represents a change, and I think people have a right to fuller disclosure of where their money goes", and the newspaper went on to compliment him for that wonderful insight into what the voters, in fact, wanted, and then the Herald

American also extolled Senator Bruno in 1994 back in December, saying "There's new hope for reform in the state Legislature. New Yorkers must urge their legislators to keep the momentum going", and then it praises Senator Bruno for making changes. It says, "Even though they are small enough, there is movement. We are getting off dead center. The last year there has been a complete turnover in state government leadership. There will be no better opportunity than right now for overhauling the machinery of state government. Legislators must not waste it", but I'm afraid as we come to the close of this term, this legislative term and we come to the close of this session, that we have, in fact, wasted it. We have squandered this wonderful opportunity to bring about true and abiding reform in this state, and I would ask Senator Bruno to reflect back on the momentum that he had going in as Majority leader and see if it's possible to redirect some of those energies so that before we leave here, we can do justice to the people of this state and show

what it is that we're capable of.

I want to acknowledge that I feel frustrated at having to do this, after seven years, these bills have never moved from committee. I didn't introduce them last year. In the first year I introduced them but I didn't attempt to discharge them from committee. In the first year that I introduced them, I didn't employ the discharge motions because I just went through the ordinary process, but five times I have tried to bring them to the floor and five times I have experienced defeat, but there's no one who understands better what it means to carry an issue over a number of years than Senator Volker, and I applaud Senator Volker for his tenacity. Over 17 years, I believe, he introduced and spoke eloquently on the need for death penalty restoration in New York State and for 17 years, various governors vetoed the measure that passed this house under Senator Volker's sponsorship, but that did not discourage Senator Volker, and I will not be discouraged. It's disheartening, but I will try

to maintain the enthusiasm expected of me by the people who have sent me here to work for them. Not one of them has ever written to me or talked to me about abandoning this effort. Instead, I get increasing amounts of support. I get vocal admonitions to keep up the fight, and they recognize that it is a fight, and they ask what they can do to help.

The New York State Grange stands out as one of the more stalwart organizations squarely behind this effort, and I am reminded of how it is that the Grange played a role in even getting these bills into bill form. I spoke to the Grange a few years ago back in 1990. I had served at that point a couple of offices -- a couple of terms, and I was invited by the legislative committee of the state Grange to address them in Cortland, New York. People from all over the state had traveled to the Grange at their own expense for this annual meeting. I would guess the median age would have been somewhere close to 70. People live in small towns in order to be members of the

Grange, for the most part, and many of them have an agricultural background, not all. If you were to take a sampling of the people in that room along political affiliation, I would imagine it was overwhelmingly Republican, but I felt very comfortable with the Grange back in February of 1990 in Cortland, and I explained when I was asked to give my speech how things worked in Albany, and I didn't really pull any punches. I gave them a little more in-depth knowledge about how things worked than they had perhaps had heard before from other legislators who had spoken to them in previous years.

There was one issue that was very topical to them at that time. Because they come from rural areas, they're very concerned about the fact that rural areas are often targeted by state commissions and special bodies empowered to deal with issues of hazardous waste or low level radioactive waste and eventually probably high level radioactive waste, and Cortland County had been selected by the Low Level Radioactive Waste Commission as the repository

of low level radioactive waste at that time, and it was a big mystery how this commission was even created, who they were, through whose authority they had been empowered to select Cortland. I did the research, and it was not easy to find out how this low level radioactive waste commission was created. I discovered that it was one of those last night of session concoctions that came about in a deal between the two houses of the Legislature and the Governor's office. It was a way of shifting the responsibility away from the Legislature and away from the administration for one of the more difficult decisions. You created an independent body to do the dirty work and then you don't take any blame at election time. This is a pretty common practice in the political arena. There are pass masters at it in Washington as well, but I truly didn't know anything about how this body had been created. I had no recollection of ever having voted on it, but yet I knew that I had voted on virtually every bill that had come up at the end of that session. So

when I found out how it worked, I told the people in that room what it was they had done and I said, You can't blame the commission alone. You have to blame us. You must blame your state legislators because we must take responsibility for our actions.

I then had a question from somebody in the audience. I remember what he looked like. He was an older gentleman. He was tall, very distinguished and he was very angry when he got up. He said, "Now that we understand better what's wrong in Albany, what are you going to do to fix it and how are we going to be able to help you?" I had really not thought before about my own personal responsibility to fix things in Albany. I thought that explaining what was wrong and asking other people to help apply some pressure from time to time was probably an adequate task, but I took to heart what the man said and the other people who speak to me at the end of that meeting at the Grange, and I told them that I would consider the possibility of introducing a

series of bills that would be a blueprint for reform if I could figure out ones that would, without taking up a huge volume, simply outline what could be done to make things better in our state Legislature, bills that would create accountability, bills that would allow openness and fairness, and then I said if things don't fit easily into bill form, perhaps there are internal rule changes that I should propose as well. I'll see what I can do, and if you can help me, we may be able to make some changes.

A few months later, we came up with a one-page -- because I believe everything important should fit on one page -- a one-page list of measures that would reform state government. It's a relatively modest package. For somebody who's been here for 12 years, I have not introduced too many bills and the history of the passage on these bills is a pretty sorry one, but I introduced six bills that we will now attempt to discharge from committee that would begin the process of changing the way we operate so that we would not

have to be embarrassed about some of the horrible decisions that are made by this state government.

The Grange embraced these issues. I spoke at Grange meetings all over the state. I was suddenly asked to attend Granges all the way from Long Island to the Jamestown area. I visited with Granges. I visited with business groups. The issue caught on far beyond any of my expectations, and before a year had passed, the organization supporting this reform agenda included the All County Taxpayer Associations, Change New York, the New York State Farm Bureau, the Greater Syracuse Association of Realtors, Greater Syracuse Chamber of Commerce, the League of Women Voters of New York State, the Manufacturers Association of Central New York, Mohawk Valley Building and Construction Trades, NYPIRG, New York Citizens for a Sound Economy, the New York Newspaper Publishers Association, New York State Grange, the New York State Taxpayers Alliance, Incorporated, the Onondaga County Federation of

Sportsman's Clubs, Tack Pack, the United Transportation Union and dozens of other business, labor and good government groups. None of them have rescinded their support for these measures. Many of them continue to write and to voice their frustration and their desire to see these measures or better, deeper, more meaningful measures enacted.

So I feel compelled to stand here today, even though I had been told well in advance that this is a futile effort and even though the initial announcement that we were even doing discharge motions was greeted by cynicism from the opposite side of the aisle, I do believe in my heart that it is possible to bring about this change, and that there are people out there in this state who will continue to make their voices heard.

Many of those people have spoken out in just the last few days. There are newspaper editorials -- the Watertown Times spoke out today -- or yesterday in an editorial saying "These measures are sensible and fair and

the New York State Legislature would do well to adopt them in the same name of progressive government. It is time to move forward with legislative reforms that the public supports and, indeed, demands."

The Syracuse Post Standard stated very eloquently that it was time for these measures to pass and then it went on to very specifically say "Ask Republican Senators about Hoffmann's proposal. Ask them why their party refuses to support her. Ask them what they specifically are doing to make the Legislature or at least their own chamber less expensive and more responsive", and then it goes on to list individual Senators by district who they hoped the readers will contact in support of these reforms.

The Cortland Standard ran an editorial last Friday in which it talks about the need for persistence, and it says that "Despite the cold shoulder she's received from Senate Republicans, Senator Hoffmann shouldn't give up", and it wishes me well and indicates

that it hopes that some of the other legislators who represent that area of the state will take heed this year and add their voices to mine in passing these reform measures.

The Utica newspaper did the same thing. It said, "Tell state legislators to open up the Legislature." It says, "Next week will bring two unhappy rituals. The first comes Monday when tax returns must be filed. The second comes Tuesday when state Senator Nancy Larraine Hoffmann will try to bring out of committee her reform agenda for the state Legislature. This is a ritual act because every year the Senate's Republican leadership ensures that this package of critical action never even gets to the floor for debate", and then it discusses the issues and it concludes by saying "Demand reform and demand it now and warn the legislators that if we block "Reform Tuesday", they will pay at the polls this November."

Those are strong words from people who write newspapers. They're strong words from taxpayers, and they don't seem to be

waning at all. If I am able to do this for seven years -- and I've seen Senator Volker conduct his crusade for 17 years -- I am convinced that in time we are going to see these reforms become law, either under my sponsorship or someone else's sponsorship or program bills. I believe that eventually they will be heard, but the voices simply don't stop all around the state.

Here's a letter from somebody in Babylon, New York, from the Retired Police Association of New York State who tells me that "Both our association president, Ed Curran and I, spoke of your strong support of our legislative efforts and advised the members of the need to support your motion to discharge the reform bills." It talks about a meeting of the New York State Retired Police Association on Thursday, April 11th with 125 in attendance, and then it goes on to state that they will continue lobbying and encloses copies of letters written to Senator Bruno and several of the Long Island Senators seated in the chamber today.

The New York State Grange has stated again that they will continue to support the reform efforts.

An individual from Canandaigua, New York with whom I'm not familiar wrote to me and indicated that she, I believe, would be lobbying with her own legislators.

Somebody from Rochester, again, in another Senate District, says "Keep up the good work. The people are with you."

Otsego County. "Is it going to take an act of God to pry them out of committee", and then states that people in Otsego County will continue promoting this effort.

Avon, New York. This individual states that she will petition Senator Volker and Assemblyman Johnson to support these reforms and continued to make the case for these to be passed.

There was one from Skaneateles Falls, one from Webster, New York. It said that "It's sure worth a try because it is far from

good the way the Legislature is presently run."

Farmington, New York. "I sympathize with your continuing efforts to enact meaningful reform. In the future, if there is any way to keep me informed on a timely basis, you can count on my support."

Henrietta, New York. "Thank you and God bless you with the courage and strength to continue the fight -- to continue to fight the obstinate legislators who are thinking only of themselves and not of the good of New York State." I'm not sure whose district that is, Henrietta, but I'm sure this is a copy of a letter that was sent to a legislator from that district.

One from Lansing, New York. "Although we are not constituents of yours, we support your common sense approach to government. Keep up the good work."

One from Wayland, New York. "Three cheers, and I'm so glad someone has the courage to press for reform. Keep up", et cetera.

Herkimer. "All meetings in Albany should be open to all the Legislature, as well as individuals who have a real input to contribute. This closed door policy is ridiculous and obviously isn't the answer anyway. People feel there is no point in voting or having an opinion because no one is listening."

Williamson, New York. "I'm not in your district but for God sakes, keep up your effort with reform to our state government. If there is any way I can help, please let me know."

New Hartford, Utica, Long Island, Liverpool, Vernon, Webster, Patchogue. "I will certainly do my best to help get these bills through or at least get them the attention they deserve." That's from somebody with a newsletter.

Waterville, New Hampton. We have received in my district office and in this office in Albany, literally hundreds of letters from people all over the state, many of them

recently, some of them asking to be kept informed over the year as you've heard from some other people, and I intend to keep these people informed and let them know the results of this vote today and let them know that these bills, should they not move, will all continue to be live bills until this session adjourns, but it's not just the upstate newspapers and it's not just some constituents in rural areas who are voicing their support for reform.

These measures have received the support of the New York Daily News. Way back in 1992, it was stated in an editorial, "Word has never filtered out to the public at-large that Congress' peccadillos are mere child's play compared to those of the Legislature in New York State. If you're inclined to chauvinism, you might say when it comes to abuses of power, Washington is playing Triple A ball, while Albany is in the Major Leage", and then it goes on to the endorse the legislative reforms that I have continued to propose.

The New York Times in 1992 said

"There's a lot to criticize, starting with the Legislature's loaded $168 million budget, unlike Congress which at least provides a detailed breakdown. The leaders of the perk ridden Assembly and Senate provide only a grudging outline to justify their legislative budget, the highest in the country. The result is giant incumbency protection unaccountable to the taxpayers", and also from the New York Times, only a year later, "For too long, secrecy has allowed the Legislature, especially the Senate, to operate as a giant re-election machine, that if enough members protest, sunshine may at last penetrate the Albany slush."

I welcome the support of these organizations. I welcome the support of my colleagues on both sides of the aisle to these measures.

I would like to just close my general remarks before we bring up the bills one at a time and indicate that I was touched yesterday when I saw on the wire news that a former reporter, a retired reporter from the

Buffalo News who had covered the Albany legislative activities for 13 years passed away. Jerry Allen retired. He was 76 years old, and he was quoted -- he retired in 1982, shortly before I arrived here, but he still contributed to pieces of that paper.

After a trip back to Albany in 1992, he wrote that "Nothing seems to have changed. Most of the legislators from western New York and Buffalo that I wrote about are still there." Then he goes on to say, "Albany has all of that high tech paraphernalia and more, but the message is old stuff, almost medieval. State government still limps along as it has for a century with an obsolete structure and inexcusable waste." That contemptuous attitude from people who cover us for the newspapers across the state.

Don't we want to do something to improve our image? Don't we want to do something to redeem ourselves in the eyes of the public? Isn't it time that we provided them with some good government? Isn't it time that

we adopted some meaningful reforms and accepted the need for accountability? I urge all of my colleagues. Let us not go through this motion of discharge year after year after year. Let's enact these measures and get on with the business of restructuring a state government that we can all be proud of.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on this motion?

Senator Gold.

SENATOR GOLD: Would the Senator just yield to just one question?

SENATOR HOFFMANN: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: You made a reference to an editorial in the New York Daily News. Could you just tell me the year.

SENATOR HOFFMANN: There are several editorials from the New York Daily News. There's one from 1992. There's another one from 1993 or '94. Actually, Senator Gold,

it would take me a little while to find it, because this entire section here is editorial and it's not complete. These are editorials in support of these measures from around the state, but I do believe I have at least two or three from the Daily News here.

ACTING PRESIDENT KUHL: Senator Gold, do you wish the Senator to yield again?

SENATOR GOLD: I'm sorry. Yeah. Do you recall any news stories in the Daily News about your efforts or just the editorial page?

SENATOR HOFFMANN: I don't recall news stories per se. I'm not sure at this point. There may have been some, but I don't know.

SENATOR GOLD: Mr. President, just briefly.

ACTING PRESIDENT KUHL: Senator Gold on the motion.

SENATOR GOLD: I was just asked those questions and I'm glad the Senator was kind enough to yield, because it's obvious to me that while there are editorial boards around the

state and certainly the Daily News, which its editorial board I don't have on any pedestal, that's for sure, but in this case, they were obviously smart enough to know something was going on. It would be interesting if some of those reporters were also that intelligent.

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

(There was no response.)

Hearing none, the Chair would remind the members that a vote in the affirmative is a vote to discharge the bill from committee. A vote in the negative is a vote to defeat the motion and leave the bill in committee.

All those in favor of the motion signify by saying aye.

(Response of "Aye".)

SENATOR SKELOS: Mr. President, I will like to explain my vote.

ACTING PRESIDENT KUHL: Senator Skelos to explain his vote.

SENATOR SKELOS: I just want to remind my colleagues -- and the reason why I'm voting no on this one and the other motions to discharge is that they are really a vote on a procedural matter and certainly not on the merits of the bill.

As I was listening to the Hoffmann anthology, I just wanted to remind all of us in the room and those who bothered to listen at this time of year, that under Senator Bruno there have been more reforms in the year and a half that he's been Majority Leader than probably the 12 years -- and Senator Hoffmann and I were elected in the same year -- in the entire prior history of the state Senate, and I'm very proud of that. Our conferences are on time and we did in the Majority have an open conference. I believe that's one more than the Minority had this past year. We see leadership meetings that are open to the public and to the press with the Majority and the Minority being present. That's under Governor Pataki and certainly in support of Senator Bruno, Speaker

Silver. Our sessions start on time, 3:00 p.m. Generally they're over by 6:00, 7:00 o'clock, generally earlier, so that they are in the light of day.

Last year, I do not recall a budget vote that occurred in the darkness of the night. I believe every single vote occurred during the day and certainly we have conference committees now in the state Senate, and this Senate is being run in an orderly and businesslike fashion under the leadership of Senator Bruno, and certainly there will be more reforms that will be presented by the Majority and our Majority Leader in the near future as the process goes along, but it's very important to know that to be part of the process in Albany, you have to be here. You have to be here, and I know many articles were read by Senator Hoffmann.

Other articles probably will be mentioned during the day, but I would just like to point to one article that appeared in the Daily News and, you know, maybe some of the

reasons why people weren't here were legitimate, and I'm sure there are because just like with the Majority, we all have frailties of life, problems that occur, but I'm very proud to say that with Albany's worst no-shows as appeared in the Daily News April 15th, in the top seven, there is not one Majority member listed. We are here, the Majority, with Senator Bruno, doing our work on a daily basis, having our committees function, having our commissions, our task force function, doing the work of the people of the state of New York and even more important, being here on a daily basis and voting on bills, yes and no, as we are elected to do so.

So in explaining my vote, Mr. President, I am going to vote no. It will be a party vote in the negative on the first motion to discharge of Senator Hoffmann, that I intend again -- because they are procedural matters, that I intend to vote no on all the additional motions to discharge this day.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Gold to explain his vote.

SENATOR GOLD: Yeah. Thank you, Mr. President.

Mr. President, a lot goes on out here, and I think it's interesting that whenever you call up certain kinds of conduct, there's always somebody on the other side, usually very close to the aisle, who yells out "cheap shot." I think that Senator Skelos' reference is a very, very cheap shot, particularly when you talk about a newspaper which, as I pointed out talking to Senator Hoffmann, somebody on the editorial page understands reform, their reporters can be up here the longest time.

The Daily News doesn't understand that if they wrote stories about motions like this, they could be changed, because if these bills come to the floor, they will be changed. They are not procedural. They are, in fact, bills which could have effect.

One of your members who I won't

mention by name because I don't want to yell a cheap shot, even writes letters to his local newspaper about how he's for reform and then votes against the bills when they come out of here. The reporters just can't pick that up. Maybe one of the reasons the reporters don't is they don't want to get you people mad because it's easier getting stories in the back rooms for you than working for them.

The bottom line, though, is that the members on this side are very hard-working and very effective, and the issue is not attendance. It's effectiveness. As a matter of fact, the one year that Jim Donovan -- may he rest in peace -- wasn't here because of illness, he would have shown up in that story which would have been an irrelevancy and a cheap shot. There are people in that story who have illnesses. There is one person in that story - modesty forbids me from mentioning the name - has probably got one of the best attendance records over 25 years that ever was, and in the year that my father-in-law died, the rather

untalented person that wrote that story decides to write a story.

At any rate, the point is that this is not procedural, but my congratulations to you, Senator Skelos, because you're smart enough to know that reporters aren't always as smart as they think they are, and if they were that smart and they were around here long enough, they would know that change can be accomplished if they, in their news stories, were helpful in supporting what goes on in these chambers, and there's not enough of them. Thank God we've got one or two, but there's not enough of them who understand what this whole thing is about. They understand that at the end of the day they've got to have a story, and if they can get a story from the back room in the Majority, that's a story, but that doesn't lead to change.

What leads to change is persistence and Senator Hoffmann, God bless her, has persistence, and there are other people, Senator Dollinger, and I know the talk around

this place. You don't like people with persistence. Well, that's too bad. Our job is to be persistent and to see to it that change comes, and I'm glad that Senator Bruno makes changes. I'm not against that, but it's amazing to me. Somebody does his job and then you expect a bouquet for it. You expect a medal for it, and then you say I cannot do now all of the things I should do.

I don't understand Senator Bruno in this reward. He has tried to bring certain changes. Well, if he has a businessman -- and I respect that word as I say it -- as a businessman, he came in and said we've got to have changes. If we're going in at 3:00, I'm going to be there at 3:00. If we're going in at 2:00, we'll be there at 2:00. I want committees to run. If he understands all of that, how does his mind shut off on the kinds of things that Senator Dollinger and Senator Leichter and, in this case, Senator Hoffmann talk about?

The answer is it's not shutting off from lack of intellect, so it must be

shutting off because of the kind of things talked about before, there's something to hide or there's something to give up.

Senator Skelos, you have 31-plus votes. We have made offers of amendments to bills. We make suggestions to bills, and the machos on your side will never take any suggestion. So when you say you're here to do the people's work, you're not doing the people's work. You're doing your own work, your own political work as you see it. So don't criticize people and say, Well, you know, if you were here on a certain day, something would have happened, because the answer is that it is a constant fight for the members of this Minority to make sure that the issues are put out there to show the invalidity of a lot of the things you do, and we are going to continue to do that, and it's for that reason, partially, that I support these motions.

SENATOR HOFFMANN: Mr. President, I wonder if Senator Skelos would yield for a question, please.

ACTING PRESIDENT KUHL: Senator Hoffmann, we are on a roll call at the moment, and Senator DiCarlo has asked for the opportunity to explain his vote.

SENATOR HOFFMANN: Thank you. I can wait until the following bill comes up.

ACTING PRESIDENT KUHL: Pardon?

SENATOR HOFFMANN: I can wait until the next bill comes up, that following roll call. Thank you.

ACTING PRESIDENT KUHL: Senator DiCarlo to explain his vote.

SENATOR DiCARLO: Thank you, Mr. President.

To explain my vote. I appreciate the fact that Senator Skelos rose and brought up that issue and, Senators, it wasn't meant as a cheap shot but, Senator, you just mentioned that the macho guys on this side of the aisle never take the advice, and let me differ with you.

I've -- I'm a member of the Codes Committee with you and Senator Volker, and you just made a statement on this floor that we

don't listen to the Minority, and I have been in that meeting many -- well, you made a statement about the macho guys on this side never taking any advice and that's not right, and it's wrong, and I have heard you say wonderful things about Senator Volker many, many types, but not in that instance and not the way you just did, and that's wrong, and that's got to be pointed out, and when Senator -- when you spoke up from Syracuse, Senator Hoffmann, and you were very proud to quote newspaper articles and writers around this state, you know, God knows, I've had my fill of reporters and I don't like many of them, and I have reason not to like them because most of the time they don't get their facts straight, but you stood up there very proudly talking about how -- how little they thought of these -- these proceedings in this Senate. If you're going to have it that way, you've got to accept it the other way, and if you're saying how wonderful they are, then when there's an article written talking about how, out of the seven members -- seven Senators all who happen

to be on that aisle who are not doing the people's work, also bring up that article. Let's be fair about it.

So, Senator Skelos, when you stood up and you said let's set the record straight, I think that's what has to be done, and to say a cheap shot might have been -- but an awful lot of cheap shots are coming from that side, and let's try and talk about the facts and let's try and talk about what's right and wrong, and the press isn't always right and, God knows, most of the time they're wrong, but if you're going to stand there and you're going to quote them and you're going to quote them like they're the Bible, then be prepared to accept it from the other side also.

For that reason, on a procedural vote, I vote no.

ACTING PRESIDENT KUHL: Would the negatives -

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: May I explain

my vote as well?

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: Mr. President, I rise to explain my vote just to clarify a couple of things. One is I think Senator DiCarlo is correct. I think I have seen in the three years I have been here more advice taken. I certainly would point to the chairman of the Codes Committee, even in today's meeting of that committee, I thought -- a lot of give and take, productive, and I thought some of the discussions of amendments and changes in bills were well taken.

I also believe in the other committees that I have participated in that has become more and more of the norm. I have to disagree with one thing Senator Gold said. Senator Gold said we're trying to reform, and this is where I will point to the Deputy Majority Leader and give him his credit. I believe there has been more than just trying to reform this chamber. I believe that the

decision to go to Conference Committees was a good one. Senator Hoffmann and Senator Leichter had been giving that advice long before I got here as the right thing to do, and I think it was certainly accepted by Senator Bruno. He put it in place. He deserves the credit for it, and I know that the Deputy Majority Leader was one of those who said, This is what we ought to do because it's the right thing to do.

We have embarked on an itemized budget. That too, as I recall, the first motion to discharge we ever did, Senator Leichter stood up and talked about itemized budgets. We're getting there and we're moving down the road. We certainly itemized the mailing expenses, which I think was one of the itemized issues that I fought about a couple of years ago.

So, Mr. President, I do see progress and I'm willing to give Senator Bruno and Senator Skelos and the other members of this Majority some credit for that movement, but rather than using the old analogy about is the drink half empty or half full, I'd rather use

the analogy of building a house. It isn't a house until it's done. A half built house isn't good. It doesn't have that much value to you. You've got to finish the floors. You've got to finish the floor. You've got to make the bathrooms work. You've got to put the roof on. You've got to turn on the lights.

It seems to me we've put up part of the structure and maybe we've got part of the floor boards in, but we ought to finish it. We ought to take what Senator Hoffmann puts forward in these motions to discharge as just the kind of elements that we need to turn on the lights, to get the water running, to make sure the plumbing works so that this house really serves as the people's house and we can do the people's business.

I will, I think -- and, Senator Skelos, I know you and I have talked about this. I think we've put in a lot of the infrastructure and the improvements. I think we need to finish the job. What Senator Hoffmann is talking about is doing those fine touches so

this house will be the fine, the noble, the wonderful place that the people's house should be and the Senate can be the leader, and that's why I'm voting in favor of these motions to discharge. It's the right thing to do.

I'll close on one other notice. It seems to me that part of the problem is that too often we teach our children what the right thing to do is in government, but we don't practice it ourselves, and my question is what message do we really send if we don't practice what we preach?

We all know this is good government. We all know that what Senator Hoffmann is asking for is good government. Describe it as procedural. Describe it as substantive. This is our one chance. This is your one chance to cast a vote for the right kind of government that our children would be proud of.

Vote aye.

ACTING PRESIDENT KUHL: Senator Skelos, you did indicate previously that you

wanted a party line vote for the Majority. Is that true?

SENATOR SKELOS: Yes.

ACTING PRESIDENT KUHL: The Secretary will -- Senator Velella, you're asking -

SENATOR VELELLA: Just briefly to explain my vote.

ACTING PRESIDENT KUHL: Senator Velella to explain his vote.

SENATOR VELELLA: I've listened to a lot of the comments, and I'm proud of the record of this house, not only under the leadership of Senator Bruno, but by the way my colleagues conduct themselves. It was this house who only last week allowed every Minority member to go on a 48-hour maternity bill which the Governor signed, and every Democratic member in this house was allowed to be on a piece of legislation that they could proudly go home with and talk about.

Unfortunately, our colleagues over in the Assembly, Speaker Silver said, We

will only allow those Assemblymen who are not marginal, the ones that are Republicans that we think we can beat will not be allowed on the bill. That's a big difference between the Assembly and the Senate, and let me say that we've talked a lot today about the reporters and what they're going to say about this debate and how this house is being run by this Majority. I asked them to look at it fairly. If, in fact, my Democratic colleagues on the other side of the aisle, the Minority, are sincere in what they're saying, then tomorrow morning, you will be welcomed into their Democratic Conference because we cannot stop them from opening the Democratic Conference. They can open that conference. They can vote and say, "Let the press come in. Open the doors." Instead, they point the finger at us and say we are stopping them. I challenge them. Do it. Put your money where your mouth is and stop playing to the press.

I vote in the negative.

ACTING PRESIDENT KUHL: Senator

Paterson, are you asking for a party line vote also?

SENATOR PATERSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: All right. The Secretary will record the party line vote. Announce the results.

THE SECRETARY: Ayes 23, nays 37.

ACTING PRESIDENT KUHL: The motion is defeated.

The Secretary will continue to read the motions to discharge, particularly Senate -- motion to discharge Senate 2070.

THE SECRETARY: By Senator Hoffmann, Senate 2070, an act to amend the Legislative Law, in relation to the time for debate on matters before the Legislature.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Hoffmann.

SENATOR HOFFMANN: I'd like to point out for the record that the language in this bill, 2070, is identical to the language in a resolution previously adopted by this Senate

at the beginning of Senator Bruno's term as Majority Leader. It is also identical to the language adopted in a rule for this Senate earlier this year. Therefore, I can't imagine why there would be any objection from any of my colleagues on the other side of the aisle from making this a permanent law to govern the state of New York.

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

(Response of "Aye".)

ACTING PRESIDENT KUHL: Nays - opposed, nays.

(Response of "Nay".)

The motion is lost. The Secretary will continue to call -- or read the motions to discharge.

Senate 2072 is next.

THE SECRETARY: By Senator Hoffmann, Senate Print 2072, an act to amend the State Finance Law, in relation to requiring that budget bills making appropriations or

reappropriations to the Legislature contain specific categories.

ACTING PRESIDENT KUHL: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President. I feel compelled to comment on a couple of points that were raised by a few of my colleagues as they explained their votes; and under the rules of house, it was, in effect, inappropriate for me to attempt to question them during the explanation. I realize they were afforded two minutes to explain their votes, sometimes interpreted generously by the chair and I applaud that effort, as well. But I really feel compelled to make a couple of references here.

One, I really must indicate that I'm pleased that several of my colleagues have chosen to engage in debate this year. There have been years where I sat and looked at empty chairs and was greeted only with stony silence. So you have, in fact, validated my presence on this planet with your comments today, and I

thank you for that, because that sometimes is more meaningful progress than almost anything else we can do.

Maybe I'm getting your attention; and when you feel compelled to pulled out newspaper articles listing the attendance of members on this side of the aisle, a relatively minuscule issue in comparison to how we spend $168 million on our entire legislative budget between these two houses, how we conduct business behind closed doors, I believe that that's a very interesting tactic in an attempt to detract from the severity of these issues and the fact that they are gaining enormous weight.

And, when Senator Skelos can pull out this many newspaper articles (indicating) that criticize me directly or other members of this chamber for our reform efforts, then we will be on an equal footing. But, today, he pulled out one article that embarrasses some of us for terrible attendance records this year.

I haven't read the article, but I do believe that it probably makes an accurate

statement that some of us have not been attending our sessions as well as we should have, and it's wonderful that he wants to point that out. But if that is the only thing that he has to defend the current practices in this house and try to refute my efforts, then he is clearly unarmed for this battle that is going to continue across this state with the taxpayers rising up in arms about their outrage at the way we conduct business.

I was encouraged also when Senator Skelos made a special point, as did Senator DiCarlo, that they were voting on a procedural measure and they wanted to vote no on the procedural measure, and clearly made the record reflect that.

So I would like to ask if Senator Skelos would yield for a question.

ACTING PRESIDENT KUHL: Senator Hoffmann. Senator Hoffmann, excuse me for just a minute.

Senator Paterson, why do you rise?

SENATOR PATERSON: Maybe I'm interrupting, but, Mr. President, I want to know if Senator Hoffmann would yield for a question.

SENATOR HOFFMANN: I will yield for a question, but then I would like to ask a few of my colleagues.

ACTING PRESIDENT KUHL: Senator Hoffmann yields.

SENATOR HOFFMANN: I would be glad to yield to a question, Mr. President.

SENATOR PATERSON: Senator, I was just going to ask you how you felt about newspaper articles that would mention those Senators who had not had particularly high attendance records, or that they just happen to be the seven that had the lowest attendance records. They didn't necessarily have to be bad attendance records. It's my opinion that that actually illustrates your point. I don't think anyone here would concede that any of our colleagues are not working.

I think we have all seen how hard each of us work, but the fact is that when you

have a minimum of participation, you then have a need to illustrate your point in other ways, perhaps going to some of the regions of the state and drumming up support at those particular times, particularly when it is impossible to get bills on the floor. It is impossible to get bills out of the committees, and it is impossible to have what would be an ordinary amount of participation.

When we talk in terms of Majority and Minority, perhaps we have taken the concept too far. We have taken it to a point where we are denying thought, denying reason, denying really the right to express a point of view.

I don't think it would really be a bad idea if each of us -- since we have about 75 session days and we have 61 Senators, if each of us was allowed to bring one issue that we thought was important to our constituents to the floor of the Senate at least once in a particular year.

So I'm just basically asking you to comment on whether or not, though it may be

the intention of an article to embarrass people, if it does not actually demonstrate the fact that there would be greater participation - that there would be greater attendance if there was greater participation?

SENATOR HOFFMANN: Thank you, Senator Paterson. I would be happy to respond to that, and it gives me an opportunity to bring up an issue that is very germane to this discussion, and I want to comment on the issue of germaneness. Before, Senator DiCarlo, I believe, admonished me -- I think it was directed at me. Having quoted newspapers, he felt I should be quoting that other one. I was trying to deal as germanely as I could -- a phrase that, we often hear from the chair, is to be respected in this chamber. I tried to deal as germanely as I could with the issues of legislative reform.

Remember, in my very constrained time, this one day a year -- in this case, one day out of two years -- in which I'm given the opportunity to speak to these issues, even

though, as it's been pointed out by the Acting Majority Leader, they are not real bills on the floor. They are only motions.

I mean I have been relegated to a position that is clearly lower than second class in this chamber. I have been relegated to a position of inability to act as a duly elected member of this Senate, because I am being denied the opportunity to bring these bills to the floor, as the Acting Majority Leader made it very clear a few minutes ago these are only procedural motions. He has rubbed salt into my wounds once again. It's quite clear to me they are only procedural measures because those bills are, in fact, entombed in committee.

And I would like to ask Senator Skelos if he would be willing to yield for one question, Mr. President?

ACTING PRESIDENT KUHL: Senator Hoffmann, the chair would remind you that there were rules that were adopted earlier this session, and one of the rules -- and if you have them in your desk, particularly Section 4-e was

amended -- excuse me -- Rule 9, Section 4-e was amended to only allow a person who has the floor to ask people who have spoken, and I think the language is "on the matter" a question.

So your request to ask Senator Skelos is totally outside the rules of this chamber, and the chair would have a great deal of difficulty in overlooking that, let's put it that way.

SENATOR HOFFMANN: Really? What would it take for you to overlook that, Mr. President, to ask Senator Skelos if he would be willing to yield for a question?

ACTING PRESIDENT KUHL: I think about 31 Minority members.

SENATOR HOFFMANN: Really? You know, I could -- I could prolong this experience, already characterized by some people in the chamber as agony, by appealing the ruling and going through a series of parliamentary maneuvers. I don't choose to do that, but I would like very much to state for the record, that acting in the capacity as President of the

Chamber, Senator Kuhl has very eloquently stated an important reality of this chamber that sadly flies in the face of the progress made by Senator Bruno in so many other areas.

This is an enormous step backward in our debate, in our exchange of ideas. This particular rules change has led to a situation in which I am not able to now raise a question of a colleague who used his preemptory time during the explanation of his vote to make a shot at me and at some of my colleagues. He certainly has that right, but I have now - through another Majority-enacted measure in this house in another way, my ability even my opportunity to exercise exchange with a colleague has been curtailed.

Much of what I said earlier - and I will have to direct my comments to Senator Skelos. Much of what I said at the very outset of this activity revolved around praise for Senator Bruno and my great hope and belief that we will continue on a positive direction, and I would remind Senator Skelos and the other

members of this chamber that I had great confidence that we would, in fact, adopt many of these reforms and it would not be necessary for me to go through the method of motions for discharge any more.

But as he has demonstrated, first by indicating that he would vote against this measure because it was procedural and, as has now been demonstrated by the ruling of the chair, that I can not even query him on his criticism of me regarding Senator Bruno, his criticism of me regarding these motions for discharge; that in one more area my capability as a Senator has been eroded by arbitrary and partisan decisions on the other part of this chamber.

I was asked by Senator Paterson a minute ago how it feels to be in this position. And, I commented, about a week ago, to a reporter who wrote another embarrassing article -- and, Senator Skelos, I guess you missed it, but there was an article that ran in the Syracuse newspaper by an extremely well-known

columnist who derided Democratic Senators for not coming promptly to the chamber, for not being here, for frequently checking in early and leaving, and I will confess that I am often guilty of that habit myself, but let me tell you why, and Senator Paterson raised it.

Just as Senator Paterson alluded, we very often feel our greatest effectiveness is in our districts, is in doing what amounts to educational and proselytizing work in the countryside, because in this chamber we are unable to act as duly elected Senators, and I don't know what better illustration I could provide than the way the bills have been reported out of this house since the beginning of this year.

As of April 12, there have been 644 bills reported out of the Senate, 7 sponsored by Democrats elected to this chamber. 391 bills have passed the New York State Senate, 376 of those were Senate-sponsored bills, 15 of them were Assembly-sponsored. Of those 376 bills that have passed this Senate chamber in

1996, only one had a Democratic sponsor. It doesn't feel very good to be relegated to something lower than a second-class status in the New York State Senate.

When each of us is duly elected to represent 300,000 people allegedly apportioned fairly and equitably across the state, why we are denied the same resources, why we're denied the same opportunity to propose and enact legislation is unfathomable to me, and I am not going to criticize the press as Senator DiCarlo did, and I realize I can not ask Senator DiCarlo to yield for a question either. If they are somehow uneven in their coverage, I assume it is ultimately all going to come out in the wash, and I take it upon myself to try to educate them if they have misunderstood my motives or misunderstood something I have done, and I find, as a rule, they are reasonable individuals, and they are willing to listen to us if we feel we have been maligned or treated unfairly.

I think probably one of the best

illustrations of that is the fact that in 1991, when I first brought these motions to discharge up, I appealed to the press to report them. I appealed to members of the working media in the Legislative Correspondents Association, and I said I have no other way to bring bills forward. Yes, this is only an arcane parliamentary procedure, but it's all I've got, so you owe it to the people who sent me here to let them know that at least I will do this for them. At least I will stand there and endure the embarrassment that comes from shots from across the aisle and attempts to repudiate my effort, attempts to misrepresent, distort or accuse me of grandstanding. That was the big charge that year.

I would love to be able to stand here and introduce substantive bills. I would love to be able to go out to my constituents and say I'm so happy that such and such a bill that I introduced passed yesterday and was supported by all these other members, but I am denied that opportunity most of the time, as are the other

people on this side of the aisle.

So those are the reasons why we protest the way business is conducted here, and those are the reasons why we ask Senator Bruno and our Republican colleagues to change the way that we do business.

As to the issue of opening up the Democratic conference -- and I realize that I can not ask Senator Velella to yield, because he has not spoken on this subject. Senator Velella made the suggestion that the Senate Democrats should open up their party conference.

Senator Velella, unfortunately, has totally missed the point. I have made it clear that this little reform agenda is merely a blueprint, and it is only when we render all party conferences null and void, except for purely political discussions, of course, it is only then that we could rebuild a system using the committees where debate could be encouraged in the light of day.

It is the party conferences of the Majority where the principal decision making

takes place. Opening up our party conference would really serve little purpose, although I wouldn't have any problem doing that. That is not the point. The point is we need to build a new structure based on openness, and that means that all of us must be willing to accept the responsibility to debate in public those important issues of the taxpayers of this state.

SENATOR VELELLA: Will you yield?

ACTING PRESIDENT KUHL: Senator Hoffmann, Senator Velella is asking you to yield.

SENATOR HOFFMANN: I would be most pleased to yield.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR VELELLA: Senator, so you don't think I'm back -- or that you don't think that I am taking advantage of you, I will be happy to yield if you have a question that you would like to ask me. I'm asking you one now, and then I will yield to whatever it is you would like to ask me, because you said there was

some procedural reason you couldn't inquire of me.

But let me ask you. Have you ever heard of the idea of leading by example? Leading by example, making those changes that are within your power to make so that those who are not as bright as you, who are not as enlightened as you might try to follow your lead. Why don't you do that with the Democratic Conference? We can't stop you from opening the Democratic conference. Sit in that room with your colleagues and say, "Hey, let's lead by example. Let's welcome the press in. Let's open the doors, a breath of fresh air and we will look over to that side of the aisle, and we'll say we have our open conference. Why don't you? We meet in open. We don't meet behind doors."

Start out in the beginning. Maybe that's why you're not being as successful as you'd like to be. You are tilting at the windmills. Try to make the difference where you can make the difference. Lead by example. Try

to get your own party to make those reforms. Maybe we'll look at it and say, Hey, the product is great. It really looks much better like that. We'll follow the lead.

We had an open conference. Wasn't much different than the closed conferences. Try it. You will like it.

SENATOR HOFFMANN: Thank you, Senator Velella, for agreeing to yield to a question. I appreciate your very collegial attitude today and thank you for that.

The issue you just raised about the Senate Minority opening its conference, as I pointed out a minute ago indicates there's really little purpose for the Senate Democrats opening. I have no problem with that. I think that it's fine, but the reality is I don't think the party conferences are a very good idea at all for much of anything. I don't feel a lot of kindred spirit, many times, when I'm in the Democratic Conference Room because most of my colleagues in that room come from parts of the state that are quite unfamiliar with many of the

issues that face my part of the state. I'm sure you've occasionally had that experience in your conference, Senator Velella.

Let me ask you. Have you ever felt like perhaps you should have been talking with a different group of people about an issue that affected your district, that the ones in your conference room did not understand as well as perhaps another group of legislators might have understood?

SENATOR VELELLA: No. No, Senator. I find the Republican Conference perfectly adequate, capable and intelligent to handle any of the problems that present themselves in the state.

SENATOR HOFFMANN: Would you yield for another question, Senator Velella? Do you -

SENATOR VELELLA: Certainly.

ACTING PRESIDENT KUHL: Senator Velella -- excuse me.

Senator Velella, do you yield to another question from Senator Hoffmann?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR HOFFMANN: Thank you so much, Senator Velella. Do you believe that the Republican Conference Room is a vastly superior place for decision making than would be a Finance Committee meeting?

SENATOR VELELLA: No, Senator, I don't think the Republican Conference Room is so vastly superior to any other room in the building. The quality of the membership is far superior than the alternative that the people are offered in terms of the Minority, but, certainly, we are not -- the rooms are not any more superior.

SENATOR HOFFMANN: Would Senator Velella yield for another question, Mr. President?

ACTING PRESIDENT KUHL: Senator Velella, do you continue to yield to Senator Hoffmann?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR HOFFMANN: Senator Velella, do you believe that it is better for the people of this state to have decisions made in a closed door session of Republican Senators than in an open meeting of any description?

SENATOR VELELLA: Well, Senator, I think that the party process that your party follows having closed meetings, the party process my party follows has a certain process, there are closed door meetings. I think what we need to do is look at the product that comes out of here, and the product that comes out of this side of this house, I think, is a darn good product. It certainly has gone to the people of the state time and time again, and they have again returned us to the majority. So we must be doing something right.

There are some flaws in the system. You know, maybe if you opened up your party conference to the public, you might become the majority some day, heaven forbid, but if

that ever happened -

(Laughter.)

We have even reached the maximum far beyond our expectation. We're at 37. I think that's great. We really are getting the support of the people. They like what we're doing. We are winning the elections. We are keeping the majority. You got to do something desperate. Why don't you try some tactic like you're doing today. Open the party conference to the people.

SENATOR HOFFMANN: Mr. President. Would you ask Senator Velella if that was a yes or a no?

ACTING PRESIDENT KUHL: Senator Velella? Are you asking Senator Velella to yield, Senator Hoffmann?

SENATOR VELELLA: Senator, see - see, sometimes that's the problem with the process. People don't pay attention. See, that was an answer to your question. Your question was, were we superior? No, we're not superior. Our product is better than yours. You didn't

ask a yes or no question, I don't think.

SENATOR HOFFMANN: Well, I had phrased it as a yes or no question.

Mr. President. Senator Velella who I very much appreciate having been gracious enough to yield for a question and invite some questions, in fact, has made an interesting observation. He has, once again, illustrated the tremendous preoccupation around this capital with partisan control of decision making.

It's what happens in the Republican Conference Room that counts. If you would extract -- I'm attempting to extract a yes or no answer from Senator Velella's answer, and he very proudly upholds the grand tradition of closed door decision making by a group of Republican Senators. I believe I've characterized his response fairly. Whether it's superior to an open meeting of a different sort, I didn't get an answer to that, but I believe that most of the taxpayers of this state think that an open type of decision making process would be vastly superior to the closed door

decision making we have right now.

That's why I continue to press for eliminating all of the closed door party conferences. Eliminating only the Democratic Party Conference is going to mean virtually nothing in this chamber as we know from the dearth of bills with Democratic sponsorship that ever emerge in this chamber.

ACTING PRESIDENT KUHL: Excuse me, Senator Hoffmann.

Senator Velella, why do you rise?

SENATOR VELELLA: Would Senator Hoffmann yield to one more question?

ACTING PRESIDENT KUHL: Senator Hoffmann, do you yield for a question?

SENATOR HOFFMANN: I'd be delighted, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR VELELLA: Senator, I would just like to know, and I will try to phrase this in a yes or no answer. Even though

you miscategorized my statement, I don't want to leave the record without saying that you did miscategorize what I said. In a yes or no, if you can, I would like to know one thing. Did your party, your colleagues on the Democratic side of the aisle, discuss these motions in a private, closed-door conference before you came out on the floor to advocate that we open the process?

SENATOR HOFFMANN: Did my party discuss these in a closed door conference?

SENATOR VELELLA: Yes, the Minority members.

SENATOR HOFFMANN: Absolutely, Senator Velella.

SENATOR VELELLA: Okay. Thank you.

SENATOR HOFFMANN: Did your party? Would Senator Velella yield for a question?

SENATOR VELELLA: Absolutely not, Senator. Absolutely not. We did not discuss it in closed door session. Absolutely not. It was

closed in the lounge. Out here on the floor, we're debating the issue in the public's eye. That's the way we do things. You did it in the closed door. You stay with that.

Thank you.

SENATOR HOFFMANN: Thank you, Senator Velella.

ACTING PRESIDENT KUHL: Senator Hoffmann, you have the floor still.

SENATOR HOFFMANN: Thank you very much, and I'm delighted to have the floor for this one day in 1996, and I'm so pleased that Senator Velella and some of my other colleagues are willing to explain their positions on some of these measures. Even though I must confess, after listening as carefully as I could, I'm still at a loss to understand, and I will go back over the record when I see the transcript to see if I can have better understanding of Senator Velella's sentiment on this subject.

But I am clear on my sentiment, and I'm clear on the sentiment of the many people who have embraced these ideas. These are

not earth-shaking. These are not revolutionary in any way. They are simply based on common sense and the belief that we would all be better servants of the people if we put aside our partisan affiliation when we came to Albany.

Most of the people that I represent really have little regard whether I'm a Democrat or a Republican. If they were really concerned about party enrollment, then they would have elected some of my five or six opponents in recent years, but I have been returned here several times now by more than 75 percent of the vote in the last two elections, and yet I know that the party enrollment in Upstate New York in the district that I represent is overwhelmingly Republican.

So I don't think that Senator Velella is totally correct in his assessment that it is a Republican majority that people want. I believe that when people vote for Senator Velella or Senator Johnson, Senator Skelos, or Senator Paterson or any of us, they are voting for us because they like us as

individuals. I do not believe they are saying, ahh, I want to send one more person down to that closed-door Republican Conference Room. I think that is probably the last thing on the minds of the voters in this state, and I think that the more we can educate them about how these decisions take place in political arenas, as opposed to in open forums, the more likelihood that people will run for office on the concept of conducting our business in an open manner.

So I would ask that we now vote on S.2072, which would have us itemize the legislative budget, and I have to give credit where due to Senator Leichter, who for many years, long before I came to this chamber, when the legislative budget would come up -- in the dead of night, no matter how tired he was, he would make an issue of the fact that it was totally unitemized. It is still unitemized, although Senator Bruno tells us that it will be sometime soon.

But those of us in the Minority experience, again, a double standard in this

house. We do not have the same type of staffing. We do not have the same type of resources as do our colleagues across the aisle; and, in fact, everything that takes place, everything that is afforded to us for support services, is at the political leader's decision. It is necessary for Democratic members, once elected, to find out from the Democratic leader what their resources will be, and I would assume the same is true on the other side of the aisle.

I didn't know this when I was first elected in 1984. I came to Albany. I asked where I would get processed, and what do I do about finding out my staff allocation so I can go hire some people in the 48th Senate District, and I was told at every turn that I had to, "Go talk to Fred." "You work that out with Fred." "Fred controls that." "You better go speak to Fred." Well, I didn't even know Fred. Fred was Senator Ohrenstein, the man who didn't think that I had any chance of winning and who had said some rather unkind things about

me in my campaign, did not exactly welcome me with open arms, and he represented a district in Manhattan. But because he was the Minority Leader, he had absolute power over the resources, the budget and I would imagine much of the other extraneous equipment and supplies for Minority members of the Senate.

So it wasn't too surprising that when my secretary needed to do some Xeroxing, she had to go around the corner -- around two corners, into another Minority office; and if the office was open, she could use the copier in that office. She couldn't go into the next office which was a Republican Senator's office and use the wonderful collating copier that was right there, and I was not even allowed a copy machine at all.

To this day, my secretary in Syracuse uses a word processor that I purchased with my own funds because the Senate was not going to provide a computer for that district, and I note that many of my colleagues on the other side of the aisle have wonderful laser

printers operating in their district offices. This Democratic Senator doesn't have one.

This disparity in resources is an issue that should be made clear to the public. It's not petty. It's not a case of being greedy. It is a case of us wanting to be able to do the best for the people for whom we work, and I can not serve the 300,000 people in my district as well as some other Senators are able to if I don't have the same resources. I would like to at least see this list of resources; therefore, I believe it is high time that we itemized the legislative budget.

ACTING PRESIDENT KUHL: Senator Leichter, why do you rise?

SENATOR LEICHTER: Mr. President. To be heard on the motion.

ACTING PRESIDENT KUHL: Senator Leichter, just as a point of information, I would like to correct Senator Hoffmann because I was not going to interrupt her because we're trying to let things flow, but for the benefit of the members who have been here and listening,

we have now passed or have passed previously three motions -- I should say there have been three motions to discharge, each one has failed. The last one that failed was the one that Senator Hoffmann was speaking to which dealt with the appropriations of the Legislature.

The actual motion to discharge, the bill that is before the house right now, provides for filing of campaign receipts and expenditures. So if you are arising to speak on the motion that's already passed -- or failed but has been before the house, I would just remind you of that, Senator Leichter. It's just purely by way of information. There have been three votes on three motions by Senator Hoffmann at this point.

We're now on the motion to discharge Senate 2073.

Senator Paterson.

SENATOR PATERSON: Mr. President. We have passed -- we have taken up three previous motions. As I understand it, two

of them were by Senator Hoffmann and one by Senator Dollinger. Is that correct?

ACTING PRESIDENT KUHL: Four. Four. Senator Paterson, four. That's what I was trying to get to the chamber to make sure that we all understood where we were.

Okay. There was a motion by Senator Dollinger on 6456, and we have now had three by Senator Hoffmann, and we're now on the fourth one by Senator Hoffmann.

SENATOR PATERSON: Mr. President. I just feel that that's in error. I would just like to go over the motions that we have taken up just to see where the disparity is, because I believe we have only taken up two of Senator Hoffmann's motions.

SENATOR SKELOS: Mr. President. I believe Senator Paterson is correct. I think we -- we have had votes on 4640, by Senator Dollinger; 2069, by Senator Hoffmann; 2070, by Senator Hoffmann; and now she is explaining 2072.

ACTING PRESIDENT KUHL: Senator

Skelos, you were correct on the first two, but the desk has a record of a vote on 2072 already. If you would like to retake that vote, I assume that's up to your motion, but that's procedurally where we have been through.

The last vote came very quickly with no debate, as you may remember. It was very quickly on -- a motion was read there was no discussion. The vote was taken on a voice vote. Nobody explained their vote, and then we brought up the next one, which is the one we started to engage upon.

SENATOR HOFFMANN: A point of clarification. Mr. President.

ACTING PRESIDENT KUHL: Senator Hoffmann.

SENATOR HOFFMANN: Yes. Mr. President.

ACTING PRESIDENT KUHL: I'm not -- I'm not trying to -- I'm just trying to keep this procedurally correct, so everybody understands exactly where we are. That's the only reason why the chair has brought this up.

SENATOR HOFFMANN: Mr. President. Since both the Majority and the Minority Leaders on the floor have the same records, and I as a sponsor do not recall a vote being taken on the third bill, which is S.2072 -- I was speaking on the third bill. There was no vote taken on that bill, to my knowledge. I recall the vote which the Majority Leader called for a party vote on 2069, and then there was a voice vote, I believe, on 2070. I did not hear a party vote on that, and I did not request a slow roll call on that measure. I then rose to speak on 2072, and that vote has not yet taken place.

ACTING PRESIDENT KUHL: Senator Skelos, in talking, we could go back and stall the process. Obviously, ask the stenographer for this and do that, but the desk suggests - the Journal clerk is suggesting that we just take up 2072 and take the new vote as being the vote on that rather than what we have recorded at the desk. If that's okay with the Majority Leader and the Minority Leader, that's the way

we'll proceed.

Senator Paterson, is that agreeable with you?

SENATOR PATERSON: Yes, Mr. President. I think that my records and the Acting Majority Leader's are similar, and what might be in order at this point is that we -

ACTING PRESIDENT KUHL: Then we will just entertain a motion to reconsider the vote by which the motion to discharge failed.

SENATOR PATERSON: But -- Mr. President. We can do that, but I really would prevail upon the Journal Clerk to take another look at that because I don't remember that vote taking place, and I was paying very strict attention because I wanted to know in which way we were going to cast our vote; and if I'm incorrect, I will certainly yield, but I think that -- being that the Acting Majority Leader sees it the same way, I think that that's probably the way it actually occurred.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President. Just so the record is clear, I think, Senator Paterson, if you have no objection and there are no mistakes, why don't we move to reconsider the vote in the event the vote did take place, and then revote on it so that each bill has its full airing and has a vote on it.

So on 2072, why don't we reconsider the vote by which the motion failed.

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which the motion to discharge, 2072, failed.

Secretary call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is before the house. Excuse me. The motion is before the house.

Senator Leichter, you wish to speak on 2072, the motion to discharge?

SENATOR LEICHTER: Yes, I would.

ACTING PRESIDENT KUHL: Chair

recognizes Senator Leichter on the motion to discharge, Senate 2072.

SENATOR LEICHTER: Mr. President. I just want to agree, in part, with Senator Velella. I must say Senator Hoffmann debating with you is indeed tilting at a windmill and, frankly, that's what I found many of your statements, Senator, to be like. Before you get too carried away about the voters returning the Republicans in this house, may I remind somebody who has a district that violates the State Constitution that gerrymandering might have a little bit to do with the majority that is held by the Republicans.

Senator, I think what is involved here is sort of this inside Albany politics, and what we have, Senator, is debates -- and I am as guilty as anybody else, I guess, at times - that really have no relevance to the public at large. Makes absolutely no sense. I think the public wants Senator Hoffmann's reform proposals not because they are hers, not because they are Democratic, because it makes good sense,

obviously, to have an itemized budget.

But I think when we are debating things as who is allowed to go on a bill and when we take pride of the fact that we are no longer having debates in the middle of the night -- and we shouldn't have it in the middle of the night. It was obviously a good step forward, but that doesn't mean that we have reached nirvana; and, Senator, I don't think the public gives a damn, if I may mention it, whether somebody was on your bill on the 48-hour and the fact that you let Democrats on it as if it was this great largesse, and I must say I think the Speaker was incredibly petty - incredibly petty not to let Republicans on the bill.

I think we ought to get away from that sort of thing. But I do believe we are discussing some very important matters, and Senator Skelos can say, well, this is only procedural. I don't know, I don't think the public cares if it's procedural or substantive.

"Oh, yes, I voted against all

these reforms, but I'm for reforms. I just voted against procedure."

Come on! Who are we kidding? We're voting on whether we want to have a more open, a more democratic house.

Senator Velella, you made a big issue that the Senate Democrats have not opened their conference. I do believe that day you opened your conference and had a nice dog and pony show that our conference was open. Nobody bothered to come to it. But, Senator, I have been at odds, frankly, with some of the members on this side of the aisle because I think we ought to open our conference. I think conferences ought to be open. I think there are sometimes when political issues are discussed, it may close. But when you take a position of whether a bill is going to come to the floor or not, then I think you are really making a decision that affects legislation that the public has a right to know.

So I think that these are important issues. I think you can make fun of

them. I think Senator DiCarlo can get up and say to Senator Hoffmann -- and she obviously has nice scrapbook -- that, you know, there was an article which mentions Senator Hoffmann as having one of the -- one of the seven Senators -- one of the seven Senators with the worst attendance record. In fact, I thought she had a rather good attendance record. It was like 83 percent. It also failed to mention that some of the other Senators mentioned like Senator Stavisky and Senator Gold -- Senator Stavisky was in the hospital. Senator Gold was taking care of a serious family situation. But I certainly give credit to the Senate Majority. You are all here today, and that's certainly to your credit.

But it's not to your credit that you are voting down bills that ought to be on the floor and steps that we ought to take, and I think if I take each of you aside individually and say, "Don't you think we ought to have an itemized budget?" you would say yes because how could you be against an itemized budget.

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

Senator Hoffmann to speak on the motion to discharge.

SENATOR HOFFMANN: Just on this particular item, I must ask that the record reflect my incredible frustration over the last several years at trying to find out what the budget is for an individual Senator's office expenses and staffing in the aggregate so that I could better apply some identified resources that I chose to not use for newsletter publications.

I have not published a newsletter or mailed a newsletter since September of 1990. I have saved several hundred thousand dollars, and I have repeatedly requested of the Majority, who control that portion of our budget -- I have repeatedly requested that some of that savings be allowed to be transferred for staffing, for a laser printer, for upgraded computer equipment, even for things like typewriter ribbons for the typewriters that I have purchased with my own

funds in my district office, and I have been rebuffed on every occasion by this Majority Leader and the previous Majority Leader or, to be more accurate, by their deputies to whom they delegate this chore.

Now, I find that insulting. But, more importantly, I find it demeaning to the people in Central New York. If they are not too sad about not getting newsletters from me every couple of months, then I think that they should be rewarded with a higher level of constituent service, and I want to be able to address their needs.

The district is huge. Regularly, people on my staff travel from 6:00 o'clock in the morning until 10:00 or 11:00 o'clock at night trying to cover all of the events, and I often do the same myself.

It would be nice to have some additional staff. It would be nice to be able to have even the same resources or something close to it that other Senators have who simply have the benefit of having an R next to their

name while I have a D next to my name.

So I really must protest that this lack of an itemized legislative budget serves to totally cloud the issue of disparate resources and an intentional -- and it has to be intentional -- attempt on the part of the Republican leadership of this chamber to make life more difficult for Democratic Senators.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the motion to discharge?

(There was no response.)

Hearing none, the chair would remind the members that a vote in the affirmative is a vote to support the motion to discharge and remove the bill from committee.

All those in favor of the motion to discharge -

Senator Paterson.

SENATOR DiCARLO: Mr. President. Just to explain my vote.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: I'll wait for Senator DiCarlo.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator DiCarlo to explain his vote.

SENATOR DiCARLO: Yes, Mr. President, to explain my vote.

Only because, Senator Leichter, you raised my name, and I just want to be very clear on the point that I was trying to make earlier. I have tremendous respect for all my colleagues in the Senate, and most of my colleagues in the Legislature, and especially those who sit on the other side of the aisle.

I in no way was making a point and attacking Senator Hoffmann on any newspaper article. I happen to believe that most of the nonsense you read attacking people in politics is just that -- nonsense.

What I objected to was using reporters and newspaper articles as if they were

fact and true and quoting from them, when I don't believe most of what is written, especially when it is saying bad things about legislators. I have great respect for all of those people who are mentioned in that news article, especially and including Senator Hoffmann, because I think they work hard to represent their constituents, and I would never use that article.

But when they stand up and they quote reporters and other newspaper articles saying nasty things and saying things about colleagues on this side of the aisle, I object to that. But I in no way think that my colleagues on that side of the aisle are not doing what's in the best interests, as they feel, for their constituency.

But if you live by the sword, you die by the sword, and I think everyone should remember that. I will vote no on this motion.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr.

President. We'd like to request a party vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will record the party line votes.

Announce the results.

THE SECRETARY: Ayes 23. Nays 37. Party vote.

ACTING PRESIDENT KUHL: The motion is lost.

Secretary will read the next motion to discharge on Senate 2073.

THE SECRETARY: By Senator Hoffmann, Senate Bill 2073, an act to amend the Election Law, in relation to statements of campaign receipts and expenditures.

ACTING PRESIDENT KUHL: Chair recognizes Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I'd like to state at the outset that I appreciate Senator DiCarlo's clarification on the issue of the newspaper article. But I want to make one very important distinction. I was quoting from newspaper editorials. That is the opinion page in the newspaper. It's different entirely from the news section. In fact, in most cases news reporters very rarely are asked or permitted to write editorials. It's a somewhat rarified environment on the editorial page, and I'm proud of the fact that newspaper editors, not in one or two newspapers but across the state, have chosen to embrace these reforms, and I read into the record their positions because as they were speaking they were directing people to take action. They were using their editorial prerogative, not reporting the news.

And, like you, I occasionally find newspaper articles covering the activities of individual legislators to have either a different version or a different slant on something that I have experienced or seen. In

the case of the article on the attendance, as several of my colleagues have pointed out, there were apparently some selective explanations or limited explanations on why people did not attend.

I have no problem, however, with addressing the issue of attendance. I would like to address the way that our activities, including attendance, have sometimes been very erroneously represented not by the media but by campaign literature and how the people who have been guilty of misrepresentation in an attack piece are very often not identified with that piece. Because of the extremely convoluted way in which the election records of this state are kept, it is often impossible to know who is paying for a negative campaign against a sitting Senator or a negative campaign against a candidate for New York State Senate or New York State Assembly, and I would imagine that some of my colleagues on the other side of the aisle would suggest that the Assembly, where the balance of power is reversed from that in this

chamber, is guilty of abuses similar to the ones that some of us have observed, and I would not deny that.

I believe that it is necessary in the interest of good government and fair campaign practices that the books be open, that the voters of this state should have the ability to know who is paying for a campaign, who is paying for every last dollar of a campaign for any candidate for public office; that there should be no bundling of funds under the umbrella of the Senate Republican Campaign Committee or, for that matter, in the Assembly the Democratic Assembly Campaign Committee.

These are the two political action groups that wield the most power here in Albany because they control the legislation. The newspapers would have us believe that's just a position the editorial writers have taken. I don't know if that's why it is that those two political action committees have millions of dollars at their disposal and the minority campaign committees in each house have much

less.

But there have been numerous documented examples of campaigns being run out of Albany by the political action committees or parties chosen by them, hired by them, paid by them, and the people back home simply don't know. They don't understand that it is somebody in Albany who wants to bring on a new person to play the same old game. Fancy three-colored printing shows up in the mail or shows up in the doorstep in the way of fliers, and there is no indication that it was paid for by funds generated in another part of the state. Meanwhile, the candidate who can only afford a Xeroxed flier and only a couple of them at that appears to be less committed. This candidate is underfinanced, but the public doesn't know where the money is coming from. It is essential that that paper trail be established so people know in advance to whom an office holder will be beholden if elected.

I have experienced this. I know other people have. I remember vividly an attack

piece that arrived in the mail in my district in one city on the eve -- literally on the eve of the election, and it was made in an anonymous fashion so that my opponent would not be identified with it. In fact, he initially attempted to disavow knowledge of it, and then said yes, he knew something about it. No, he didn't know exactly who had done it. It was clear that somebody else was calling the shots. Even the poor candidate running against me was embarrassed by the very heavy-handed way in which money was being used and a mailing was being sent out without his direct involvement and, certainly, without direct involvement of the people who purported to be supporting him from the 48th Senate District.

I clearly have not been targeted as much as some other people have, and other people in the Assembly who sit on the Republican side of the aisle can tell horror stories. The point is that the public should know and the voters should have access to that information long before they go into the ballot box to vote.

So I would hope that all of my colleagues support Senate 2073 today, and I would like to point out that, unlike the other bills that we have discussed, this one has the unique distinction of having been passed already by the Assembly, so there is a demonstrated willingness on the part of some members of the Majority in that house to correct this inadequacy in our Election Law, and I thank my Assembly colleague and neighbor, Joan Christensen, who overlaps a portion of the 48th Senate District and who succeeded me on the Syracuse City Council, for having had the good judgment to introduce this measure in the Assembly. I thank the members of the Assembly for supporting it, and I would ask all of my colleagues in the Senate to please support this measure, to discharge it to the floor where it can be voted upon by the full Senate.

ACTING PRESIDENT KUHL: The motion is to discharge Senate 2073. All those in favor of the motion to discharge, signify by saying aye.

(Response of "Aye.")

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: Record the party line vote. Announce the results.

THE SECRETARY: Ayes 23. Nays 37. Party vote.

ACTING PRESIDENT KUHL: The motion is lost.

The Secretary will continue to read the motions to discharge.

THE SECRETARY: By Senator Hoffmann, Senate Print 2074, an act to amend the Election Law, in relation to political advertisement in literature.

ACTING PRESIDENT KUHL: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr.

President. Point of clarification. I wonder could you tell me from the desk, please. We've had, I believe, five -- four party votes, and one voice vote. Are there any exceptions on either side of the aisle in these party votes?

ACTING PRESIDENT KUHL: No, there are none.

SENATOR HOFFMANN: There are no exceptions. Thank you, Mr. President.

Senate 2074 is the companion bill to the bill just -- to the resolution just defeated -- the motion just defeated, and this would require all campaign literature be filed in one place, so you would have two means of knowing who is responsible for running a campaign, by the filings of the contributions and by the literature having been placed in the files at the Board of Elections as required by law.

Right now, it's possible for literature to be filed in a central committee or a ghost committee category that has little bearing on the candidate who benefitted from

that literature, just as the expenditures are similarly filed in very confusing locations, and I would ask my colleagues to recognize the obvious advantage of having all campaign literature readily available, certainly for scholars and political scientists. How could we possibly question the appropriateness of having this measure in a good housekeeping manner pass so that we could all see by a reasonable request at the Board of Elections what type of literature various candidates have used in the past.

ACTING PRESIDENT KUHL: The question is on the motion to discharge Senate 2074.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

SENATOR PATERSON: Party vote in the affirmative, Mr. President.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

Record the party line vote.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 23. Nays 37. Party vote.

ACTING PRESIDENT KUHL: The motion is lost.

The Secretary will continue to call the motions to discharge.

THE SECRETARY: By Senator Hoffmann, Senate Print 2071, an act to amend the Legislative law, in relation to Senate and Assembly officers.

ACTING PRESIDENT KUHL: Chair recognizes Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

2071 would eliminate those special payments known as payment in lieu of salary for legislators who serve at the

political behest of the leadership in each house in a political function.

Now, I make the distinction between committee lulus and non-committee or political lulus. This came to my attention a few years ago as an area that was ripe for abuse when the previous Majority Leader enacted a whole series of new "payment in lieu of" measures upon his ascension as Majority Leader. Senator Marino created several titles, and it was very difficult for members of this chamber and for members of the press to understand what these titles meant, what the duties were. In fact, there was a freedom of information request at one point by a good government group or Change New York and a couple of other -- I believe Change New York made a request for a job description on several of these purely political titles, and they were rebuffed.

I still don't know what it is that some of my colleagues do for an increase in their compensation. Now, I realize people are somewhat uncomfortable discussing this. It gets

kind of close to home. I want to make it clear that I believe we should always be a part-time legislature, and one of the ways to insure that a part-time legislature is going to do the best job it can for the people of this state is to reward appropriately with additional compensation those legislators who undertake additional legislative responsibility.

I understand that was the premise behind the whole initial concept of creating "payment in lieu of" a number of years ago. Those people who undertook committee responsibilities, committee chairmanships or ranking Minority members being the party equivalent in each house were given additional compensation because of their legislative responsibility in that specialized area.

I'm reminded, because his name was mentioned a little while ago, of the late Senator Donovan, who as Chairman of the Education Committee traveled not only across this state but around the country and even made a few international visits in his study of

education. He was regarded as a national expert in the field of education. For him to do this, meant that he had to forsake the ability to earn income outside the Legislature because he committed far more than 40 or even 60 hours a week to his job. He worked tirelessly. But as the Education Chairman, he received additional compensation, and I support that concept for Senator Donovan, for the current Education Chairman, and for all of those Senators who hold the difficult challenge of being a chair of a committee, a substantive committee.

But I can not understand why the taxpayers of this state should be billed to give an additional reward to members of the Legislature whose duties are purely political. I believe that should come out of some political war chest, and the taxpayers should not be billed. I suppose you could make the case that two or three are necessary in each house for housekeeping. I guess you have to have a Majority and Minority Leader.

I don't know, I still have

trouble with this whole idea that we have to have party structure at all. When I was asked earlier by Senator Velella about whether we had a meeting to discuss these reform measures prior to their discharge in a closed-door party conference, I told him yes, and it's true because there was never any other opportunity for meetings because the committee chairmen chose not bring them up in the committees in which they are entombed.

But I still believe that the committees are the rightful place to do business, and I would give additional compensation to members of committees who would do their jobs and entertain issues such as these and run those committees in a fair and open way. I do not believe the taxpayers of this state begrudge people a fair salary for doing reasonable legislative activity, but I do think that it is asking too much of the taxpayers to subsidize a political fiefdom that operates under the guise of a legislative lulu.

ACTING PRESIDENT KUHL: Question

is on the motion to discharge Senate 2071.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The motion is defeated.

Secretary will continue to call the motions to discharge.

ACTING PRESIDENT KUHL: Senator Leichter. We have four motions to discharge at the desk. Would you like to take them in any particular order?

SENATOR LEICHTER: Yes, Mr. President. Thank you, and I will do these quickly.

ACTING PRESIDENT KUHL: Which one would you like us to read first, Senator Leichter?

SENATOR LEICHTER: If we could begin with Senate 2323A.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Leichter, Senate Print 2323A, an act to amend the Environmental Conservation Law, in relation to granting private citizens the right to initiate civil enforcement actions for violations of such law.

ACTING PRESIDENT KUHL: The chair recognizes Senator Leichter.

SENATOR LEICHTER: Thank you. On the motion. We've had this before.

This is the bill that would allow citizens to sue for the enforcement of environmental laws. It's a provision that exists in 30 states. It's incredibly important because I think that the people of this state want to assure clean air and clean water, and this will give them the tools to do it.

It's a bill that in the past has had very broad support from numerous groups, the Alliance for Consumer Rights, Environmental Law Council, Citizens Campaign for the Environment, Citizen Action Clear Water, Environmental Defense Fund, Environmental Planning Lobby,

Hudson River Sloop, the ILGWU, National Audubon Society, National Resource Defense Council, New York Public Interest Research Group, Sierra Club.

And, again, this is not a procedural vote. This is a vote to see whether you want to move forward towards having better enforcement of the environmental laws in the State of New York, and I hope very much and urge all of you that this bill will be put on the floor.

Let me say that I read in the paper recently that Governor Pataki expressed some interest and support for the bill. It's certainly one that the people of the State of New York want.

I move the bill.

ACTING PRESIDENT KUHL: Chair recognizes Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President.

I feel so strongly about this bill, and particularly now. We are

experiencing, because of cutbacks, a lot of the officers who would normally be out minding the environmental health of the State of New York - we see a large number of cutbacks in the people who would be watching that only good things were happening and bad things were not.

Since we are in a time of fiscal constraint, since we may not have enough environmental officers out there watchdogging, this is more important than ever that we give the power to citizens to watch over and monitor our environment. There are so many cases of point pollution, of non-point pollution, so many areas that need to be watchdogged that cannot be because of the costs involved. If we gave citizens the power to go out there and bring suits, we would see greater compliance with our Environmental Law and less expense for the government to put the conservation officers out there to monitor it.

I think it's more important now that we have this bill, and this is not exactly a unique or novel bill. It is the law in so

many states. I believe 30 states. And, if we could avail ourselves of this same option, this law, I think we would see an improvement in the adherence to our Environmental Law, and it would not cost the state a penny. This is a win-win situation. I certainly hope we will have some support for it, and I believe the Governor is interested. I hope we can move this this year. It really saves the state money and saves the environment.

Thanks.

ACTING PRESIDENT KUHL: The question is on the motion to discharge Senate 2323A.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Party vote in the affirmative, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

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SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: Party line with exceptions, Senator Paterson?

THE SECRETARY: Ayes 22. Nays 38. Party vote with exception.

ACTING PRESIDENT KUHL: The motion is failed.

Senator Leichter, would you like to take up 2726 next?

SENATOR LEICHTER: Yes, Mr. President.

ACTING PRESIDENT KUHL: I'll ask the Secretary to read.

THE SECRETARY: By Senator Leichter, Senate Bill 2726, an act to amend the State Finance Law, in relation to requiring that budget bills making appropriations or reappropriations to the Legislature contain

specific categories and amounts of expenditures.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leichter.

SENATOR LEICHTER: Mr. President. This is really another bill that provides for an itemized budget, and we debated this earlier when we had one of Senator Hoffmann's motions, so I'm not going to debate it now.

The reason that I'm also moving this bill, it's worded somewhat differently. This is the bill that most of the Democratic colleagues have endorsed, and I think it would give us a workable way to have an itemized budget so that we in the Legislature do precisely what we ask the Executive to do, what we ask the Judiciary to do; and that is, to have an informative budget, one that not only the members can understand but that the public can understand.

I move the motion.

ACTING PRESIDENT KUHL: The motion is to discharge Senate 2726A.

Senator Paterson.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the party line votes. Announce the results.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Just to explain my vote very briefly.

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: Seems to me that Senator Leichter's motion to discharge a bill that requires itemized legislative budgets is the step down the road to TQM that we all need to follow. If you believe in the discussion the last decade about improved management, better quality management, better

understanding of financial affairs, you would know that this is what we should be doing in our management of this house. There's just absolutely no other way to do it.

I will be voting aye.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 23. Nays 37. Party vote.

ACTING PRESIDENT KUHL: The motion is lost.

Senator Leichter, would you like to take up 3641 next?

SENATOR LEICHTER: No. Let's do 6608.

ACTING PRESIDENT KUHL: I will ask the Secretary to read the motion to discharge on Senate 6608.

THE SECRETARY: By Senator Leichter, Senate Print 6608, an act to amend the Legislative Law, in relation to creating a Senate Management Council.

ACTING PRESIDENT KUHL: Chair

recognizes Senator Leichter.

SENATOR LEICHTER: Mr. President. This bill would set up a management council with representatives from both the Majority and the Minority to see that the operations of the Senate as far as the distribution of the resources, the efficient operation of the facilities and offices which provide support services for Senators other than their own offices be run in an appropriate fair manner.

This is a -- this follows a system and a procedure that exists in the Congress, and whatever criticism you can make of the Congress, at least they treat members fairly.

I want to say there were a lot of self-laudatory comments earlier today by Senator Skelos and Senator Velella, and there were even some generous -- I thought overly generous comments from some members on this side of the aisle of how much we have achieved.

When you say, well, what have we

achieved, somebody will say, "Well, we now have a rule that we can not pass legislation in the middle of the night." You know, that's a pretty, pretty small achievement. I mean if that is the reed that we're holding on to, it's not going to give us much support, not when there's so many things wrong with the management of this house, when the procedures are not only so closed but when they are so biased, when our expenditures are really not subject to public scrutiny, I think we have a long way to go.

I think Senator Bruno came, and he made some promises when he took over as Majority Leader. I think the steps that have been taken were appropriate, but it's really like the first two or three steps on a fairly long journey. We have an awfully long way to go. Management Councils would certainly be one of the things that ought to be done.

Let me just mention one thing. It's late, and I don't want to go on at length. But I went over on a trip to the Massachusetts Legislature which was arranged by a member of

the Assembly, and I must tell you I was astounded, simply astounded, how further ahead they were than we were in democratic procedures; and when I told them what some of our procedures were -- these were Democrats and Republicans - they couldn't believe it.

They could not believe that it is almost impossible to amend a bill in this house. They say, for instance, that their budget is amended in numerous respects. People come up and make proposals. Their committee hearings not only are open to the public but the public is given a chance to testify. They have equal resources for both Majority and Minority members. They have a televised debate. They have from gavel to gavel. The only televised debate we have here is when one of the members of the Majority side wants to have his speech recorded so that he can send it to his local television station.

The other day I ran up there because I saw somebody making some videos. I had never -- I recognized that they were not

part of any commercial station. They were taking some videos of Senator Nozzolio. I assume it was at the Senator's request. I don't know why the public ought to pay for that, Senator.

Well, you are shaking your head, but I checked into it, and the person said, "I was asked to come here to take a video of Senator Nozzolio." Why can't we televise all of the proceedings of the house, all members when they get up so that the public can see how we carry on our duties?

We really have such a long way to go before we act in a way that the public can look at us and say this is what a legislative, a deliberative body should be like.

Senate Management Council is certainly one of the things that we ought to have, and I move my motion.

ACTING PRESIDENT KUHL: The motion is to discharge Senate 6608.

SENATOR PATERSON: Party vote.

ACTING PRESIDENT KUHL: Secretary

will call the roll.

(The Secretary called the roll.)

SENATOR SKELOS: Party vote in the negative.

SENATOR STACHOWSKI: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Record the party line votes. Announce the results.

THE SECRETARY: Ayes 23. Nays 37. Party vote.

ACTING PRESIDENT KUHL: The motion is lost.

Secretary will read the motion to discharge on Senate 3641.

THE SECRETARY: By Senator Leichter, Senate Print 3641, an act to amend the Tax Law and the Administrative Code of the City of New York, in relation to eliminating the deduction for amounts expended for tobacco advertising.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr.

President. I regret that we're doing this motion at this hour; but, unfortunately, we were forced to make all the motions of discharge on one particular day.

Unlike, oh, I think all of the other motions which we've had, which really dealt more with how this house functions, the openness with which government is to be conducted, this one deals with a very specific substantive issue, an attempt to try to discourage smoking in this state by taking away the deduction for tobacco companies for advertising in this state. It would deny them both the New York State and New York City deduction that they get for advertising.

As we know, the advertising, of course, aims to get more people to smoke, but what is particularly reprehensible is that much of this advertising has been aimed at young people, and we have a serious problem of teenagers smoking, particularly teenage girls.

Smoking is probably -- well, it is something that is extremely -- has extreme

health impact, costs us a great deal of money in this state for having to take care of people who suffer respiratory ailments or develop very serious ailments and die as a result of smoking. We ought to discourage it, but at the very least, we should not allow tobacco companies, in effect, to be subsidized by the public by getting a deduction for advertisements that gets people to do something as unhealthy as smoking.

Move the motion, Mr. President.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger on the motion.

SENATOR DOLLINGER: Just to be heard on the motion.

I agree with Senator Leichter. It is really regrettable that this comes up at this hour because many of our colleagues who I think would be here to join and perhaps break party ranks on this issue, who believe as you and I do that this is really one of the critical

health problems that our nation faces because what we have is a government-subsidized-at-the time-of-production, a government-subsidized-at the-time-of-marketing activity which substantially damages this nation's health.

And it starts with children. It starts with Joe Camel. It starts with Virginia Slims. It starts with the Marlboro man, and you can go run down the list of the advertising tools that have been used to hook children on the addictive drug of nicotine.

As the ranking Democrat on the Senate Health Committee, this issue deserves more attention. I point out that the advertising even encourages criminal activity because, as we all know, you can not sell tobacco products to children under the age of 18, and I believe that the subsidy ought to end.

I believe the subsidy for marketing ought to end. We should put this motion on the floor, should put the bill on the floor and have a debate about whether a drug

that is addictive to our population, which causes millions and millions and millions of dollars of health care to be spent in this state, ought to be subsidized by public tax deductions for their advertising.

I would close with one other thought. If you need any example of why the tobacco industry no longer should have any benefit from government, read the article in Vanity Fair this month about the gentleman who came forward to testify against the tobacco companies. The research and development director of one of the major tobacco companies has come forward to testify against them in depositions and to support seven states in this nation who are taking the affirmative case against the tobacco companies forward by seeking to recover from them the enormous billions of dollars of cost that those companies have foisted on the American public under the guise of being cool and smoking and told the people of this nation -- deluded them, through mass marketing, that this is somehow fashionable.

It is deadly. It is distasteful. It is something America must stop, and it starts by bringing to the floor of this chamber a bill that would disallow tax deductions for luring our children into a health risk that will perhaps impair their future and cost all of us millions of dollars.

Let's put a stop to this now. Put the bill on the floor. Let's have a debate about the future of king tobacco in New York, and let's send a message to all of those companies that the buck stops here, and we're not going to allow them to deduct the bucks that they are putting into destroying the health of our children.

ACTING PRESIDENT KUHL: The question is on the motion to discharge Senate 3641.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The motion is lost.

Senator Stachowski, we have two additional motions, one by Senator Waldon, also one left by Senator Dollinger. What is your preference as far as the order?

(Response inaudible).

All right. I'll ask the Secretary to read the motion to discharge Senate 6456.

THE SECRETARY: By Senator Dollinger, Senate Print 6456, Concurrent Resolution of the Senate and Assembly, proposing amendments to Section 11 of Article 7 of the Constitution.

ACTING PRESIDENT KUHL: The chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I just want to thank you on behalf of perhaps this side of the aisle for your patience in handling these motions today.

But this bill, this motion gives the State Senate an opportunity to do something that I think it might be very comfortable in

doing, going back to the 19th century.

In fact, let's go back to 1846, a good ripe old year, a time when conservatism ruled the land, when the Republican view or the view of let's not take things too far too fast, let's not make too many changes; let's just sort of slowly go through the process and see what good government can give us.

In 1846, the New York State Legislature and the voters of this state decided that they were going to reverse a trend that had occurred for 20 years. From 1826 to 1842, the New York State Legislature did not raise taxes. Not a penny in tax. Not one penny in tax. They had tariffs, but they didn't have to charge any taxes.

"Why?" might you ask, in this time when the state was growing by leaps and bounds. We were truly the Empire State. The canal had been put in place. The birth of the railroad was coming. The birth of the steam engine driving the packets from Albany to New York City was in full bloom. Why didn't the

State Legislature raise taxes?

The answer is very, very simple. For 16 years, the State of New York simply borrowed every penny it needed to meet every single expense that it had to pay. The consequence was that in about 1843, there was a crisis in liquidity in New York State. The banks called the debt.

The state went virtually bankrupt, causing a constitutional convention to be called by the voters and by the State Legislature in which they added one plank to the New York State Constitution, only one. There was only one ballot proposition put forward. That ballot proposition said, no more will we allow the State Legislature to float general obligation bonds. Instead, we will require the voters of this state to approve that debt before it becomes legally binding.

In 1846, the voters of this state took that constitutional amendment, made it a part of our State Constitution; and, lo and behold, for about 120 years it worked very well

in putting restraints on the ability of the Legislature to commit the state to long-term expenditures through long-term bonds and financing.

What they didn't count on in 1846 was the ingenuity of this Legislature and the ingenuity of this government to get around that prohibition on public debt in the State Constitution; and, as a consequence, for the last 20 years, the State of New York has engaged in a back-door borrowing policy which, frankly, accounts for our abysmally low bond rating and, I believe, has astounded almost everyone in that little part of New York they call Wall Street.

When they look at our bond rating, they look at billions and billions of dollars of expenditures committed for 10, 15, 20, 30 years, none of it backed by the full faith and credit of the state that can only be given by a plebiscite on a bond issue, by a vote of the people.

What this motion does today is to seek to put before this Senate exactly what the

Legislature and the people thought they had approved in 1846, a ban on the use of back-door borrowing as a way to finance the state's expenses, as a way to finance the state's operation, to ban that back-door borrowing and require, once again, the spirit of 1846 in that good old day in New York State when the voters alone would have the power to control public debt.

I think our history in the last 20 years is a disgrace. I think we have used every possible tool to get around it and, in my judgment, wrongfully so. This bill would give us an opportunity to restore to the people the power to decide when and if New York will use its long-term borrowing powers.

I will close with this note. We have had a debate, I guess, all today about whether this is substance or procedure. I clearly understand why there may be 37 members in this body who would prefer that all of this be wrapped into the bundle of procedure.

From my point of view and I guess

from the remainder of those 24 members, this is as substantive as it gets. This is the only chance we get to ask the Majority. You control the agendas of the committees. You control the agenda of the Senate. We now ask you to put this on your agenda to show your faith with the people of New York to take this opportunity to be heard.

It's your only opportunity to be heard. It's your only chance. You want to ban back-door borrowing, this is your chance. This is your opportunity. You've clearly got a chance to do it. There is a way to do it. Vote yes on this motion. Put it on the floor.

Let's hear you all resoundingly tell everybody from Wall Street to Niagara Falls, from Plattsburgh to Jamestown. Let's tell everybody in the four corners of this state that we want to cure our bad old habits, the bad old habits we acquired in the last 130 years, and we want to return to that good old time in 1846 when the people not the politicians held the power of the purse.

ACTING PRESIDENT KUHL: The question is on the motion to discharge Senate 6456.

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Secretary will call the roll.

(The Secretary called the roll.)

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: Record the party line votes. Announce the results.

THE SECRETARY: Ayes 23. Nays 37. Party vote.

ACTING PRESIDENT KUHL: The motion is lost.

The Secretary will read the motion to discharge on Senate 1915B.

THE SECRETARY: By Senator Waldon, Senate Print 1915B, an act to amend the General Construction Law, in relation to establishing Native American Day as a public holiday.

ACTING PRESIDENT KUHL: Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President. This is the last motion. I was wondering what the score was.

ACTING PRESIDENT KUHL: Senator Paterson, let me just remark. The score is - I'm not sure exactly, but this move to open up government has allowed rain to start coming in from the ceiling, so I don't know whether we want to continue or not.

SENATOR PATERSON: Then I feel like we're in the NCAA finals, Mr. President. I think it's 12 to nothing, and so we're sending up a pinch hitter. Senator Waldon, unfortunately, had to be excused due to illness today, and he has a motion that would make a statewide holiday, which I think should be tomorrow, but Senator Waldon would like it to be the fourth Saturday in September. The fourth Saturday in September would be a statewide holiday in honor of Native Americans who lived in New York before the settlement in 1607 and in

1610, and these individuals who worked very hard all through the centuries intervening have helped to make New York great and helped to build America.

Unfortunately and tragically, many of them lost their lives in disputes with the settlers that came from other lands. Many of them were the recipients of bad treatment and reneged promises, and we would like to recognize them. Senator Waldon is aware that perhaps a statewide holiday may not be able to be achieved in this fashion; however, we feel that this motion is important to put on the record and bring to public attention so that perhaps we, as a state, as great as our resources are and as proud as our tradition has been since our state government was founded, would like to find a way to find accommodation for so many who have given so much for the improvement and the betterment of the quality of life all around New York.

And so we offer this motion at this time, Mr. President.

ACTING PRESIDENT KUHL: The

question is on the motion to discharge Senate 1915B.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

On a close vote, Senator Paterson, the motion is lost.

That completes the series of motions to discharge.

Senator Skelos, we do have one housekeeping item, if we could return to motions and resolutions.

Chair would recognize Senator Tully.

SENATOR TULLY: Thank you, Mr. President. On behalf of Senator Hoblock, on page 30, I offer the following amendments to Calendar Number 614, Senate Print Number 2612, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL:

Amendments to Calendar Number 614 are received and adopted. Bill will retain its place on the Third Reading Calendar.

Senator Onorato, why do you rise?

SENATOR ONORATO: Mr. President. Before we adjourn, we'd like to adjourn on a happy note. We've had enough dampness put on our motions to discharge today. Would you inform the Office of General Services to please fix the leak in the roof.

ACTING PRESIDENT KUHL: Thank you, Senator Onorato.

Senator Skelos.

SENATOR SKELOS: Mr. President. There being no further business, I move we adjourn until Wednesday, April 17, 1996 at 11:00 a.m. sharp.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, Wednesday, April 17th at 11:00 a.m.

(Whereupon, at 5:58 p.m., Senate adjourned.)