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ALBANY, NEW YORK

March 16, 1998

3:01 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEVEN M. BOGGESS, Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order. Would you please rise and join
4 with me in the Pledge of Allegiance.

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

7 The invocation will be given by
8 Reverend Dr. Gary Simpson, who is pastor of
9 the Concord Baptist Church of Christ in
10 Brooklyn.

11 REVEREND DR. GARY SIMPSON: Let
12 us pray. Eternal and everlasting presence
13 gathered in this room as the representatives'
14 civic power for our beloved state of New York,
15 this collective is the potential blessing for
16 the strength of our community and human
17 family, rich and poor, rural, urban and
18 suburban.

19 Your urgings and wishes for us
20 are that we live in justice, mercy and humil
21 ity. May today's discussion, deliberations
22 and decisions carry forth with these holy
23 urgings in mind. Amen.

24 THE PRESIDENT: Amen.

25 The reading of the Journal,

1 please.

2 THE SECRETARY: In Senate,
3 Sunday, March 15th. The Senate met pursuant
4 to adjournment. The Journal of Saturday,
5 March 14th, was read and approved. On motion,
6 the Senate adjourned.

7 THE PRESIDENT: Without
8 objection, the Journal stands approved as
9 read.

10 Presentation of petitions.
11 Messages from the Assembly.
12 Messages from the Governor.
13 Reports of standing committees.
14 The Secretary will read.

15 THE PRESIDENT: Senator
16 Maltese, from the Committee on Elections,
17 reports:

18 Senate Print Number 6394, by
19 Senator Spano, an act to amend the Election
20 Law.

21 Senator Leibell, from the
22 Committee on Housing, Construction and
23 Community Development, reports:

24 Senate Print 4141, by Senator
25 Leibell, an act to amend the General Business

1 Law;

2 6041, by Senator Goodman, an

3 act to amend the Real Property Tax Law;

4 6175, by Senator Leibell, an

5 act to amend the Multiple Dwelling Law; and

6 6280, by Senator Leibell, an

7 act to amend Chapter 567 of the Laws of 1993.

8 All bills directly for third

9 reading.

10 THE PRESIDENT: Without

11 objection, all bills direct to third reading.

12 Reports of select committees.

13 Communications and reports from

14 state officers.

15 Motions and resolutions.

16 Senator Marcellino.

17 SENATOR MARCELLINO: Thank you,

18 Madam President.

19 I move the following bills be

20 discharged from their respective committees

21 and be recommitted with instructions to strike

22 the enacting clause: Senate Number 4863 and

23 Senate Number 6070.

24 THE PRESIDENT: So ordered.

25 SENATOR MARCELLINO: Thank you.

1 Madam President, on page number
2 6, I offer the following amendments to
3 Calendar Number 98, Senate Print Number 3456,
4 and ask that said bill retain its place on the
5 Third Reading Calendar.

6 THE PRESIDENT: The amendments
7 are received.

8 SENATOR MARCELLINO: On page
9 number 20, Madam President, I offer the
10 following amendments to Calendar Number 382,
11 Senate Print Number 5125, and ask that said
12 bill retain its place on the Third Reading
13 Calendar.

14 ACTING PRESIDENT MEIER: So
15 ordered.

16 SENATOR MARCELLINO: Thank
17 you.

18 Mr. President, on page number
19 20, I offer the following amendments to
20 Calendar Number 385, Senate Print Number 6207,
21 and ask that said bill retain its place on the
22 Third Reading Calendar.

23 ACTING PRESIDENT MEIER: The
24 amendments are received. So ordered.

25 SENATOR MARCELLINO: Mr.

1 President, on page number 21, I offer the
2 following amendments to Calendar Number 389,
3 Senate Print Number 3426-B, and ask that said
4 bill retain its place on the Third Reading
5 Calendar.

6 ACTING PRESIDENT MEIER: The
7 amendments are received. So ordered.

8 SENATOR MARCELLINO: Last but
9 not least, Mr. President, on page number 21, I
10 offer the following amendments to Calendar
11 Number 391, Senate Print Number 2379, and ask
12 that said bill retain its place on the Third
13 Reading Calendar.

14 ACTING PRESIDENT MEIER: The
15 amendments are received. So ordered.

16 SENATOR MARCELLINO: Thank you,
17 sir.

18 ACTING PRESIDENT MEIER: The
19 Secretary will read -- I'm sorry.

20 Senator Skelos.

21 SENATOR SKELOS: If we could go
22 to the non-controversial calendar, please.

23 ACTING PRESIDENT MEIER: The
24 Secretary will read the non-controversial
25 calendar.

1 THE SECRETARY: Calendar Number
2 45, by Senator Lack, Senate Print 1097, an act
3 to amend the Labor Law, in relation to direct
4 sellers.

5 ACTING PRESIDENT MEIER: Read
6 the last section.

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

9 ACTING PRESIDENT MEIER: Call
10 the roll.

11 (The Secretary called the
12 roll.)

13 THE SECRETARY: Ayes 50.

14 ACTING PRESIDENT MEIER: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 57, by Senator Skelos, Senate Print 339, an
18 act to amend the Education Law, in relation to
19 drug testing.

20 ACTING PRESIDENT MEIER: Read
21 the last section.

22 SENATOR LEICHTER: Lay it
23 aside.

24 ACTING PRESIDENT MEIER: Lay
25 the bill aside.

1 THE SECRETARY: Calendar Number
2 178, by Senator LaValle, Senate Print 249, an
3 act to amend the Education Law, in relation to
4 enacting the Higher Education Community
5 Service Act.

6 ACTING PRESIDENT MEIER: Read
7 the last section.

8 THE SECRETARY: Section 3.
9 This act shall take effect on the first day of
10 September.

11 ACTING PRESIDENT MEIER: Call
12 the roll.

13 (The Secretary called the
14 roll.)

15 THE SECRETARY: Ayes 50.

16 ACTING PRESIDENT MEIER: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 179, by Senator LaValle, Senate Print 559, an
20 act to amend the Education Law, in relation to
21 community service.

22 ACTING PRESIDENT MEIER: Read
23 the last section.

24 THE SECRETARY: Section 3.
25 This act shall take effect on the first day of

1 September.

2 ACTING PRESIDENT MEIER: Call
3 the roll.

4 (The Secretary called the
5 roll.)

6 THE SECRETARY: Ayes 50.

7 ACTING PRESIDENT MEIER: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 240, by Senator Holland, Senate Print 231, an
11 act to amend the Social Service Law and the
12 Workers Compensation Law.

13 SENATOR DOLLINGER: Lay it
14 aside.

15 ACTING PRESIDENT MEIER: Lay
16 the bill aside.

17 THE SECRETARY: Calendar Number
18 274, by Senator Cook, Senate Print 2729, an
19 act to amend the General Municipal Law and the
20 General City Law.

21 SENATOR SKELOS: Lay it aside
22 for the day.

23 ACTING PRESIDENT MEIER: Lay
24 the bill aside for the day.

25 THE SECRETARY: Calendar Number

1 289, by Senator Volker, Senate Print 5325, an
2 act to amend the Criminal Procedure Law, in
3 relation to waiver of pre-sentence
4 investigations.

5 ACTING PRESIDENT MEIER: Read
6 the last section.

7 THE SECRETARY: Section 2.
8 This act shall take effect on the 30th day.

9 ACTING PRESIDENT MEIER: Call
10 the roll.

11 (The Secretary called the
12 roll.)

13 THE SECRETARY: Ayes 50.

14 ACTING PRESIDENT MEIER: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 290, by Senator Present, Senate Print 765-C,
18 an act to amend the State Administrative
19 Procedure Act.

20 ACTING PRESIDENT MEIER: Read
21 the last section.

22 THE SECRETARY: Section 2.
23 This act shall take effect on the first day of
24 October.

25 ACTING PRESIDENT MEIER: Call

1 the roll.

2 (The Secretary called the
3 roll.)

4 THE SECRETARY: Ayes 49, nays
5 1, Senator Leichter recorded in the negative.

6 ACTING PRESIDENT MEIER: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 301, by Senator Johnson, Senate Print 246, an
10 act to amend the Executive Law, the Civil
11 Practice Law and Rules and the Tax Law.

12 ACTING PRESIDENT MEIER: Read
13 the last section.

14 THE SECRETARY: Section 4.
15 This act shall take effect on the first day of
16 January.

17 ACTING PRESIDENT MEIER: Call
18 the roll.

19 (The Secretary called the
20 roll.)

21 THE SECRETARY: Ayes 50.

22 ACTING PRESIDENT MEIER: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 304, by Senator Nozzolio, Senate Print 2779 -

1 SENATOR SKELOS: Lay it aside
2 for the day.

3 ACTING PRESIDENT MEIER: Lay
4 the bill aside for the day.

5 THE SECRETARY: Calendar Number
6 306, by Senator Nozzolio, Senate Print 3429 -

7 SENATOR SKELOS: Lay it aside
8 for the day.

9 ACTING PRESIDENT MEIER: Lay
10 the bill aside for the day.

11 THE SECRETARY: Calendar Number
12 308, by Senator Maltese, Senate Print 4910, an
13 act to amend the Environmental Conservation
14 Law, in relation to penalties for unlawful
15 taking.

16 ACTING PRESIDENT MEIER: Read
17 the last section.

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

20 ACTING PRESIDENT MEIER: Call
21 the roll.

22 (The Secretary called the
23 roll.)

24 THE SECRETARY: Ayes 51.

25 ACTING PRESIDENT MEIER: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 345, by Senator Alesi, Senate Print 4432, an
4 act to amend the General Business Law.

5 SENATOR SKELOS: Lay the bill
6 aside for the day.

7 ACTING PRESIDENT MEIER: Lay
8 the bill aside for the day.

9 SENATOR SKELOS: Mr. President.

10 ACTING PRESIDENT MEIER:
11 Senator Skelos.

12 SENATOR SKELOS: On the
13 controversial calendar, would you take up
14 Senator Holland's bill, Calendar Number 240.

15 ACTING PRESIDENT MEIER: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 240, by Senator Holland, Senate Print 231, an
19 act to amend the Social Service Law and the
20 Workers' Compensation Law, in relation to
21 liens.

22 SENATOR PATERSON: Explanation.

23 ACTING PRESIDENT MEIER:
24 Senator Holland, an explanation has been
25 requested for Calendar Number 2...

1 SENATOR HOLLAND: 231.

2 ACTING PRESIDENT MEIER: 240.

3 SENATOR HOLLAND: Mr.

4 President, this bill is debated each and every
5 year. It is a question in my mind of double
6 dipping, where a person has an opportunity to
7 be reimbursed twice for the same services, and
8 we've discussed it many times before.

9 This bill allows the Department
10 of Social Services to place a lien on Workers'
11 Compensation benefits in order to recoup
12 public assistance payments made while someone
13 was awaiting a retroactive payment of
14 compensation benefits.

15 ACTING PRESIDENT MEIER:
16 Senator Stachowski.

17 SENATOR STACHOWSKI: Would
18 Senator Holland yield for a couple of
19 questions?

20 SENATOR HOLLAND: Yes, sir.

21 ACTING PRESIDENT MEIER: The
22 Senator yields.

23 SENATOR STACHOWSKI: Senator,
24 this bill is the exact same bill taking away
25 the benefits of somebody who was injured and

1 subsequently got a lawsuit that they won?

2 SENATOR HOLLAND: It doesn't
3 really take away the benefits. You know
4 that. Somebody needs benefits, if they
5 receive then payment from a lawsuit and are
6 paid double, then it asks that that be repaid,
7 yes, sir.

8 SENATOR STACHOWSKI: Thank you,
9 Senator.

10 On the bill.

11 ACTING PRESIDENT MEIER:
12 Senator Stachowski, on the bill.

13 SENATOR STACHOWSKI: This
14 obviously still is a one-house bill. I
15 thought that maybe over the course of the
16 off-session that Senator Holland would see
17 that the bill is going no place in the other
18 house, that most people still see this as
19 taking injured workers, people that got hurt
20 through no fault of their own, finally had to
21 take state assistance rather than lose their
22 homes or lose everything that they have and
23 possibly even lost their home anyway and then
24 they're fortunate enough to win the lawsuit,
25 that now they have to pay back the state when

1 no one else has to pay back the state in
2 situations.

3 It's kind of interesting. I -
4 we have companies that get major loans, major
5 grants, pack up and leave the state and nobody
6 asks them for a dime back. We have companies
7 that promise to create X amount of jobs and
8 they don't and they lay people off, and nobody
9 asks them for a cent back, but an injured
10 worker in New York State, if this law would
11 pass -- if this bill would pass and become law
12 -- would then, if they were fortunate enough
13 to win a lawsuit, eventually would have to pay
14 back. I find that rather interesting.

15 I think the fact that these
16 people are injured and can't work again,
17 probably because that's why they won the
18 lawsuit, should be a determination enough that
19 the state was -- helped them at the time they
20 needed it and shouldn't be chasing them for
21 the money eventually that they so fortunately
22 won back and, obviously, if they are hurt that
23 bad that they're never going to work again,
24 there is something that they lost because of
25 the accident that they'll never get back and

1 more probably than not didn't recoup from the
2 gain they gained in the financial settlement.

3 So with that, I still think
4 it's an unfair bill. I think it's the only
5 place we really chase anybody. I think we
6 should be a little bit more proactive in
7 chasing companies that don't live up to their
8 agreements when they take state money to
9 create jobs or to expand their business
10 because they're going to create jobs and a
11 little less chasing of the people that were
12 hurt through no fault of their own while on
13 the job and then subsequently are fortunate
14 enough to win a lawsuit.

15 So with that, I would ask
16 everybody to oppose the bill.

17 ACTING PRESIDENT MEIER: Read
18 the last -- I'm sorry.

19 Senator Paterson.

20 SENATOR PATERSON: Mr.
21 President, would Senator Holland yield for a
22 question?

23 ACTING PRESIDENT MEIER: The
24 Senator yields.

25 SENATOR PATERSON: Senator,

1 what disturbs me about this piece of
2 legislation is that the Workers' Compensation
3 claim, even if it is upheld, does not give the
4 employee their full salary. It gives them a
5 part of their salary, a substantial part but
6 not the total amount, and so, therefore, it is
7 really a gesture that the state makes already
8 understanding that the state cannot cover the
9 full salary. It would probably be most
10 desirable if it were a utopian society that we
11 could give people who were injured in the line
12 of their duty their full salary.

13 So if there is a marginal
14 amount that might be more than what would have
15 been obtained, I want to know why you would
16 take it away from people who were working,
17 their taxpayers. It's as if you're turning
18 the social service system into a loan agency
19 rather than a granting agency which in Section
20 104(b) it clearly states that that's what it
21 is.

22 SENATOR HOLLAND: Firstly,
23 Senator, if someone, after the loan is repaid,
24 still needs social services benefits, social
25 services is there to assist them. We're not

1 withdrawing social services either before,
2 during or after, if they need it.

3 The other side of the coin is
4 if there is a working family that is not on
5 social services, they are struggling to make
6 it and they have to take a loan out from the
7 bank so they could make it, they have to repay
8 that loan just like anybody else.

9 So I believe the person on
10 social services should repay the loan as
11 well. Yes, it doesn't pay 100 percent but it
12 pays up to \$400.

13 SENATOR PATERSON: If the
14 Senator would continue to yield.

15 SENATOR HOLLAND: Yes.

16 ACTING PRESIDENT MEIER: The
17 Senator continues to yield.

18 SENATOR HOLLAND: Yes, sir.

19 SENATOR PATERSON: Senator, in
20 looking at the social service system and its
21 provision for those who don't have any other
22 resource, one of the problems is that most of
23 the cases that are -- that are filed in the
24 Workers' Compensation area are controverted
25 and it's well heeled in the law that the best

1 way to intimidate a plaintiff is to expand the
2 amount of time that it takes to adjudicate a
3 particular case.

4 So while this is actually going
5 on -- and then finding that the plaintiff in
6 this particular action wins, in other words,
7 the party seeking Workers' Compensation
8 receives it -- why would we as a state want to
9 add to the particular burden that the
10 individual suffers at the time that they first
11 leave the job; they have a serious usually
12 physical injury or some other type of injury,
13 they have bills amounting, they have interest
14 accumulating on other debts they may have.
15 We're not talking about people who have spent
16 their lives on the public troth or trying to
17 receive help from agencies. We're talking
18 about people who were working, who were
19 befallen by some kind of accident or some
20 intervening cause which put them in the
21 situation where they are now.

22 It just seems to me that this
23 is unusually cruel now facing 6 months, 9
24 months, 11 months in some cases before there
25 is some resolution of their case and then they

1 win and then we're going to turn around now
2 and say, Oh, by the way, we're going to take
3 off the top the amount that you were awarded
4 in social service benefits. Remember that the
5 individual receiving Workers' Compensation
6 doesn't know they're getting it. So, in other
7 words, they can't ration any kind of budget,
8 personal budget from this. This is just
9 something they're receiving, which in many
10 cases goes to pay back overwhelming debt.

11 I just don't understand why we
12 would want to put ourselves in the position of
13 -- I mean if -- I don't necessarily agree
14 with it, but if you're going to take money off
15 the top of somebody's lottery wins when they
16 have been on social services, at least they
17 have the money to pay it, but we're talking
18 about people who, quite often, were not able
19 to receive that much amount of money even when
20 they were on social services and to take what
21 seems to be a scintilla of gain back from a
22 person amidst sometimes irreconcilable debt is
23 very unfortunate, and I guess my question to
24 you is, why are we doing it? What's the
25 public policy that this serves?

1 SENATOR HOLLAND: I think it's
2 the same answer that I gave last time,
3 Senator. If somebody needs social services
4 before, after or during their claim, they can
5 receive social services. If they get a claim
6 that does not pay back everything, they don't
7 have to pay back everything. They are only
8 doing what any hard-working family would do
9 who wasn't on social services. If they had to
10 take a loan to bridge that gap, they would
11 have to pay that loan back.

12 The same thing here, Senator.
13 These people are, in effect, taking a loan
14 from the state and we don't mind doing if they
15 need the assistance, but when they receive
16 that cash payment, then I believe that they
17 should repay the loan just like any other
18 hard-working family.

19 SENATOR PATERSON: Thank you
20 very much, Senator Holland. Thank you, Mr.
21 President, for the Senator's answers.

22 On the bill.

23 ACTING PRESIDENT MEIER:
24 Senator Paterson, on the bill.

25 SENATOR PATERSON: When you

1 listen to Senator Holland discuss the
2 legislation, he talks about the award as if
3 it's a loan. There's nowhere that social
4 services grants are considered to be a loan.
5 In fact, it's made quite specific really in
6 Section 104(b) of the law related to social
7 services that it's not a loan. It's a
8 granting endeavor, one that is, in many ways
9 being subjugated by this legislation that
10 would cause it to become an instrument of
11 repayment if the fortunes of the recipient
12 turn after some period of time. In our
13 opinion, it is grossly unfair to the
14 individual.

15 We can understand Senator
16 Holland's desire not to allow anyone to
17 receive a windfall, but I would suggest that
18 anyone who is familiar with someone or has had
19 the situation happen to them themselves would
20 know that, when you become a client of the
21 Workers' Compensation Board, about the last
22 thing you're ever going to receive with this
23 amount of money is a windfall.

24 ACTING PRESIDENT MEIER: Read
25 the last section.

1 SENATOR PATERSON: Mr.
2 President.

3 ACTING PRESIDENT MEIER:
4 Senator Paterson.

5 SENATOR PATERSON: We would
6 like a slow roll call on this measure.

7 ACTING PRESIDENT MEIER: The
8 Secretary will call the roll.

9 THE SECRETARY: Senator Abate.
10 (There was no response.)
11 Senator Alesi.

12 SENATOR ALESI: Yes.

13 THE SECRETARY: Senator
14 Balboni.

15 SENATOR BALBONI: Yes.

16 THE SECRETARY: Senator
17 Breslin.

18 SENATOR BRESLIN: No.

19 THE SECRETARY: Senator Bruno.
20 (Affirmative indication.)

21 Senator Connor.

22 (Negative indication.)

23 Senator Cook.

24 SENATOR COOK: Yes.

25 THE SECRETARY: Senator

1 DeFrancisco.
2 (There was no response.)
3 Senator Dollinger.
4 SENATOR DOLLINGER: No.
5 THE SECRETARY: Senator Farley.
6 (There was no response.)
7 Senator Gentile.
8 SENATOR GENTILE: No.
9 THE SECRETARY: Senator Gold.
10 SENATOR GOLD: No.
11 THE SECRETARY: Senator
12 Gonzalez.
13 (There was no response.)
14 Senator Goodman.
15 SENATOR GOODMAN: Yes.
16 THE SECRETARY: Senator Hannon.
17 SENATOR HANNON: Yes.
18 THE SECRETARY: Senator
19 Hoffmann.
20 SENATOR HOFFMANN: No.
21 THE SECRETARY: Senator
22 Holland.
23 SENATOR HOLLAND: Yes.
24 THE SECRETARY: Senator
25 Johnson.

1 SENATOR JOHNSON: Aye.
2 THE SECRETARY: Senator Kruger.
3 (There was no response.)
4 Senator Kuhl.
5 SENATOR KUHL: Aye.
6 THE SECRETARY: Senator
7 Lachman.
8 SENATOR LACHMAN: No.
9 THE SECRETARY: Senator Lack.
10 SENATOR LACK: Aye.
11 THE SECRETARY: Senator Larkin.
12 (There was no response.)
13 Senator LaValle.
14 SENATOR LAVALLE: Yes.
15 THE SECRETARY: Senator
16 Leibell.
17 SENATOR LEIBELL: Aye.
18 THE SECRETARY: Senator
19 Leichter.
20 SENATOR LEICHTER: No.
21 THE SECRETARY: Senator Libous.
22 SENATOR LIBOUS: Aye.
23 THE SECRETARY: Senator
24 Maltese.
25 (There was no response.)

1 Senator Marcellino.
2 SENATOR MARCELLINO: Yes.
3 THE SECRETARY: Senator Marchi.
4 SENATOR MARCHI: No.
5 THE SECRETARY: Senator
6 Markowitz.
7 SENATOR MARKOWITZ: No.
8 THE SECRETARY: Senator
9 Maziarz.
10 SENATOR MAZIARZ: Yes.
11 THE SECRETARY: Senator Meier.
12 SENATOR MEIER: Yes.
13 THE SECRETARY: Senator Mendez.
14 (There was no response.)
15 Senator Montgomery.
16 SENATOR MONTGOMERY: No.
17 THE SECRETARY: Senator Nanula.
18 SENATOR NANULA: No.
19 THE SECRETARY: Senator
20 Nozzolio.
21 SENATOR NOZZOLIO: Aye.
22 THE SECRETARY: Senator
23 Onorato.
24 (There was no response.)
25 Senator Oppenheimer.

1 SENATOR OPPENHEIMER: No.
2 THE SECRETARY: Senator
3 Padavan.
4 SENATOR PADAVAN: Yes.
5 THE SECRETARY: Senator
6 Paterson.
7 SENATOR PATERSON: No.
8 THE SECRETARY: Senator
9 Present.
10 SENATOR PRESENT: Aye.
11 THE SECRETARY: Senator Rath.
12 SENATOR RATH: Aye.
13 THE SECRETARY: Senator Rosado.
14 (Negative indication.)
15 Senator Saland.
16 SENATOR SALAND: Aye.
17 THE SECRETARY: Senator
18 Sampson.
19 SENATOR SAMPSON: No.
20 THE SECRETARY: Senator
21 Santiago.
22 (There was no response.)
23 Senator Seabrook.
24 SENATOR SEABROOK: No.
25 THE SECRETARY: Senator

1 Seward. Senator Seward.

2 SENATOR SEWARD: Yes.

3 THE SECRETARY: Senator Skelos.

4 SENATOR SKELOS: Yes.

5 THE SECRETARY: Senator Smith.

6 SENATOR SMITH: No.

7 THE SECRETARY: Senator Spano.

8 (There was no response.)

9 Senator Stachowski.

10 SENATOR STACHOWSKI: No.

11 ACTING PRESIDENT MEIER: Call

12 the absentees.

13 THE SECRETARY: Senator

14 Stafford.

15 (There was no response.)

16 Senator Stavisky.

17 (There was no response.)

18 Senator Trunzo.

19 SENATOR TRUNZO: Yes.

20 THE SECRETARY: Senator

21 Velella.

22 SENATOR VELELLA: Yes.

23 THE SECRETARY: Senator Volker.

24 SENATOR VOLKER: Yes.

25 THE SECRETARY: Senator Waldon.

1 (Negative indication.)
2 THE SECRETARY: Senator
3 Wright.
4 SENATOR WRIGHT: Aye.
5 ACTING PRESIDENT MEIER: Call
6 the absentees.
7 THE SECRETARY: Senator Abate.
8 SENATOR ABATE: No.
9 THE SECRETARY: Senator Farley.
10 SENATOR FARLEY: Aye.
11 THE SECRETARY: Senator
12 Gonzalez.
13 (There was no response.)
14 Senator Kruger, excused.
15 Senator Larkin.
16 (There was no response.)
17 Senator Maltese.
18 SENATOR MALTESE: Aye.
19 THE SECRETARY: Senator Mendez.
20 (Negative indication.)
21 Senator Onorato.
22 SENATOR ONORATO: No.
23 THE SECRETARY: Senator
24 Santiago.
25 SENATOR SANTIAGO: No.

1 THE SECRETARY: Senator Spano.
2 SENATOR SPANO: Aye.
3 THE SECRETARY: Senator
4 Stavisky.
5 (There was no response.)
6 Senator DeFrancisco.
7 SENATOR DeFRANCISCO: No.
8 THE SECRETARY: Senator Larkin.
9 SENATOR LARKIN: Aye.
10 ACTING PRESIDENT MEIER:
11 Announce the results.
12 THE SECRETARY: Ayes 32, nays
13 25.
14 ACTING PRESIDENT MEIER: The
15 bill is passed.
16 THE SECRETARY: Calendar Number
17 57, by Senator Skelos, Senate Print 339, an
18 act to amend the Education Law, in relation to
19 drug testing.
20 ACTING PRESIDENT MEIER: Read
21 the last section.
22 THE SECRETARY: Section 2.
23 This act shall take effect in 180 days.
24 ACTING PRESIDENT MEIER: Call
25 the roll.

1 (The Secretary called the
2 roll.)

3 THE SECRETARY: Ayes 54.

4 ACTING PRESIDENT MEIER: The
5 bill is passed.

6 Senator Skelos.

7 SENATOR SKELOS: Mr. President,
8 if we could return to motions and resolutions,
9 I believe there's a privileged resolution at
10 the desk concerning "Good Joes Day". I would
11 ask that the title be read and move for its
12 immediate adoption.

13 ACTING PRESIDENT MEIER: The
14 Secretary will read.

15 Senator Skelos, just to be
16 clear, you wish only the title read? Senator
17 Skelos, you wish just the title read?

18 SENATOR SKELOS: The title be
19 read and move for its immediate adoption.

20 ACTING PRESIDENT MEIER: Okay.
21 The Secretary will read.

22 THE SECRETARY: By Senator
23 Bruno, Legislative Resolution commemorating
24 "Good Joes Day", 1998.

25 ACTING PRESIDENT MEIER: The

1 question is on the resolution. All in favor
2 signify by saying aye.

3 (Response of "Aye".)

4 Opposed?

5 (There was no response.)

6 The resolution is carried.

7 Senator Skelos.

8 SENATOR SKELOS: Is there any
9 housekeeping at the desk?

10 ACTING PRESIDENT MEIER: Yes,
11 Senator Skelos, there is.

12 Senator Marcellino.

13 SENATOR MARCELLINO: Yes, Mr.
14 President. On behalf of Senator DeFrancisco,
15 on page number 15, I offer the following
16 amendments to Calendar Number 323, Senate
17 Print Number 3899-A, and ask that said bill
18 retain its place on the Third Reading
19 Calendar.

20 ACTING PRESIDENT MEIER: The
21 amendments are received and so ordered.

22 Senator Skelos.

23 SENATOR SKELOS: Mr. President,
24 would you please recognize Senator Leichter.

25 ACTING PRESIDENT MEIER:

1 Senator Leichter.

2 SENATOR LEICHTER: Thank you
3 very much, Senator Skelos.

4 Mr. President, I have a number
5 of motions to discharge. We'll try to get
6 through them quickly, but I think they are
7 important.

8 The first one I would like to
9 call is my motion to discharge Senate Bill
10 Number 3347.

11 ACTING PRESIDENT MEIER: The
12 Secretary will read.

13 THE SECRETARY: 3347, by
14 Senator Leichter, an act to amend the Election
15 Law.

16 SENATOR LEICHTER: Mr.
17 President.

18 ACTING PRESIDENT MEIER:
19 Senator Leichter.

20 SENATOR LEICHTER: I waive the
21 reading and ask an opportunity to explain the
22 motion and the bill upon which it's based.
23 Thank you, Mr. President.

24 Very simple. This is a motion
25 to discharge a bill which will end one of the

1 worst abuses in campaign financing, the soft
2 money abuse that exists in New York State.

3 We've all heard about the soft money abuse on
4 the federal level and it certainly existed in
5 both parties, no question about it, but we
6 have our own mess right here in Albany and
7 it's not a small mess. It's a very large mess
8 where millions of dollars are being raised in
9 soft money without any limitations
10 whatsoever. An individual can give to a soft
11 money account, which in this state is called
12 housekeeping, without any limitation.
13 Corporations which ordinarily are limited to
14 \$5,000 can give an unlimited amount.

15 Now, we established
16 housekeeping funds in this state to allow
17 parties to raise monies to meet the basic
18 necessities of maintaining a campaign
19 headquarters, staff, pay for utilities, but
20 what we find is the parties raising great sums
21 of money far in excess of any amounts that
22 could reasonably be expected to be needed to
23 meet legitimate housekeeping needs. Most of
24 this money has been raised by the housekeeping
25 fund of the Republican State Committee. It

1 raised over \$5 million in 1996 and 1997.

2 To give you an idea of the
3 magnitude of the contributions to this fund,
4 Philip Morris contributed over \$200,000, over
5 \$200,000. A corporation so vitally interested
6 in legislation that goes through our Senate
7 and through the Assembly contributed over
8 \$200,000. The Travelers Group, a securities
9 firm vitally interested in legislation before
10 this house contributed 100,000 in 1997,
11 100,000 in 1996. MBNA Corp. gave 100,000 in
12 1997. Chase- Manhattan Bank gave 50,000 in
13 1997, and I believe both Chase and Chemical,
14 shortly after their merger was approved, made
15 substantial contributions.

16 Now, I think in campaign
17 financing, as I said before, there are no
18 saints. There are only sinners and all of us
19 here know the ordeal of raising money for
20 campaigns. We're all really caught in this
21 difficult, unpleasant and sometimes
22 compromising need to go out and raise monies,
23 but we have an opportunity to establish
24 reasonable limits on the amounts that should
25 be raised.

1 What my bill does, it says that
2 you can raise from a single individual or
3 corporation, any contributor cannot give more
4 than \$1,000 in soft money in this state.

5 Let's cap housekeeping contributions by \$1,000
6 and let's end what is an inexcusable abuse, a
7 terrible loophole in our present law.

8 I call on Republicans and
9 Democrats, and again emphasize that I think
10 this should be a non-partisan issue. If I
11 mentioned how much had been raised by the
12 Republican State Committee, I did so solely to
13 lay the facts before you. I don't want to
14 make it a partisan issue. I would like to
15 make it a bipartisan issue that all of us
16 together work to make campaign financing in
17 this state not what it is presently which is
18 not a joke but a farce. We have one of the
19 weakest campaign financing laws in the whole
20 nation. We should be ashamed of ourselves.
21 We can take action, and while there may be
22 philosophical disagreements on certain aspects
23 of campaign financing, should you provide free
24 TV, free mailing -- by the way, New Jersey
25 provides free mailing -- should you have

1 public financing of campaigns -- and by the
2 way, we do it in New York City, and I think
3 it's worked fairly well, but I can understand
4 the philosophical difference, but I cannot
5 understand if anybody gets up on this floor
6 and says housekeeping funds, you should be
7 allowed to give unlimited amounts, although to
8 a Senatorial candidate, New York State
9 Senatorial candidate, you can only give
10 roughly, what, maybe 8,000 combined primary
11 and general election but, no, when it comes to
12 housekeeping funds, you can give an unlimited
13 amount.

14 And let me just say, and I've
15 documented it, these housekeeping funds often
16 appear to be spent on very specific campaign
17 related matters. I think that not only the
18 spirit of the law but even the letter of the
19 law has been violated.

20 So let's end the abuse. Let's
21 close the loophole, and I just want to say to
22 those of my friends who say, Well, you know,
23 I'm going to vote against it because it's a
24 procedural motion. Well, it isn't a
25 procedural motion. When you're voting on

1 this, you're voting on the merits and to say
2 that you're voting to uphold the committee
3 system, we have no decent committee system in
4 this chamber because we know that shortly the
5 committees are going to be closed down. All
6 of the committee decisions are going to be
7 made by the Rules Committee, which means it's
8 made by the Majority Leader. So what are you
9 upholding?

10 If you vote against this, the
11 only thing you're upholding is you want big
12 money to continue to determine what
13 legislation is passed in this state, what
14 government action is taken. We have a real
15 opportunity to close this glaring loophole.
16 Let's do it.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MEIER:

19 Senator Dollinger.

20 SENATOR DOLLINGER: Mr.
21 President, I rise in support of Senator
22 Leichter's motion. Let me start right at the
23 beginning by saying those who say this isn't a
24 substantive motion, Senator Leichter, this is
25 as substantive as we get.

1 We've spent the last month and
2 a half doing a bunch of little bills about
3 whether we can put Chinese restaurant leaflets
4 at people's doors. I understand it's a big
5 issue for Senator Padavan but not a big issue
6 for the people of this state. Here's a big
7 issue for the people of this state. How are
8 we going to finance the campaigns of public
9 officials for office? This is as big as it
10 gets. It's as substantive as it gets.

11 I'm also struck by two things,
12 Senator Leichter, is the delightful little
13 words that we've used to come to describe this
14 method of campaign financing. We call these
15 forms soft money as though there were some
16 distinction between this and hard money. No.
17 Soft money. This is just pure and simple
18 money poured into political operations.
19 Whether we call it soft money or hard money,
20 it's cash. It's good old-fashioned cash and
21 it's used to influence the outcome of
22 elections. So the notion that somehow we
23 would treat soft money differently from the
24 rest of the money that goes into political
25 campaigns is nonsense.

1 The other thing, Senator
2 Leichter, that you said with your own sort of
3 inimitable style of underestimate is you
4 underestimated what kind of loophole this is.
5 This is not just one of several loopholes.
6 This is the loophole. This is the loophole in
7 which you destroy the effect of campaign
8 finance reform, because as long as you allow
9 money to go into the political parties without
10 limitation, the simple way to get around
11 campaign finance forms is pump the money into
12 the political operation of the party and then
13 they will distribute it or spend it on behalf
14 of the candidate. So you end up with a loop
15 hole that totally swallows our campaign
16 finance laws.

17 It seems to me that this motion
18 ought to be heard. It ought to be brought to
19 the floor and debated because our notion of
20 what governs us in this democracy in New York
21 State is outdated. We really have a
22 monocracy. We have a form of government in
23 which we're representing the people but the
24 driving force is money, not the people that we
25 represent.

1 I've heard it said by a number
2 of people: Give me \$1 million and I'll run
3 for a Senate seat. I don't even have to be
4 known in the district to start. With \$1
5 million, I can become very well known and very
6 well liked even though I have done nothing
7 previously in the community. \$1 million?
8 Probably. That's what drives politics in this
9 state. That's what drives the political
10 operation. It's pure and simply money.

11 So it seems to me that if we're
12 going to get at the heart of this money-driven
13 government that we have, this big "For sale"
14 sign that we let hang on every government
15 building in New York State, whether it's
16 contractors, people that want to influence the
17 process of government, they all see that same
18 "For sale" sign and what it says is if you
19 give money to the political parties, you're
20 going to drive the operation of government.

21 I think it's an outrage. I
22 think that this motion ought to be heard. We
23 ought to approve it. We ought to stand up and
24 debate the merits of closing the only loop
25 hole that really matters, the one that

1 threatens, I think, the whole notion of
2 representative democracy and maybe then we can
3 debate things like the continuing vitality of
4 Buckley against Valerio which set our campaign
5 system and somehow threw our notion of
6 restricting contributions to political
7 candidates, threw that notion into doubt
8 because of the First Amendment.

9 I would point out to everyone
10 that a democracy requires that every voice be
11 heard. We now have a system where someone can
12 buy the best megaphone and drown out every
13 other voice with money. This motion, if it's
14 heard in this chamber and this bill, if it
15 passes, will guarantee that the people of this
16 state have something comparable to an equal
17 voice in their politics.

18 If we believe in representative
19 democracy, the importance of individual
20 contributions and we want to encourage
21 individuals to be involved in politics, we'll
22 approve this motion. We'll debate this bill
23 and pass it and we'll re-invigorate political
24 parties built on large numbers of people
25 coming together under a common band and get

1 away from the notion that it's a few people
2 who raised an awful lot of money and then sell
3 the fruits of government in part in response
4 to that money to perpetuate their power.

5 A terrible way to do business,
6 a way that unfortunately has now become a
7 bipartisan tradition in this state and in this
8 nation, one that should never have started in
9 the first place. If we hear this motion and
10 pass this bill, we can put an end to it.

11 ACTING PRESIDENT MEIER: On the
12 motion. All in favor of accepting the motion
13 to discharge signify by saying aye.

14 SENATOR PATERSON: Party vote
15 in the affirmative.

16 SENATOR SKELOS: Party vote in
17 the negative.

18 ACTING PRESIDENT MEIER: The
19 Secretary will call the roll.

20 (The Secretary called the
21 roll.)

22 THE SECRETARY: Ayes 23, nays
23 34. Party vote.

24 ACTING PRESIDENT MEIER: The
25 motion is defeated.

1 Senator Leichter.

2 SENATOR LEICHTER: Yes, Mr.

3 President. I would like to call up my motion
4 in relation to Senate Bill 3346.

5 ACTING PRESIDENT MEIER: The
6 Secretary will read.

7 THE SECRETARY: By Senator
8 Leichter, Senate Print 3346, an act to amend
9 the Election Law.

10 ACTING PRESIDENT MEIER:
11 Senator Leichter.

12 SENATOR LEICHTER: Mr.
13 President, this is another bill that's really
14 a "motherhood and apple pie" bill. There can
15 be no philosophical difference.

16 What this bill tries to do is
17 to stop the practice of bundling. We know
18 that campaign limitations in this state are
19 easily evaded by the bundling of contributions
20 and under our laws there's no way to know
21 whether contributions have been bundled
22 because our disclosure forms do not require
23 that you identify the person who solicited the
24 contribution.

25 In New York City, we have such

1 a provision and it's been fairly effective in
2 stopping the bundling of contributions. If we
3 say we're going to have campaign limitations,
4 then we need to spell it out in such a way
5 that it can be enforced, it can be effective
6 and above all that the public will know who is
7 contributing the amount -- what amounts to a
8 candidate. If you bundle, there's no way of
9 having that disclosure. There's no way of
10 enforcing the campaign limitations because you
11 failed to identify who it is that bundled this
12 money.

13 So this bill, very simply, says
14 that there will be adequate disclosure, and I
15 urge that this bill be passed. I urge that
16 the Republican Majority show some commitment
17 to cleaning up the mess and the abuses in our
18 campaign finance law.

19 ACTING PRESIDENT MEIER:

20 Senator Dollinger.

21 SENATOR DOLLINGER: Mr.

22 President, I couldn't let the opportunity go
23 by that the use of the term "bundling" is
24 again part of the problem here. We have soft
25 money. We have housekeeping accounts and we

1 have bundling, this wonderful term that you
2 would apply to a mother bundling her child as
3 though this is something close to the heart of
4 every American. Well, bundling in this case
5 is, in my judgment, a simple substitute for
6 the term hornswoggling. What you do is you
7 hornswoggle the public because you don't tell
8 them who you're carrying their cash for. This
9 is walk-around cash. You gather a little bit
10 from everybody. You put it in a little
11 convenient bundle. They used to call them
12 black bags, but I guess they don't call it
13 black bagging anymore. This would a sinister
14 connotation of buying elections. No, we wrap
15 it up in this little convenient euphemism
16 called bundling and somehow it's okay. It's
17 black bag politics. It's the old kind of
18 politics that no one liked. It's the politics
19 of anonymity. It's the politics of buying
20 government with anonymous amounts of cash.
21 It's a horrible practice.

22 Again, bring this to the
23 floor. I would suggest to my Republican
24 colleagues, you know this is bad politics.
25 You know this is a throwback to the days when

1 elections were won by giving people \$2 bills.
2 That's what this is all about. It's black bag
3 politics. It has no place in New York.
4 Approve this motion. Debate this bill. Pass
5 it and we can get the other house -- we can
6 call a Conference Committee and the Election
7 Committee and we'll have a Conference
8 Committee about whether it's wise to allow
9 black bag politics in New York State.

10 It's a bad idea. Stop it.

11 ACTING PRESIDENT MEIER: On the
12 motion -- Senator Oppenheimer.

13 SENATOR OPPENHEIMER: The
14 League of Women Voters has registered their
15 voice in the prior bill, and I would like, as
16 a past League of Women Voters president, to
17 get this on the record.

18 They state in their memo in
19 support of Senator Leichter's bill 3347 that
20 they understand it's clear that monied special
21 interests giving to those in power in both
22 parties have greatly enhanced access and
23 influence in New York State's government and
24 by limiting the contributions to this
25 housekeeping account to the actual expense of

1 maintaining the headquarters and the staff at
2 the headquarters, that they feel that abuses
3 of this could be eliminated and, most
4 importantly, that the public would again have
5 confidence in their political process, and
6 this has been an area of keen concern to the
7 League of Women Voters that the perception out
8 there is that money is -- is making the
9 decisions, not the issues in the policy but
10 rather the monies in the policy. They take a
11 very strong stand in favor of limiting the
12 housekeeping accounts.

13 I wanted to get that on the
14 record.

15 ACTING PRESIDENT MEIER: On the
16 motion, all those in favor of accepting the
17 motion to -- Senator Paterson, why do you
18 rise?

19 SENATOR PATERSON: Mr.
20 President, with no objection from Senator
21 Leichter, I would like to bundle the votes
22 from the Minority Conference and cast a party
23 vote in the affirmative.

24 SENATOR SKELOS: Party vote in
25 the negative.

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

3 (The Secretary called the
4 roll.)

5 THE SECRETARY: Ayes 23, nays
6 34, party vote.

7 ACTING PRESIDENT MEIER: The
8 motion is defeated.

9 Senator Leichter.

10 SENATOR LEICHTER: Yes, Mr.
11 President. Would you please call up Senate
12 3306, please?

13 THE SECRETARY: The Secretary
14 will read Senator Leichter's motion with
15 regard to Senate 3306.

16 THE SECRETARY: By Senator
17 Leichter, Senate Print 3306, an act to amend
18 the Public Officers Law.

19 ACTING PRESIDENT MEIER:
20 Senator Leichter.

21 SENATOR LEICHTER: Yes, Mr.
22 President. This particular motion relates to
23 a bill. It doesn't deal with campaign
24 financing but it does deal with ethics in
25 government.

1 This bill limits the outside
2 income of our statewide elected officials to
3 end the practice of statewide officials going
4 out and making speeches for large honorariums.

5 Obviously this has become a
6 problem, and let me just say right off from
7 the -- right at the beginning, it was not a
8 problem just in this administration, it was a
9 problem with the previous governor also, and
10 if somebody says, Well, how come you put this
11 bill up only when there's a Republican
12 governor? Why didn't do you it when there was
13 a Democratic governor?

14 I want to do a mea culpa. I
15 should have. It was wrong then and it's wrong
16 now, but the fact that we failed to take
17 action when the previous governor spent a fair
18 amount of time going around in this state or
19 -- I don't believe he did it in this state
20 but outside of the state, giving speeches for
21 honorariums, we should have stopped it, but
22 because we didn't doesn't mean that we ought
23 to allow a practice to continue that is
24 clearly wrong.

25 I think it's wrong of the

1 present governor to go out and do this. I
2 think we ought to demand of our statewide
3 elected officials that they not work for any
4 other outside interests, that there not be any
5 conflict, that their whole dedication be with
6 their job of serving the people of the state
7 of New York and that they not look for making
8 outside income by giving speeches before
9 various special interest groups.

10 So this is a good bill,
11 something we should do, something we all ought
12 to go on record as saying, Let's end that
13 particular ethical abuse that exists in New
14 York State.

15 ACTING PRESIDENT MEIER:

16 Senator Paterson.

17 SENATOR PATERSON: Mr.

18 President, on the bill. I think Senator
19 Leichter has raised an issue that we're all
20 guilty of in practicing what sometimes I call
21 the politics of confusion.

22 We're against something when
23 another party is in the Executive Mansion or
24 has attained some kind of power and then, when
25 we have the opportunity to change it, suddenly

1 there is actually no change, and it doesn't
2 really matter who's in office. It is a point
3 worth noting that huge sums of money have been
4 made, not only in this state but in other
5 states, by elected officials going out and
6 speaking before groups. It certainly taints
7 the process. It's something that the House of
8 Representatives of the United States has put a
9 stop to and, with Senator Leichter's ambitious
10 gesture today, we can put a stop to it here.

11 I'm in favor of the motion.

12 ACTING PRESIDENT MEIER: On the
13 motion, all in favor of accepting the motion
14 to discharge, signify by saying aye.

15 SENATOR PATERSON: Party vote
16 in the affirmative.

17 SENATOR SKELOS: Party vote in
18 the negative.

19 ACTING PRESIDENT MEIER: The
20 Secretary will call the roll.

21 (The Secretary called the
22 roll.)

23 THE SECRETARY: Ayes 23, nays
24 34. Party vote.

25 ACTING PRESIDENT MEIER: The

1 motion is defeated.

2 Senator Leichter.

3 SENATOR LEICHTER: Yes, Mr.

4 President. If I could call up Senate 3490-A,
5 please.

6 ACTING PRESIDENT MEIER: The
7 Secretary will read.

8 THE SECRETARY: By Senator
9 Leichter, Senate Print 3490-A, an act to amend
10 the Election Law and the County Law.

11 SENATOR LEICHTER: Mr.
12 President, this bill that I seek to have
13 discharged from committee deals with a whole
14 mechanism of how we enforce the Election Law
15 and the Campaign Finance Law and seeks to get
16 rid of the political Boards of Elections that
17 we have now, both on the county level as well
18 on the state level, and seeks to make election
19 like any other governmental function, one that
20 the executive is responsible for and not the
21 political parties as is presently the case.

22 There's just no justification
23 for saying that, Well, we'll have the
24 Republicans and the Democrats together run the
25 election machinery in this state.

1 This is a governmental
2 function. Elections are just too important.
3 They're really the crux of our Democratic
4 system of government, and they ought to be run
5 in a totally non-political manner.

6 Obviously that's not the case.
7 Let me just say, in the state Board of
8 Election that we have now, it's a prescription
9 for immobilization. It's a prescription for
10 not doing anything because you have two
11 Republican members, you have two Democratic
12 members. Anything controversial, they
13 deadlock two-two and no action is taken and
14 very often, as we know, the Republican and the
15 Democratic members, whether on the state
16 level, on the local level, will join together
17 to keep down insurgents in either party.

18 It's just wrong. We've all
19 been part of this system, but there comes a
20 time when it just cries out for change, and I
21 think that time probably passed some time ago
22 but we can certainly take this action now and
23 give the people of the state of New York a
24 fair, impartial, non-political election
25 machinery.

1 Thank you.

2 ACTING PRESIDENT MEIER: On the
3 motion, all those in favor signify by saying
4 aye.

5 (Response of "Aye".)

6 Opposed, nay.

7 (Response of "Nay".)

8 Motion to discharge is
9 defeated.

10 Senator Leichter.

11 SENATOR LEICHTER: Mr.
12 President, I call up now Senate 3493.

13 ACTING PRESIDENT MEIER: The
14 Secretary will read.

15 THE SECRETARY: By Senator
16 Leichter, Senate Print 3493, an act to amend
17 the Public Officers Law and the Penal Law.

18 ACTING PRESIDENT MEIER:
19 Senator Leichter.

20 SENATOR LEICHTER: Yes. Mr.
21 President, this bill which I seek to
22 discharge, again tries to clean up what is an
23 abuse in government, what is a failure in the
24 present law, what is a loophole in the way we
25 conduct business.

1 Presently there's no
2 prohibition on state commissioners, other high
3 state officials going out and engaging in
4 political fund-raising. This has led to clear
5 conflict of interest problems, where
6 commissioners have gone out and raised money
7 from industries that they're supposed to
8 regulate and supervise.

9 We've just had too many
10 examples of that in past administrations and
11 certainly in the present administration. We
12 should not have our state commissioners, their
13 state officials -- they work for all the
14 people of the state of New York. They should
15 not be engaged in political fund-raising.

16 This bill seeks to end the
17 present practice and loophole that exists.

18 ACTING PRESIDENT MEIER: On the
19 motion, all those in favor of the motion to
20 discharge signify by saying aye.

21 (Response of "Aye".)

22 Opposed, nay.

23 (Response of "Nay".)

24 The motion is defeated.

25 Senator Leichter.

1 SENATOR LEICHTER: Yes, Mr.
2 President. If you would call up Senate 3650.

3 ACTING PRESIDENT MEIER: The
4 Secretary will read.

5 THE SECRETARY: By Senator
6 Leichter, Senate Print 3650, an act to amend
7 the Election Law.

8 SENATOR LEICHTER: Mr.
9 President.

10 ACTING PRESIDENT MEIER:
11 Senator Leichter.

12 SENATOR LEICHTER: Yes, Mr.
13 President. This particular bill that I seek
14 to discharge by this motion seeks to close
15 another glaring loophole in our campaign
16 finance law. We presently provide in our
17 campaign finance law for party committees.
18 Party committees are not held to the same
19 limitation as are committees for individual
20 candidates but party committees can transfer
21 unlimited amounts to individual candidates.
22 So if a particular candidate has max'ed out
23 with a contributor, that contributor can give
24 much larger sums to the party committee and
25 the party committee can transfer unlimited

1 amounts to a candidate.

2 Again, it makes a mockery of
3 the limitations that we have in law, and what
4 has happened in recent years is that
5 particularly the legislative party committees
6 of the four conferences have gone out and
7 raised very large sums of money, the very
8 large sums of money, of course, by the two
9 Majority Conferences and their party
10 committees, the Democrats, the Assembly and
11 the Republicans and the Senate. This really
12 gives the appearance of legislation for sale,
13 the amounts that are raised, the magnitude of
14 the individual contributions and, of course,
15 the joke in the Election Law and the campaign
16 finance law is that those committees are then
17 able to transfer as much money as they want to
18 in any campaign that they choose, and that's
19 one of the reasons, of course, that campaigns
20 for the Assembly, campaigns for the Senate are
21 costing such great amounts or there's such a
22 great expenditure of monies because most of it
23 flows through the legislative party
24 committees.

25 It's just wrong. We just

1 shouldn't allow those committees to contribute
2 any more than any other contributor. Put that
3 limitation on, and you will decrease
4 substantially the amount that's spent in
5 Senate campaigns and in Assembly campaigns and
6 will help in avoiding the appearance that
7 legislation in the Senate and in the Assembly
8 is for sale.

9 Move the motion, Mr. President.

10 ACTING PRESIDENT MEIER: On the
11 motion, all those in favor signify by saying
12 aye.

13 (Response of "Aye".)

14 Opposed, nay.

15 (Response of "Nay".)

16 The motion to discharge is
17 defeated.

18 Senator Leichter.

19 SENATOR LEICHTER: Mr.
20 President, that finishes my motions for the
21 day, and I thank you and my colleagues.

22 ACTING PRESIDENT MEIER:

23 Senator Montgomery.

24 SENATOR MONTGOMERY: Yes, Mr.
25 President. I would like the record to show

1 that had I been present in the house last week
2 when we voted on Calendars 303 and 305, I
3 would have voted in the negative.

4 ACTING PRESIDENT MEIER: The
5 record will so reflect.

6 SENATOR MONTGOMERY: Thank
7 you.

8 ACTING PRESIDENT MEIER:
9 Senator Skelos.

10 SENATOR SKELOS: Mr. President,
11 is there any housekeeping at the desk?

12 ACTING PRESIDENT MEIER: No,
13 there is not.

14 SENATOR SKELOS: There being no
15 further business, I move we adjourn until
16 Tuesday, March 17th, at 3:00 p.m.

17 ACTING PRESIDENT MEIER: On
18 motion, the Senate stands adjourned until
19 Tuesday, March 17th, at 3:00 p.m.

20 (Whereupon, at 4:04 p.m., the
21 Senate adjourned.)

22
23
24
25