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ALBANY, NEW YORK

April 16, 1996

3:00 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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

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

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

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

12 (A moment of silence was  
13 observed.)

14 Reading of the Journal.

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

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

23 Presentation of petitions.

1 Messages from the Assembly.  
2 Messages from the Governor.  
3 Reports of standing committees.  
4 Reports of select committees.  
5 Communications and reports from  
6 state officers.

7 Motions and resolutions.  
8 The Chair recognizes Senator  
9 Farley.

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

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

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

21 Senator Farley.

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

1 on Calendar Number 411.

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

5 Senator Skelos.

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

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

12 (Response of "Aye".)

13 Opposed, nay.

14 (There was no response.)

15 The Resolution Calendar is  
16 adopted.

17 Senator Paterson.

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

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

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

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

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

11                   (Response of "Aye".)

12                   Opposed, nay.

13                   (There was no response.)

14                   The resolution is adopted.

15                   Senator Seward.

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

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

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

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

9 (Response of "Aye".)

10 Opposed, nay.

11 (There was no response.)

12 The resolution is adopted.

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

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

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

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

1 and Markets Law, in relation to agricultural  
2 practices.

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

5 SENATOR PATERSON: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the  
7 bill aside.

8 THE SECRETARY: Calendar Number  
9 515, by Senator Saland, Senate Print 2105, an  
10 act to amend the Social Services Law and the  
11 Public Health Law, in relation to disclosure of  
12 HIV-related information.

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

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

17 SENATOR PATERSON: Lay it aside.

18 ACTING PRESIDENT KUHL: Lay the  
19 bill aside.

20 THE SECRETARY: Calendar Number  
21 518, by Senator Marcellino, Senate Print 4951-B,  
22 an act to amend the Social Services Law, in  
23 relation to child day care.

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

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

5                   ACTING PRESIDENT KUHL: Call the  
6           roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 36.

9                   ACTING PRESIDENT KUHL: The bill  
10          is passed.

11                   THE SECRETARY: Calendar Number  
12          521, by Senator Cook, Senate Print 293, an act  
13          to amend the County Law, in relation to review  
14          and approval of names for rights-of-way.

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

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

20                   ACTING PRESIDENT KUHL: Call the  
21          roll.

22                   (The Secretary called the roll.)

23                   THE SECRETARY: Ayes 36.

1                   ACTING PRESIDENT KUHL: The bill  
2                   is passed.

3                   THE SECRETARY: Calendar Number  
4                   526, by Senator Kuhl, Senate Print 3360, an act  
5                   to amend the General Municipal Law, in relation  
6                   to authorizing municipal corporations to  
7                   establish volunteer cemetery maintenance and  
8                   cleanup programs.

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

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

13                  ACTING PRESIDENT KUHL: Call the  
14                  roll.

15                  (The Secretary called the roll.)

16                  THE SECRETARY: Ayes 36.

17                  ACTING PRESIDENT KUHL: The bill  
18                  is passed.

19                  THE SECRETARY: Calendar Number  
20                  530, by Senator Leibell, Senate Print 6123, an  
21                  act to amend the General Municipal Law, in  
22                  relation to buildings that are part of urban  
23                  development action area projects.

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

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

5                   ACTING PRESIDENT KUHL: Call the  
6           roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 36.

9                   ACTING PRESIDENT KUHL: The bill  
10          is passed.

11                   THE SECRETARY: Calendar Number  
12          531, by Senator Leibell, Senate Print 6124, an  
13          act to amend the General Municipal Law, in  
14          relation to powers of municipalities in carrying  
15          out urban renewal plans.

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

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

20                   ACTING PRESIDENT KUHL: Call the  
21          roll.

22                   (The Secretary called the roll.)

23                   THE SECRETARY: Ayes 36.

1                   ACTING PRESIDENT KUHL: The bill  
2 is passed.

3                   THE SECRETARY: Calendar Number  
4 539, by Senator Skelos, Senate Print 6385, an  
5 act to amend the Insurance Law, in relation to  
6 limitations of expenses of life insurance.

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

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

11                   ACTING PRESIDENT KUHL: Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY: Ayes 36.

15                   ACTING PRESIDENT KUHL: The bill  
16 is passed.

17                   THE SECRETARY: Calendar Number  
18 611, by Senator Present, Senate Print 768, an  
19 act to amend the Criminal Procedure Law, in  
20 relation to eligibility for youthful offender  
21 status.

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

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

4 ACTING PRESIDENT KUHL: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 36.

8 ACTING PRESIDENT KUHL: The bill  
9 is passed.

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

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

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

17 THE SECRETARY: Calendar Number  
18 515, Senator Saland, Senate Print 2105, an act  
19 to amend the Social Services Law and the Public  
20 Health Law, in relation to disclosure of HIV  
21 related information.

22 ACTING PRESIDENT KUHL: Senator  
23 Skelos.

1                   SENATOR SKELOS:  Read the last  
2                   section.

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

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

8                   ACTING PRESIDENT KUHL:  Call the  
9                   roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:  Ayes 38.

12                   ACTING PRESIDENT KUHL:  The bill  
13                   is passed.

14                   Senator Skelos.

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

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

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

1 and Markets Law, in relation to agricultural  
2 practices.

3 SENATOR PATERSON: Explanation.

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

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

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

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

6 ACTING PRESIDENT KUHL: Senator  
7 Paterson.

8 SENATOR PATERSON: Thank you, Mr.  
9 President.

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

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

1 this bill.

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

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

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

10 Senator Onorato, why do you  
11 rise?

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

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

16 SENATOR ONORATO: Okay. Thank  
17 you.

18 ACTING PRESIDENT KUHL: Senator  
19 Skelos.

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

22 SENATOR TULLY: Mr. President.

23 ACTING PRESIDENT KUHL: Senator

1 Tully, why do you rise?

2 SENATOR TULLY: Would Senator  
3 Skelos yield to a question?

4 SENATOR SKELOS: Yes, Senator  
5 Tully.

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

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

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

16 SENATOR TULLY: Thank you,  
17 Senator Skelos.

18 SENATOR DOLLINGER: Would the  
19 Deputy Majority Leader -

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

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

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

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

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

15 SENATOR PATERSON: Batting clean  
16 up.

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

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

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

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

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

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

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

15 ACTING PRESIDENT KUHL: The  
16 Secretary will read.

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

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

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

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

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

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

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

16                   Thank you for the interruption,  
17    Senator Dollinger.

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

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

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

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

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

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

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

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

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

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

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

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

12 How do they get to that truth?

13 We passed a law that requires inaugural  
14 committees to disclose where they received their  
15 money and how they spent it, which is the  
16 subject of this bill.

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

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

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

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

9               In the Daily News, April 1st,  
10       1996, editorial writers continued to argue for  
11       the passage of this bill and the disclosure of  
12       that information. In describing Governor  
13       Pataki's refusal to publicly name the donors,  
14       the Daily News noted "The reasons have changed  
15       with the seasons. First thing Pataki said the  
16       list was confidential because the Governor had  
17       to be shielded from knowing who was on it, lest  
18       he feel obliged to pay favorites. What is he a  
19       mushroom; he has to be kept in the dark? Then  
20       came the excuse that the donors were promised  
21       confidentiality to shield them from harassment  
22       from Pataki's political enemies. Next, the dog  
23       ate the list? Pataki must stop the silly

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

5 One other comment from the Press  
6 and Sun Bulletin. This is back in November of  
7 1995. "The inaugural bash used no government  
8 funds and Pataki was not obligated to apply  
9 campaign contribution limits to it." I debate  
10 that, but that's what the editorial says, "but  
11 the Governor's instincts were correct when he  
12 promised to abide by the limits and reveal the  
13 campaign contributors. When the Governor or any  
14 politicians accept large donations, the public  
15 is bound to wonder if his administration will  
16 give donors interests special consideration."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 SENATOR DOLLINGER: Mr.  
12 President -

13 ACTING PRESIDENT KUHL: Senator  
14 Dollinger.

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

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

20 SENATOR GOLD: I didn't do it  
21 right?

22 SENATOR DOLLINGER: No.

23 ACTING PRESIDENT KUHL: The

1 Senator yields.

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

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

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

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

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

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

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

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

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

19                  Senator Leichter.

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

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

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

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

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

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

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

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

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

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

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

8 (There was no response.)

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

16 (Response of "Aye".)

17 Senator Paterson, why do you  
18 rise?

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

21 ACTING PRESIDENT KUHL: The  
22 Secretary will call the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 19, nays

2 37. Party vote.

3 ACTING PRESIDENT KUHL: The  
4 motion is defeated.

5 Senator Skelos.

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

13 ACTING PRESIDENT KUHL: Thank  
14 you, Senator Skelos.

15 SENATOR VELELLA: Mr. President.

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

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

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

8 Thank you.

9 ACTING PRESIDENT KUHL: Thank  
10 you, Senator Velella.

11 The Secretary will call the next  
12 motion to discharge. I believe it's Senate  
13 6456, by Senator Dollinger.

14 Senator Paterson, why do you  
15 rise?

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

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

1                   SENATOR PATERSON: Thank you.

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

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

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

9                   ACTING PRESIDENT KUHL: The  
10 Secretary will then read. I informed, Senator  
11 Hoffmann, that you wish to take them in order,  
12 Senate 2069, Senate 2070, Senate 2072, Senate  
13 2073, Senate 2074 and then conclude with 2071,  
14 is that correct?

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

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

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

1 from the provisions of Open Meetings Law.

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

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

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

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

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

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

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

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

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

1 in New York State to vote upon their school  
2 budgets.

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

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

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

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

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

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

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

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

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

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

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

1        what it is that we're capable of.

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

1 to maintain the enthusiasm expected of me by the  
2 people who have sent me here to work for them.

3 Not one of them has ever written to me or talked  
4 to me about abandoning this effort. Instead, I  
5 get increasing amounts of support. I get vocal  
6 admonitions to keep up the fight, and they  
7 recognize that it is a fight, and they ask what  
8 they can do to help.

9 The New York State Grange stands  
10 out as one of the more stalwart organizations  
11 squarely behind this effort, and I am reminded  
12 of how it is that the Grange played a role in  
13 even getting these bills into bill form. I  
14 spoke to the Grange a few years ago back in  
15 1990. I had served at that point a couple of  
16 offices -- a couple of terms, and I was invited  
17 by the legislative committee of the state Grange  
18 to address them in Cortland, New York. People  
19 from all over the state had traveled to the  
20 Grange at their own expense for this annual  
21 meeting. I would guess the median age would  
22 have been somewhere close to 70. People live in  
23 small towns in order to be members of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 good the way the Legislature is presently run."

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

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

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

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

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

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

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

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

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

11           These measures have received the  
12 support of the New York Daily News. Way back in  
13 1992, it was stated in an editorial, "Word has  
14 never filtered out to the public at-large that  
15 Congress' peccadillos are mere child's play  
16 compared to those of the Legislature in New York  
17 State. If you're inclined to chauvinism, you  
18 might say when it comes to abuses of power,  
19 Washington is playing Triple A ball, while  
20 Albany is in the Major League", and then it goes  
21 on to the endorse the legislative reforms that I  
22 have continued to propose.

23           The New York Times in 1992 said

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

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

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

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

7 After a trip back to Albany in  
8 1992, he wrote that "Nothing seems to have  
9 changed. Most of the legislators from western  
10 New York and Buffalo that I wrote about are  
11 still there." Then he goes on to say, "Albany  
12 has all of that high tech paraphernalia and  
13 more, but the message is old stuff, almost  
14 medieval. State government still limps along as  
15 it has for a century with an obsolete structure  
16 and inexcusable waste." That contemptuous  
17 attitude from people who cover us for the  
18 newspapers across the state.

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

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

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

11 Senator Gold.

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

14 SENATOR HOFFMANN: Yes.

15 ACTING PRESIDENT KUHL: The  
16 Senator yields.

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

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

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

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

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

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

16                   SENATOR GOLD:  Mr. President,  
17       just briefly.

18                   ACTING PRESIDENT KUHL:  Senator  
19       Gold on the motion.

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

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

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

10 (There was no response.)

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

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

19 (Response of "Aye".)

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

22 ACTING PRESIDENT KUHL: Senator  
23 Skelos to explain his vote.

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

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

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

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

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

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

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

22 ACTING PRESIDENT KUHL: The  
23 Secretary will call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT KUHL: Senator  
3 Gold to explain his vote.

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

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

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

23 One of your members who I won't

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

10 The bottom line, though, is that  
11 the members on this side are very hard-working  
12 and very effective, and the issue is not  
13 attendance. It's effectiveness. As a matter of  
14 fact, the one year that Jim Donovan -- may he  
15 rest in peace -- wasn't here because of illness,  
16 he would have shown up in that story which would  
17 have been an irrelevancy and a cheap shot.

18 There are people in that story who have  
19 illnesses. There is one person in that story -  
20 modesty forbids me from mentioning the name -  
21 has probably got one of the best attendance  
22 records over 25 years that ever was, and in the  
23 year that my father-in-law died, the rather

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

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

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

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

10 I don't understand Senator Bruno  
11 in this reward. He has tried to bring certain  
12 changes. Well, if he has a businessman -- and I  
13 respect that word as I say it -- as a  
14 businessman, he came in and said we've got to  
15 have changes. If we're going in at 3:00, I'm  
16 going to be there at 3:00. If we're going in at  
17 2:00, we'll be there at 2:00. I want committees  
18 to run. If he understands all of that, how does  
19 his mind shut off on the kinds of things that  
20 Senator Dollinger and Senator Leichter and, in  
21 this case, Senator Hoffmann talk about?

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

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

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

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

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

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

7                   ACTING PRESIDENT KUHL:  Pardon?

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

11                   ACTING PRESIDENT KUHL:  Senator  
12 DiCarlo to explain his vote.

13                   SENATOR DiCARLO:  Thank you, Mr.  
14 President.

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

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

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

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

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

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

19 ACTING PRESIDENT KUHL: Would the  
20 negatives -

21 Senator Dollinger, why do you  
22 rise?

23 SENATOR DOLLINGER: May I explain

1 my vote as well?

2 ACTING PRESIDENT KUHL: Senator  
3 Dollinger to explain his vote.

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

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

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

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

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

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

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

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

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

6                   I'll close on one other notice.

7       It seems to me that part of the problem is that  
8       too often we teach our children what the right  
9       thing to do is in government, but we don't  
10      practice it ourselves, and my question is what  
11      message do we really send if we don't practice  
12      what we preach?

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

21                   Vote aye.

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

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

3 SENATOR SKELOS: Yes.

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

7 SENATOR VELELLA: Just briefly to  
8 explain my vote.

9 ACTING PRESIDENT KUHL: Senator  
10 Velella to explain his vote.

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

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

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

22 I vote in the negative.

23 ACTING PRESIDENT KUHL: Senator

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

3 SENATOR PATERSON: Yes, Mr.  
4 President.

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

8 THE SECRETARY: Ayes 23, nays 37.

9 ACTING PRESIDENT KUHL: The  
10 motion is defeated.

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

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

18 ACTING PRESIDENT KUHL: The Chair  
19 recognizes Senator Hoffmann.

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

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

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

12 (Response of "Aye".)

13 ACTING PRESIDENT KUHL: Nays -  
14 opposed, nays.

15 (Response of "Nay".)

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

19 Senate 2072 is next.

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

1 reappropriations to the Legislature contain  
2 specific categories.

3 ACTING PRESIDENT KUHL: Senator  
4 Hoffmann.

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

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

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

4                        Maybe I'm getting your attention;  
5       and when you feel compelled to pulled out  
6       newspaper articles listing the attendance of  
7       members on this side of the aisle, a relatively  
8       minuscule issue in comparison to how we spend  
9       \$168 million on our entire legislative budget  
10      between these two houses, how we conduct  
11      business behind closed doors, I believe that  
12      that's a very interesting tactic in an attempt  
13      to detract from the severity of these issues and  
14      the fact that they are gaining enormous weight.

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

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

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

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

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

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

22 Senator Paterson, why do you  
23 rise?

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

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

7                   ACTING PRESIDENT KUHL:  Senator  
8           Hoffmann yields.

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

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

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

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

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

15               I don't think it would really be  
16       a bad idea if each of us -- since we have about  
17       75 session days and we have 61 Senators, if each  
18       of us was allowed to bring one issue that we  
19       thought was important to our constituents to the  
20       floor of the Senate at least once in a  
21       particular year.

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

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

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

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

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

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

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

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

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

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

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

14 ACTING PRESIDENT KUHL: I think  
15 about 31 Minority members.

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

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

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

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

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

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

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

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

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

17 As of April 12, there have been  
18 644 bills reported out of the Senate, 7  
19 sponsored by Democrats elected to this chamber.  
20 391 bills have passed the New York State Senate,  
21 376 of those were Senate-sponsored bills, 15 of  
22 them were Assembly-sponsored. Of those 376  
23 bills that have passed this Senate chamber in

1 1996, only one had a Democratic sponsor. It  
2 doesn't feel very good to be relegated to  
3 something lower than a second-class status in  
4 the New York State Senate.

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

23           I think probably one of the best

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

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

1 people on this side of the aisle.

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

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

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

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

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

9 SENATOR VELELLA: Will you yield?

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

13 SENATOR HOFFMANN: I would be  
14 most pleased to yield.

15 ACTING PRESIDENT KUHL: The  
16 Senator yields.

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

1       some procedural reason you couldn't inquire of  
2       me.

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

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

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

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

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

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

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

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

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

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

19 SENATOR VELELLA: Certainly.

20 ACTING PRESIDENT KUHL: Senator  
21 Velella -- excuse me.

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

1                   SENATOR VELELLA:  Yes.

2                   ACTING PRESIDENT KUHL:  The  
3   Senator yields.

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

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

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

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

23                  SENATOR VELELLA:  Yes.

1                   ACTING PRESIDENT KUHL:  Senator  
2                   yields.

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

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

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

1 that ever happened -

2 (Laughter.)

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

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

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

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

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

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

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

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

1 decision making we have right now.

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

9 ACTING PRESIDENT KUHL: Excuse  
10 me, Senator Hoffmann.

11 Senator Velella, why do you  
12 rise?

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

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

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

19 ACTING PRESIDENT KUHL: Senator  
20 yields.

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

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

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

12                    SENATOR VELELLA: Yes, the  
13       Minority members.

14                    SENATOR HOFFMANN: Absolutely,  
15       Senator Velella.

16                    SENATOR VELELLA: Okay. Thank  
17       you.

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

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

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

5 Thank you.

6 SENATOR HOFFMANN: Thank you,  
7 Senator Velella.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 printers operating in their district offices.

2 This Democratic Senator doesn't have one.

3 This disparity in resources is an  
4 issue that should be made clear to the public.

5 It's not petty. It's not a case of being  
6 greedy. It is a case of us wanting to be able  
7 to do the best for the people for whom we work,  
8 and I can not serve the 300,000 people in my  
9 district as well as some other Senators are able  
10 to if I don't have the same resources. I would  
11 like to at least see this list of resources;  
12 therefore, I believe it is high time that we  
13 itemized the legislative budget.

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

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

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

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

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

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

20 Senator Paterson.

21 SENATOR PATERSON: Mr.

22 President. We have passed -- we have taken up  
23 three previous motions. As I understand it, two

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

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

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

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

17 SENATOR SKELOS: Mr. President.  
18 I believe Senator Paterson is correct. I think  
19 we -- we have had votes on 4640, by Senator  
20 Dollinger; 2069, by Senator Hoffmann; 2070, by  
21 Senator Hoffmann; and now she is explaining  
22 2072.

23 ACTING PRESIDENT KUHL: Senator

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

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

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

15 ACTING PRESIDENT KUHL: Senator  
16 Hoffmann.

17 SENATOR HOFFMANN: Yes. Mr.  
18 President.

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

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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

1 we'll proceed.

2                   Senator Paterson, is that  
3 agreeable with you?

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

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

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

22                   ACTING PRESIDENT KUHL: Senator  
23 Skelos.

1                   SENATOR SKELOS: Mr. President.

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

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

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

13                  Secretary call the roll.

14                  (The Secretary called the roll on  
15                  reconsideration.)

16                  THE SECRETARY: Ayes 60.

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

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

22                  SENATOR LEICHTER: Yes, I would.

23                  ACTING PRESIDENT KUHL: Chair

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

3 SENATOR LEICHTER: Mr.

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

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

1 obviously, to have an itemized budget.

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

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

23 "Oh, yes, I voted against all

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

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

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

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

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

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

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

3                   Senator Hoffmann to speak on the  
4                   motion to discharge.

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

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

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

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

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

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

1 name while I have a D next to my name.

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

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

12 (There was no response.)

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

17 All those in favor of the motion  
18 to discharge -

19 Senator Paterson.

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

22 ACTING PRESIDENT KUHL: Senator  
23 Paterson.

1                   SENATOR PATERSON: I'll wait for  
2           Senator DiCarlo.

3                   ACTING PRESIDENT KUHL: Call the  
4           roll.

5                   (The Secretary called the roll.)

6                   ACTING PRESIDENT KUHL: Senator  
7           DiCarlo to explain his vote.

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

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

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

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

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

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

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

21 ACTING PRESIDENT KUHL: Senator  
22 Paterson.

23 SENATOR PATERSON: Mr.

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

3 ACTING PRESIDENT KUHL: Senator  
4 Skelos.

5 SENATOR SKELOS: Party vote in  
6 the negative.

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

9 Announce the results.

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

12 ACTING PRESIDENT KUHL: The  
13 motion is lost.

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

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

20 ACTING PRESIDENT KUHL: Chair  
21 recognizes Senator Hoffmann.

22 SENATOR HOFFMANN: Thank you, Mr.  
23 President.

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

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

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

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

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

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

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

1 less.

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

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

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

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

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

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

1 (Response of "Aye.")

2 SENATOR PATERSON: Party vote in  
3 the affirmative.

4 ACTING PRESIDENT KUHL: Call the  
5 roll.

6 (The Secretary called the roll.)

7 SENATOR SKELOS: Party vote in  
8 the negative.

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

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

13 ACTING PRESIDENT KUHL: The  
14 motion is lost.

15 The Secretary will continue to  
16 read the motions to discharge.

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

21 ACTING PRESIDENT KUHL: Senator  
22 Hoffmann.

23 SENATOR HOFFMANN: Thank you, Mr.

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

6 ACTING PRESIDENT KUHL: No, there  
7 are none.

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

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

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

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

13                    ACTING PRESIDENT KUHL: The  
14      question is on the motion to discharge Senate  
15      2074.

16                    All those in favor, signify by  
17      saying aye.

18                    (Response of "Aye.")

19                    Opposed, nay.

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

22                    ACTING PRESIDENT KUHL: Call the  
23      roll.

1 (The Secretary called the roll.)

2 Record the party line vote.

3 SENATOR SKELOS: Party vote in  
4 the negative.

5 ACTING PRESIDENT KUHL: Announce  
6 the results.

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

9 ACTING PRESIDENT KUHL: The  
10 motion is lost.

11 The Secretary will continue to  
12 call the motions to discharge.

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

17 ACTING PRESIDENT KUHL: Chair  
18 recognizes Senator Hoffmann.

19 SENATOR HOFFMANN: Thank you, Mr.  
20 President.

21 2071 would eliminate those  
22 special payments known as payment in lieu of  
23 salary for legislators who serve at the

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

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

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

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

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

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

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

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

23 I don't know, I still have

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

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

23 ACTING PRESIDENT KUHL: Question

1 is on the motion to discharge Senate 2071.

2 All those in favor, signify by  
3 saying aye.

4 (Response of "Aye.")

5 Opposed, nay.

6 (Response of "Nay.")

7 The motion is defeated.

8 Secretary will continue to call  
9 the motions to discharge.

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

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

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

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

22 ACTING PRESIDENT KUHL: The  
23 Secretary will read.

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

7 ACTING PRESIDENT KUHL: The chair  
8 recognizes Senator Leichter.

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

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

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

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

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

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

17 I move the bill.

18 ACTING PRESIDENT KUHL: Chair  
19 recognizes Senator Oppenheimer.

20 SENATOR OPPENHEIMER: Thank you,  
21 Mr. President.

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

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

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

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

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

11 Thanks.

12 ACTING PRESIDENT KUHL: The  
13 question is on the motion to discharge Senate  
14 2323A.

15 All those in favor, signify by  
16 saying aye.

17 (Response of "Aye.")

18 Opposed, nay.

19 SENATOR PATERSON: Mr. President.

20 ACTING PRESIDENT KUHL: Senator  
21 Paterson.

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

1                   ACTING PRESIDENT KUHL: The  
2                   Secretary will call the roll.

3                   (The Secretary called the roll.)

4                   .

5                   SENATOR SKELOS: Party vote in  
6                   the negative.

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

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

11                  ACTING PRESIDENT KUHL: The  
12                  motion is failed.

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

15                  SENATOR LEICHTER: Yes, Mr.  
16                  President.

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

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

1 specific categories and amounts of expenditures.

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

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

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

21 I move the motion.

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

1 Senator Paterson.

2 SENATOR PATERSON: Party vote in  
3 the affirmative.

4 SENATOR SKELOS: Party vote in  
5 the negative.

6 ACTING PRESIDENT KUHL: Secretary  
7 will call the roll.

8 (The Secretary called the roll.)

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

11 Senator Dollinger.

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

15 ACTING PRESIDENT KUHL: Senator  
16 Dollinger to explain his vote.

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

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

5 I will be voting aye.

6 ACTING PRESIDENT KUHL: Announce  
7 the results.

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

10 ACTING PRESIDENT KUHL: The  
11 motion is lost.

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

14 SENATOR LEICHTER: No. Let's do  
15 6608.

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

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

23 ACTING PRESIDENT KUHL: Chair

1 recognizes Senator Leichter.

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

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

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

23 When you say, well, what have we

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

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

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

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

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

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

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

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

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

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

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

22 SENATOR PATERSON: Party vote.

23 ACTING PRESIDENT KUHL: Secretary

1 will call the roll.

2 (The Secretary called the roll.)

3 SENATOR SKELOS: Party vote in  
4 the negative.

5 SENATOR STACHOWSKI: Party vote  
6 in the affirmative.

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

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

11 ACTING PRESIDENT KUHL: The  
12 motion is lost.

13 Secretary will read the motion to  
14 discharge on Senate 3641.

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

21 ACTING PRESIDENT KUHL: Senator  
22 Leichter.

23 SENATOR LEICHTER: Mr.

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

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

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

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

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

11 Move the motion, Mr. President.

12 SENATOR DOLLINGER: Mr.  
13 President.

14 ACTING PRESIDENT KUHL: Senator  
15 Dollinger on the motion.

16 SENATOR DOLLINGER: Just to be  
17 heard on the motion.

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

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

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

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

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

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

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

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

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

16                  ACTING PRESIDENT KUHL: The  
17                  question is on the motion to discharge Senate  
18                  3641.

19                  All those in favor, signify by  
20                  saying aye.

21                                 (Response of "Aye.")

22                                 Opposed, nay.

23                                 (Response of "Nay.")

1                   The motion is lost.

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

6                   (Response inaudible).

7                   All right. I'll ask the  
8 Secretary to read the motion to discharge Senate  
9 6456.

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

15                   ACTING PRESIDENT KUHL: The chair  
16 recognizes Senator Dollinger.

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

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

1 doing, going back to the 19th century.

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

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

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

1 State Legislature raise taxes?

2 The answer is very, very simple.

3 For 16 years, the State of New York simply  
4 borrowed every penny it needed to meet every  
5 single expense that it had to pay. The  
6 consequence was that in about 1843, there was a  
7 crisis in liquidity in New York State. The  
8 banks called the debt.

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

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

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

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

15 When they look at our bond  
16 rating, they look at billions and billions of  
17 dollars of expenditures committed for 10, 15,  
18 20, 30 years, none of it backed by the full  
19 faith and credit of the state that can only be  
20 given by a plebiscite on a bond issue, by a vote  
21 of the people.

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

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

10               I think our history in the last  
11       20 years is a disgrace. I think we have used  
12       every possible tool to get around it and, in my  
13       judgment, wrongfully so. This bill would give  
14       us an opportunity to restore to the people the  
15       power to decide when and if New York will use  
16       its long-term borrowing powers.

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

23               From my point of view and I guess

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

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

15 Let's hear you all resoundingly  
16 tell everybody from Wall Street to Niagara  
17 Falls, from Plattsburgh to Jamestown. Let's  
18 tell everybody in the four corners of this state  
19 that we want to cure our bad old habits, the bad  
20 old habits we acquired in the last 130 years,  
21 and we want to return to that good old time in  
22 1846 when the people not the politicians held  
23 the power of the purse.

1                   ACTING PRESIDENT KUHL: The  
2 question is on the motion to discharge Senate  
3 6456.

4                   SENATOR PATERSON: Party vote in  
5 the affirmative.

6                   ACTING PRESIDENT KUHL: Secretary  
7 will call the roll.

8                   (The Secretary called the roll.)

9                   SENATOR SKELOS: Party vote in  
10 the negative.

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

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

15                  ACTING PRESIDENT KUHL: The  
16 motion is lost.

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

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

1                   ACTING PRESIDENT KUHL: Chair  
2 recognizes Senator Paterson.

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

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

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

1 1610, and these individuals who worked very hard  
2 all through the centuries intervening have  
3 helped to make New York great and helped to  
4 build America.

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

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

23                   ACTING PRESIDENT KUHL: The

1 question is on the motion to discharge Senate  
2 1915B.

3 All those in favor, signify by  
4 saying aye.

5 (Response of "Aye.")

6 Opposed, nay.

7 (Response of "Nay.")

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

10 That completes the series of  
11 motions to discharge.

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

15 Chair would recognize Senator  
16 Tully.

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

23 ACTING PRESIDENT KUHL:

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

4 Senator Onorato, why do you rise?

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

11 ACTING PRESIDENT KUHL: Thank  
12 you, Senator Onorato.

13 Senator Skelos.

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

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

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

23