THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 30, 2001

11:08 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members to find their chairs, staff to find their places.

I ask everybody in the chamber to rise and join me in saying the Pledge of Allegiance to the Flag.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

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

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 29, the Senate met pursuant to adjournment. The Journal of Friday, January 26, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno, that brings us to the calendar. Senator Bruno.

SENATOR BRUNO: Mr. President, I believe I have a privileged resolution at the desk. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the privileged resolution by Senator Bruno in its entirety.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 314, honoring Clarence D. "Rapp" Rappleyea upon the occasion of his retirement after more than 28 years of distinguished service to the State of New York.

"WHEREAS, It is incumbent upon the people of the State of New York to recognize

and acknowledge those who have made significant contributions to the quality of life within our communities; and

"WHEREAS, From time to time this Assembled Body takes note of certain extraordinary individuals it wishes to recognize for their valued contributions to the success and progress of society and for their endeavors; and

"WHEREAS, Clarence D. 'Rapp' Rappleyea, a 22-year lawmaker, was first elected to the New York State Assembly in 1972; he was chosen to lead the Assembly Republicans on January 3, 1983, and had served continuously in that position until 1995; and

"WHEREAS, Throughout his Assembly service, Clarence Rappleyea was a strong advocate of fiscal reform, including reduction of State borrowing, lower taxes, and restraint of State spending; he had long advocated reforms such as consensus revenue forecasting and adoption of recommendations to eliminate waste in government; and

"WHEREAS, Clarence Rappleyea served on several Assembly Standing Committees

including: Agriculture, as Ranking Republican Member, Transportation, Insurance, Real Property Taxation, and Cities; he also served on the Subcommittee on Railroads.

"In 1977, Clarence Rappleyea was elected Secretary of the Assembly Republican Conference; he later served as Chairman of the Assembly Republican Conference from January 1979 until his election as Minority Leader in 1983; and

"WHEREAS, In 1995, Clarence D. 'Rapp' Rappleyea was appointed Chairman and Chief Executive Officer of the New York State Power Authority, the nation's largest state-owned electric utility and supplier of one-quarter of New York State's electricity; and

"WHEREAS, A lifelong New York State resident with a long record of public service, he is a leading advocate of consumer choice in electricity supply and of a continuing role for public power systems in the emerging competitive electricity industry; he worked successfully to strengthen the Power Authority's efforts to help create and save

jobs for New Yorkers; the landmark 'Power for Jobs' program has helped to protect more than 260,000 jobs since it began in 1997; and

"WHEREAS, In addition to his Power Authority duties, Mr. Rappleyea served as Chairman of the New York State Economic Development Power Allocation Board; he served as Chairman of the Executive Committee of the New York Power Pool; and

"WHEREAS, He is a member of the Board of the New York State Energy Research and Development Authority and the Interagency Council on Clean Fueled Vehicles, and he served as Vice-Chairman of the Electric Vehicle Association of the Americas; he also chaired the EVAA's Public Policy Committee; and

"WHEREAS, Born and raised in Norwich, in Chenango County, he attended Wagner College on Staten Island and graduated from the State University of New York at Albany. He was a high school teacher and coach in the South New Berlin Central Schools before entering Cornell University, where he earned his law degree; and

"WHEREAS, After graduating from law school, Clarence D. 'Rapp' Rappleyea worked as a trial attorney in Norwich; he has served as Norwich City Attorney and as counsel to the Norwich School District, the Board of Cooperative Educational Services of Chenango, Delaware, Madison and Otsego Counties, and the Norwich Urban Renewal Agency, Planning Commission and Water Board; and

"WHEREAS, 'Rapp' raced Formula Ford cars on the Automobile Competition Committee for the United States circuit; he was the 1970 Rookie of the Year for New York's Southern Tier; and

"WHEREAS, Clarence D. 'Rapp' Rappleyea is a former member of the boards of trustees of Wagner College and Hartwick College; he received the 1995 John F. Deitrich Award from the Associated Medical Schools of New York for his contributions to the advancement of higher education in New York State; and

"WHEREAS, Long active in community affairs, he has served as a director of the New York State Tuberculosis and Emphysema and

Respiratory Association, the Chenango County Association for Retarded Children, the county unit of the American Cancer Association and the Norwich YMCA; he is a former president of the Chenango County Bar Association and served as chairman of Leadership Chenango; and

"WHEREAS, He and his wife, Nancy, reside in Norwich; they have three daughters and six grandchildren; and

"WHEREAS, During his distinguished career in New York State government, Clarence Rappleyea served with loyalty, honor, and distinction; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Clarence D. 'Rapp' Rappleyea upon the occasion of his retirement after 28 years of distinguished service to the State of New York; and be it further

"RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Clarence D. 'Rapp' Rappleyea."

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we open this resolution up to all the members that would like to join in that.

ACTING PRESIDENT KUHL: Are there members in the chamber that would like to be on this resolution? I see a lot of nods yes.

Senator Bruno, can we follow standard tradition of putting all the members on unless they signify to the desk that they don't wish to be on?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: All the members will be added to the resolution as cosponsors unless they do not wish to be on it. And if you do not wish to be on the resolution, please notify the Journal clerk.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there's another privileged resolution, by Senator Goodman. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution by Senator Goodman.

THE SECRETARY: By Senator Goodman, Legislative Resolution Number 315, honoring Archbishop Edward Michael Egan upon the occasion of being elevated to the exalted position of Cardinal.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we open this, as the previous resolution,

unless someone does not want to be on it.

ACTING PRESIDENT KUHL: Same procedure. Anybody who does not wish to be on the formerly adopted resolution by Senator Goodman, please notify the desk. Otherwise, all members will be added to the resolution as cosponsors.

Senator Bruno.

SENATOR BRUNO: And, Mr. President, can we at this time adopt the Resolution Calendar.

ACTING PRESIDENT KUHL: The question is on the Resolution Calendar. All those in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The Resolution Calendar is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we take up the noncontroversial reading of the calendar.

ACTING PRESIDENT KUHL: The Secretary will read the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 15, by Senator Volker, Senate Print 208, an act to amend the Penal Law and the Criminal Procedure Law, in relation to term of imprisonment.

SENATOR DOLLINGER: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 26, by Senator DeFrancisco, Senate Print 437, an act to amend the Penal Law, in relation to the payment of reparation.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 41, by Senator Marcellino, Senate Print 781, an act to repeal Title 17 of Article 23 of the Environmental Conservation Law.

SENATOR DOLLINGER: Lay the bill aside, Mr. President.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 44, by Senator Balboni, Senate Print 859, an act -

SENATOR BALBONI: Lay the bill aside for the day, please.

ACTING PRESIDENT KUHL: Lay the bill aside for the day at the request of the sponsor.

Senator Bruno, that completes the noncontroversial reading of the calendar. Senator Bruno.

SENATOR BRUNO: Mr. President, on the controversial calendar, can we ask for Calendar Number 26, by Senator DeFrancisco.

ACTING PRESIDENT KUHL: The Secretary will read, on the controversial calendar, Calendar Number 26.

SENATOR DOLLINGER: Explanation, please, Mr. President.

THE SECRETARY: Calendar Number 26, by Senator DeFrancisco, Senate Print 437, an act to amend the Penal Law, in relation to the payment of reparation or restitution.

ACTING PRESIDENT KUHL: Senator DeFrancisco, an explanation of Calendar Number 26 has been requested by the Acting Minority Leader, Senator Dollinger.

SENATOR DeFRANCISCO: This bill passed 61 to nothing last year. And it basically expands the definition of "victim" to include individuals that -- a person or entity which provides assistance for the prevention or mitigation of damage to person or property caused by an offense.

And the concept is to allow the judge to call for restitution by a person convicted of a crime to more victims. It's another tool for the judges to make victims whole by payment by people convicted of crimes.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will the sponsor yield to a question?

ACTING PRESIDENT KUHL: Senator DeFrancisco, do you yield to a question?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Would one of the consequences of this bill, Senator, be that there would be insurance coverage available, there would be an ability to get to insurance coverage in certain instances if the defendant had such -- any type of insurance coverage?

SENATOR DeFRANCISCO: I don't know of any insurance that would insure a person committing a crime to pay the victim's expenses resulting from that crime. So I can't imagine that there would be any insurance available or anyone would have such insurance.

SENATOR DOLLINGER: Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator, are you asking the Senator to yield to another question?

SENATOR DOLLINGER: If he will, yes, Mr. President.

ACTING PRESIDENT KUHL: Senator DeFrancisco, do you yield to another question?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: What about the situations in which there -- for example, the one that occurs to me right off the bat is criminally negligent homicide, where we create a certain standard of conduct that it isn't intentional, but there's a certain type of either reckless or negligent conduct which would create a criminal liability but nonetheless perhaps also trigger coverage under the Insurance Laws.

Would that be involved in any way?

SENATOR DeFRANCISCO: No, I don't think this is -- the intent of this bill is not to have civil litigation over in a criminal sentencing procedure.

The -- this is dealing with instances where individuals, in committing a crime, an intentional crime where the victim may be -- have personal property that was damaged or stolen or clothing that was ripped or various items that are recoverable because of an intentional criminal act. I don't

believe it applies to negligence situations, because in those situations there are the civil courts.

ACTING PRESIDENT KUHL: Senator Dollinger, are you -- excuse me just for the interruption.

Senator Bruno, why do you rise?

SENATOR BRUNO: Mr. President, my colleagues, forgive the interruption. Could we announce an immediate meeting of the Finance Committee in Room 332. Thank you.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Senate Finance Committee, an immediate meeting of the Senate Finance Committee in the Majority Conference Room, Room 332.

Senator Dollinger, do you wish Senator DeFrancisco to continue to yield?

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator, do you yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Again, for my edification, Senator, the bill says that this will provide -- a person or entity which provides assistance for prevention or mitigation, they will be considered a victim for purposes of payouts from the Crime Victims' Assistance Board?

SENATOR DeFRANCISCO: For example, that provides assistance, it may be a police agency, it may be an ambulance company, it may be something that provides assistance.

And in the event that the individual who is providing the assistance incurs costs or expenses, then, under the circumstances, there could be this order of restitution.

SENATOR DOLLINGER: Again, through you, Mr. President, if Senator DeFrancisco will continue to yield.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Would this

apply in a situation -- for example, in Rochester we have an organization called Alternatives for Battered Women that provides shelter and security for women who are victims of domestic crimes. Would this allow them to be included, I mean that organization directly to be included in the order of restitution, considering they take on the cost of sheltering and caring for a family that's displaced?

SENATOR DeFRANCISCO: It's certainly within the purview -- it's in the language of the bill.

But the question is normally when you have a criminal offense, it's very unlikely that the defendant is going to have that kind of money to pay those expenses. So it's a right, it could happen, but realistically it's probably not a realistic expectation that that kind of money would be available from a criminal defendant who may be serving time.

However, I think the more realistic types of offenses that would be involved would be where injuries occur and there's

out-of-pocket expenses from the people providing the services to that injured person. That would be a much lesser expense, but technically that could apply.

SENATOR DOLLINGER: Okay. Just one final question, through you, Mr. President.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Does this create a right of action on behalf of the person or party that's provided the mitigation or assistance against the Crime Board? How will that work? Will they file a separate application in conjunction with the victim who's actually sustained the personal injury?

SENATOR DeFRANCISCO: Well, I think the purpose of this bill, it's not -- it allows a court to order restitution. And so it's not a private right of action, it's a part of a sentencing procedure.

And no question, there would be, I

believe, a potential of a private right of action by these groups anyway. If they could show that there was some loss and there was a civil loss, there would be a civil remedy.

But this is -- it's not intended to have a new private right of action. It gives the sentencing judge, when ordering restitution, the ability to include not only the victim's costs but also the costs of those providing services to the victim.

SENATOR DOLLINGER: Okay. Thank you, Mr. President, just on the bill.

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I appreciate Senator DeFrancisco's thoughtful explanation of it, and I think this bill does lots of good things, as evidenced by the unanimous vote that this house has passed it previously.

I think the critical thing that at least occurs to me is that this broadens the scope of the restitution remedy to include people that wouldn't otherwise necessarily be before the courts. And my hope is if this bill passes, becomes law, gets through the

other house, that there will be a campaign underway to make beneficiaries of this particular provision agencies like the Alternatives for Battered Women, like Sojourner House in Rochester, New York, that provides a halfway house for victims of domestic violence, for violence by partners, and that what will happen is that those agencies will more aggressively seek restitution ordered by the perpetrators of those crimes.

Too often the victims of these crimes who need restitution are women, and so often they have to seek refuge in halfway houses and in shelters. And it seems to me that Senator DeFrancisco's bill opens the door for those shelters to get direct reparations for the time, the money that the consequences of their crime cause.

And I would strongly support this bill, Mr. President. I again thank Senator DeFrancisco and urge its adoption by the house.

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

SENATOR DUANE: If the sponsor would yield, please.

ACTING PRESIDENT KUHL: Senator DeFrancisco, do you yield to Senator Duane?

SENATOR DeFRANCISCO: Yes.

SENATOR DUANE: Thank you very much.

I notice that in the sponsor's memorandum in support that he states that "out-of-pocket losses sustained by any department which took action to prevent, mitigate, or remedy damages other than a police department." I'm wondering where in the legislation I could find that. I don't see it in the bill.

SENATOR DeFRANCISCO: You know, your voice trailed off. Other than what? I'm sorry.

SENATOR DUANE: "Police department," it says in your memorandum of support. And I'm wondering where in the legislation I could see that.

SENATOR DeFRANCISCO: Well, I don't see it. I don't see it. There seems to be an inconsistency in the memo and the bill.

But on the other hand, it would seem to me it would be logical for police departments to be included as well. But it is not in the bill. It's not in the bill. It must be a mistake in the memo.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: Then that means that the police -- a police department could get compensation?

SENATOR DeFRANCISCO: Well, I think so, unless there's something in the body of the bill that already excludes police officers. The balance of the bill isn't shown in the amendment. I don't have the actual bill itself that this is amending.

Yes, excuse me, I was -- it was just confirmed that there was a mistake in the memorandum and that the memorandum was

supposed to be changed and it just fell through the cracks.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT KUHL: Are you asking the Senator to continue to yield, Senator Duane?

SENATOR DUANE: Yes, Mr. President.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: I'm wondering, then, what it is that we pay police officers for, if not to actually protect us and be there for us in situations exactly like this one.

SENATOR DeFRANCISCO: Well, what it -- the intent here is -- and this has happened in my county on many occasions -

SENATOR DUANE: Mr. President, I

cannot hear the sponsor. There's a lot of background noise, ambient noise here.

ACTING PRESIDENT KUHL: If we can get Senator Dollinger to sit down, then maybe we can have the chamber be a little quieter.

SENATOR DeFRANCISCO: In our jurisdiction, it's happened many times where, in the course of trying to stop an assault or in the course of trying to apprehend someone who's charged with a crime, where a uniform may be damaged in some way or a vehicle in a high-speed chase may be damaged.

And the concept would be it's not that the police officer him or herself receives the money, it's that the department is reimbursed so the public taxpayers are not paying for damage in these types of situations.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The

Senator continues to yield.

SENATOR DUANE: Isn't this what we pay our taxes for, to deal with exactly these kinds of situations? Isn't that where our tax dollars are supposed to go?

SENATOR DeFRANCISCO: Absolutely. However, if you can recoup -- if the person convicted is convicted and has the wherewithal to reimburse the public for the damages that that person caused, it would seem prudent for government to try to recoup some of those expenses rather than they be at the cost of the taxpayer.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT KUHL: Senator Duane, excuse me for just a moment. We do have a number of conversations that are, I think, distracting from your questioning with Senator DeFrancisco.

If we could have the members please take their chairs. If you need to have a conversation other than with the Majority Leader, please take it out of the chamber.

Thank you.

Senator Duane, are you asking Senator DeFrancisco to continue to yield?

SENATOR DUANE: I am.

ACTING PRESIDENT KUHL: Senator, do you yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: Thank you.

Is there an Assembly sponsor for the bill?

SENATOR DeFRANCISCO: No.

SENATOR DUANE: And through you, Mr. President, would the sponsor continue to yield?

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Would the cost of going to get counseling through the Crime Victims' Board also be included in this?

SENATOR DeFRANCISCO: No, this is

not an alternative to bringing a civil lawsuit. It simply is in those situations, in the apprehension or in the assistance of a victim -- in the course of a police agency or an ambulance service or some other agency assisting, that is what the bill is for, so judges can order it.

I don't think the judges are intending -- the bill doesn't intend judges to have hearings about damages to the extent that you're talking about. But if they're readily available, expenses that need to be paid for by somebody, the taxpayer or the defendant, it's -- those are the type of situations that this bill deals with.

It happens right now. Oftentimes a judge will order restitution in certain cases as a part of probation. It happens now. But this just broadens it so there's more individuals, not just the exact victim that restitution could be ordered for.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT KUHL: Senator

DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: But due to the trauma of a crime, wouldn't a crime victim, even if they work for an agency or they work for a private company, be eligible to get counseling at the Crime Victims' Board? I'm talking about counseling, not necessarily -

SENATOR DeFRANCISCO: This bill isn't -- doesn't have anything to do with the Crime Victims' Board and their rules and regulations. It's an additional group of individuals that the judge will be allowed to order restitution for, in a sentencing in a criminal matter.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: If not through the Crime Victims' Board, then if a person because of their trauma sought out private psychological or psychiatric help, would that be something that could be reimbursed under this legislation?

SENATOR DeFRANCISCO: There is a piece of legislation that was enacted in the past that is law that gives the parameters as to what a crime victim, the actual person who is the victim of the crime, can recover through a judge's order on restitution and what they can't recover. It's the base bill.

All this bill does is it expands the individuals who are assisting in the crime. I find it difficult to imagine a situation where a police agent might be - well, I guess there might be, where a police agent or someone in an ambulance crew would need counseling after performing their duties.

But that is not what the bill is intended. It's just to expand the individuals who may be paid by order of a court during the course of sentencing.

SENATOR DUANE: And through you,

Mr. President, a final question, please.

ACTING PRESIDENT KUHL: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: And is it envisioned that it would be both the local police department as well as the State Police that would also be eligible under this?

SENATOR DeFRANCISCO: It doesn't define police agency. Every agency would apply.

SENATOR DUANE: Thank you, Mr. President.

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

Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce

the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to reports of standing committees. And I believe that there's a report from the Finance Committee. I'm going to ask that it be read at this time.

ACTING PRESIDENT KUHL: There is a report of the Finance Committee at the desk. The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

As members of the Advisory Council on Alcoholism and Substance Abuse Services, Coleman Costello, of Bayside; Philip Gianelli, M.D., of Flushing; and John W. Russell, Jr., of Staten Island.

ACTING PRESIDENT KUHL: The question is on the nomination of Coleman Costello, Philip Gianelli, and John W. Russell to become members of the Advisory Council on

Alcoholism and Substance Abuse Services. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Mental Health Services Council, Steven Friedman, of Yorktown Heights.

ACTING PRESIDENT KUHL: The question is on the nomination of Steven Friedman to become a member of the Mental Health Services Council. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to

read.

THE SECRETARY: As members of the Advisory Council to the Commission on Quality of Care for the Mentally Disabled, Grace E. Clench, of Brentwood, and Joan E. Klink, of Fishkill.

ACTING PRESIDENT KUHL: The question is on the nomination of Grace Clench and Joan Klink to become members of the Advisory Council to the Commission on Quality of Care for the Mentally Disabled. All those in favor of the nominations signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the State Camp Safety Advisory Council, Shirley A. Hansen, of Lake Placid, and Robert C. Scheinfeld, of New Rochelle.

ACTING PRESIDENT KUHL: The question is on the nomination of Shirley A. Hansen and Robert C. Scheinfeld to become members of the State Camp Safety Advisory Council. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Visitors of the Binghamton Psychiatric Center, Gerald Buckley, of Binghamton.

As a member of the Board of Visitors of the Bronx Psychiatric Center, Yvonne E. Chappell, of the Bronx.

As members of the Board of Visitors of the Brooklyn Developmental Disabilities Services Office, Calvin A. Fischetti, of Brooklyn, and Edwin Mendez-Santiago, of

Brooklyn.

As members of the Board of Visitors of the Broome Developmental Disabilities Services Office, Mildred Hendry Bengel, of Binghamton; Raymond W. Delaney, of Endicott; and Kathryn M. Paddock, of Binghamton.

As members of the Board of Visitors of the Capital District Developmental Disabilities Services Office, Kathe R. Sheehan, of Scotia, and Cheryl Walther, of Hudson Falls.

As members of the Board of Visitors of the Central New York Developmental Disabilities Services Office, Robert Lehr, of Tully; Elizabeth Vaught, of Baldwinsville; Shirley Mary Wilcox, of Little Falls; and Thomas Yousey, Sr., of Lowville.

As a member of the Board of Visitors of the Richard H. Hutchings Psychiatric Center, Daniel Mancini, of Canastota.

As members of the Board of Visitors of the Agricultural and Industrial School at Industry, Robert L. Glover, of Bloomfield; Mark Maxim, of Spencer Port; James H. Norman,

of Webster; Teresa Wolfe, of Pittsford; and Robert M. Zinck, of Henrietta.

As a member of the Board of Visitors of the Long Island Developmental Disabilities Services Office, Walter Krudop, of Patchogue.

As a member of the Board of Visitors of the Manhattan Psychiatric Center, Marlin R. Mattson, of New York City.

As members of the Board of Visitors of the Metro Developmental Disabilities Services Office, Mildred Holley-Davis, of the Bronx, and Joan S. Laufer, of New York City.

As members of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Oxford, Richard M. Pedro, of Oswego, and Louisa Platt, of Westford.

As members of the Board of Visitors of the Staten Island Developmental Disabilities Services Office, Roberta Scott Boatti, of Staten Island, and Polly Panzella, of Staten Island.

As a member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office, Margaret

Kolodzey, of Moriah.

As members of the Board of Visitors of the Taconic Developmental Disabilities Services Office, Joan E. Klink, of Fishkill; Ronald S. Lehr, of Poughkeepsie; and Ralph Vinchiarello, of Wassaic.

As members of the Board of Visitors of the Western New York Developmental Disabilities Services Office, Pamela D. Burgoon, of Fredonia; Mary Ellen Murphy, of West Seneca; and Anne M. Ray, of South Dayton.

ACTING PRESIDENT KUHL: The question is on the nomination of several to many facilities. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

Senator Duane, why do you rise?

SENATOR DUANE: I had a question on the appointments.

ACTING PRESIDENT KUHL: What is

your question, Senator?

SENATOR DUANE: Well, my first question is, what does the Board of Visitors do in the developmental facilities?

ACTING PRESIDENT KUHL: Senator Velella, would you like to respond to that question?

SENATOR VELELLA: Mr. President, could you repeat the question? What does the Board of Visitors do?

SENATOR DUANE: Yes.

ACTING PRESIDENT KUHL: You don't know? You're a State Senator and you don't know what the Board of Visitors does at a mental hospital? Was that the question you're asking me?

SENATOR DOLLINGER: You aren't entitled to a question -

ACTING PRESIDENT KUHL: Senator Dollinger -- excuse me, gentlemen. Gentlemen, gentlemen, gentlemen.

SENATOR DOLLINGER: Senator Velella's question is out of order.

ACTING PRESIDENT KUHL: Gentlemen, gentlemen, gentlemen.

SENATOR DUANE: Mr. President, the question was directed to me.

ACTING PRESIDENT KUHL: Senator Duane.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I believe Senator Velella's question is out of order. Senator Duane has the floor.

ACTING PRESIDENT KUHL: Senator Dollinger, you are out of order. There was a question, and there is a response. So please sit down.

Senator Velella, did you respond to the question?

SENATOR VELELLA: I don't mean to -- I just wanted to clear up exactly what part of that. They do a great many things.

You don't know anything about them? You want me to explain everything they do?

SENATOR DUANE: Through you, Mr. President, I'll respond.

Actually, whether I do or don't know is completely irrelevant. I want to make sure that our body has on the record exactly

what it is that our appointments to these bodies do. So I believe that the record needs to have an explanation of what these - because in Finance, I don't believe that records are kept. And I want to make sure that we have it on the record here.

So if the respondent -- I don't think he's the sponsor -- can calm down enough to describe that, I'd be most appreciative.

Through you, Mr. President.

SENATOR VELELLA: Mr. President, I will respond.

ACTING PRESIDENT KUHL: Senator Velella, to respond to Senator Duane's question.

SENATOR VELELLA: For all intents and purposes, and for an explanation, the members of Boards of Visitors in the state institutions which are confirmed by the Senate after appointment by the Governor serve as the eyes and ears of the Governor in these facilities to make sure that the facilities are running according to the law, cleanly facilities, orderly facilities, and to protect the patients in these facilities and be the

eyes and ears of the Governor. That is what a Board of Visitors does, Senator.

SENATOR DUANE: Through you, Mr. President, if the member would continue to respond to my questions, yield.

ACTING PRESIDENT KUHL: If you have a question, Senator Duane. And we're actually not on a bill or on a confirmation, and I regret that I didn't see you before the vote was taken. But in order to accommodate your curiosity and trying to get an answer to your questions, do you have another question relative to these confirmations?

SENATOR DUANE: I do, Mr. President.

ACTING PRESIDENT KUHL: What is it, sir?

SENATOR DUANE: The question is, is there compensation for the members of these boards?

ACTING PRESIDENT KUHL: Senator Velella, would you like to respond to that question?

SENATOR VELELLA: Yes, Mr. President. The answer is no.

ACTING PRESIDENT KUHL: There is no compensation, according to the Senator.

SENATOR DUANE: And through you, Mr. President, is there a time requirement that the members of the board have to spend at their appointed duties?

ACTING PRESIDENT KUHL: Senator Velella.

SENATOR VELELLA: Mr. President, as needed. As needed. The amount of time as needed.

SENATOR DUANE: Through you, Mr. President, I didn't hear the answer.

ACTING PRESIDENT KUHL: He said as needed. As needed. Time as needed.

SENATOR DUANE: Thank you.

And a final question, Mr. President. Are the number of members of the boards set in law?

ACTING PRESIDENT KUHL: Senator Velella.

SENATOR VELELLA: I believe they are. I believe there are a number of appointments to each of the facilities. And when the vacancies occur, the Governor then

fills them, or when the term expires.

SENATOR DUANE: Thank you, Mr. President.

On the appointments, I'm glad that I've been able to enlighten all of the members and the members of the public who may have been in the dark about exactly what this was. And I'm very pleased that you were able to elicit those answers, and that they'll forever after be on the record.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Duane.

Senator Bruno.

SENATOR BRUNO: Have we finished -

ACTING PRESIDENT KUHL: Yes, we have, sir.

SENATOR BRUNO: -- with the nominations?

Can we call up -- I think there are two other bills that are on the controversial calendar. And they are Calendar 15, and can we lay that bill aside for the day.

ACTING PRESIDENT KUHL: Calendar

Number 15 will be laid aside for the day.

SENATOR BRUNO: And Calendar 41, and can we lay that bill aside for the day.

ACTING PRESIDENT KUHL: Calendar 41 will be laid aside for the day.

SENATOR BRUNO: Is there any housekeeping at the desk, Mr. President?

ACTING PRESIDENT KUHL: Nothing at the desk at this time, Senator.

SENATOR BRUNO: At this time I would hand up my motion to amend the Senate rules.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution 316, amending Rule II of the Senate rules, in relation to making the rules gender neutral; Sections 1 and 2 of Rule III of such rules, in relation to the duties of the presiding officer and making the rules gender neutral; Sections 2, 3, and 4 of Rule IV of such rules, in relation to making the rules gender neutral; Sections 3, 4, 6, and 7 of Rule V of such rules, in relation to the order of business and making the rules gender

neutral; Sections 2 and 4 of Rule VI of such rules, in relation to making the rules gender neutral; Sections 2, 3, 4, 5, 6, and 7 of Rule VII of such rules, in relation to standing committees and making the rules gender neutral; Sections 1, 4, and 6 of Rule VIII of such rules, in relation to passage of bills and making the rules gender neutral; Sections 1, 2, 3, 4 and 5 of Rule IX of such rules, in relation to the duties of senators in the senate chamber and making the rules gender neutral; Section 2 of Rule X of such rules, in relation to making the rules gender neutral; Rule XI of such rules, in relation to suspension of the rules; and Section 1 of Rule XIII of such rules, in relation to making the rules gender neutral.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, I would like to ask for an immediate conference of the Majority in Room 332. And I believe the Minority would ask for an immediate conference in Room 314.

And we will stand at ease,

Mr. President, until the conferences return, which I would estimate to be a half hour. Thank you.

ACTING PRESIDENT KUHL: The Senate will stand at ease. There will be an immediate meeting of the Senate Majority in the Majority Conference Room, Room 332. Immediate meeting of the Senate Majority in the Majority Conference Room, Room 332.

Immediate meeting of the Senate Minority in the Minority Conference Room, Room 314. Immediate conference of the Minority in the Minority Conference Room, Room 314.

It's an estimated adjournment of 30 minutes.

(Whereupon, the Senate stood at ease at 11:50 a.m.)

(Whereupon, the Senate reconvened at 1:05 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

I ask the members to find their places, staff to find their places. Take any conversations you have out of the chamber, please.

Senator Bruno.

SENATOR BRUNO: Mr. President, as we called our conferences and recessed, I believe we had a resolution on the floor, and I believe -

SENATOR DOLLINGER: Explanation, please.

SENATOR BRUNO: -- an explanation was requested.

And I would offer, by way of explanation, that we have a list of rules changes that we'll vote on today that will really help the Senate conduct its business in a more efficient and orderly way. There is no inability to inhibit discussion. The legislation will come to the floor through the appropriate process.

And as we take up bills on the floor here, they often have gone through extensive debate within committee, at public hearings in a public forum, exposed through the media to the pros and cons.

The spirit of debate that we have here on the floor will not change as long as the debate is germane to the issue that is on

the floor. And that is critical to discussions that we will be having here.

The rules, as you review them, are not unlike the rules that have been used in the Assembly to conduct their business for years and years and years. They are very consistent with the reforms that we've instituted over the last several years -- with timely sessions, timely conferences, timely committee meetings, trying to be more efficient and more orderly as we do the work of the people in this chamber.

I would also point out, Mr. President, that this resolution we would open to all members in the chamber on both sides of the aisle. So we would welcome your participation and your support.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Connor.

SENATOR CONNOR: Yes, Mr. President. Would Senator Bruno yield for a question.

ACTING PRESIDENT KUHL: Senator Bruno, do you yield?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR CONNOR: Thank you, Mr. President. Thank you, Senator.

Mr. President, I would like Senator Bruno to explain, there's a new term used in these rules called a "canvass of agreement," which apparently is a role of members or a sentiment of members to be ascertained on what we used to call a vote on hostile amendments or what is now called a motion to petition to remove a bill from committee.

Could the Senator explain what a "canvass of agreement" means?

SENATOR BRUNO: I believe I can, Mr. President. But I think I would better serve my colleagues if I defer to our Deputy Majority Leader, who spends a great deal of his time in the chamber and deliberating here, and I know who has spent a great deal of time, up till probably 2:00 or 3:00 a.m. this morning, studying the rules that we have here before us. And he will give a much more

accurate answer to your question and some of the others that may follow.

So I would ask that I defer to Senator Skelos.

SENATOR CONNOR: Yes, Mr. President, I'd be happy if Senator Skelos would yield. If I may comment, though, it seems to me he's been spending too much time pondering these rules.

But, Senator, you heard the question, I won't repeat it, a canvass of agreement.

SENATOR SKELOS: Canvass of agreement would basically be that there would -- in order for a motion to petition a bill out of committee, or a resolution, you would need 31 members indicating their agreement. And that would -- the Senate chamber would be canvassed by the presiding officer as to in fact whether there are or are not 31 members in agreement.

SENATOR CONNOR: And is it correct, Mr. President, the same procedure would apply to hostile amendments?

SENATOR SKELOS: Yes.

SENATOR CONNOR: Now, Mr. President, if the Senator would continue to yield -

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

SENATOR CONNOR: -- how would the chair canvass the members?

SENATOR SKELOS: The chair would, very similar to what we have now in terms of a voice vote, would make a judgment as to whether in fact there were 31 members in the chamber raising their hand saying they are in agreement with the petition.

SENATOR CONNOR: Mr. President, if the Senator would continue to yield.

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

SENATOR SKELOS: Yes.

SENATOR CONNOR: So is it correct, then, to assume that on a canvass with respect to a hostile amendment that there would be no record kept of how members voted?

SENATOR SKELOS: There is a record kept as to whether there are 31 members in agreement.

SENATOR CONNOR: Right. But, Mr. President, my question is would the individual choice of each member as to whether or not to agree to that hostile amendment be recorded?

SENATOR SKELOS: If they wanted to agree, their name would appear as agreeing.

SENATOR CONNOR: Mr. President, with all due respect to Senator Skelos, my question is, would in the Journal, the official Journal of the Senate, there appear recorded how any or all Senators voted individually?

SENATOR SKELOS: There would be a -- in the Journal there would appear the names of the members that were in agreement with the petition.

SENATOR CONNOR: And, Mr. President, to follow up, would in the Journal there appear the names of the members who opposed the petition or amendment? I assume the same procedure.

SENATOR SKELOS: In the Journal -- I answered that question -- the names would appear of the individuals that were in agreement with the petition.

SENATOR CONNOR: But my question was, would the names of the members who were not in agreement with the petition -

ACTING PRESIDENT KUHL: Senator -- Senator Connor, are you asking Senator Skelos to yield?

SENATOR CONNOR: Yes, Mr. President, if Senator Skelos would yield.

ACTING PRESIDENT KUHL: Senator Skelos, do you yield?

SENATOR SKELOS: I believe I answered the question, Mr. President.

SENATOR CONNOR: Mr. President, on the resolution. It's rather pointless to ask for explanations when the answer doesn't address the question.

What these rules do, as I read it -- and I'm familiar with the Senate rules, and I've been here a long time. In fact, I was here when Senator John Caemmerer used to stand and describe this body as the greatest deliberative body in the world. And many other members used to say that. And frankly, it's because the rules allowed for an open and fair debate. These rules don't do that. They

go a bit overboard.

I might say, though, Mr. President, in view of what occurred earlier today, I do agree with one section. I think putting in the rules that debates should maintain civility is a good thing. And I don't think Senators should, by name, call out other Senators and question them about their personal knowledge or how they fulfill their duties. I think that's inappropriate and uncivil. And I am glad and I congratulate Senator Bruno for having that provision here, because it would have been useful not an hour ago.

One of the things this would do is in the Rules Committee, through which we know much legislation passes -- most legislation, particularly in the closing days of the session -- the ability of a member to propose an amendment to a bill before the Rules Committee is eliminated. I think that needlessly, frankly, curbs the powers of that committee. It's a power every other committee has, to entertain a motion from a member to amend a bill.

I think what we see here, though, is a specific rule is eliminated, the rule which requires that on any, any question - the old rule said on any question, if five Senators request, the names of the Senators shall be entered in the record as to how they voted, in the Journal, the Journal which the Constitution requires be kept of all the proceedings of the Senate. That rule is eliminated.

And as I read these rules, that on a so-called canvass of agreement -- I think it's significant it's no longer called a vote -- on a canvass of agreement on a hostile amendment, on a canvass of agreement on a motion to petition to remove from committee to the floor a bill or a resolution, it's clear to me the intent of this rule is -- and I don't care what answers, Mr. President, are given here today. Oh, we'll see it. We'll see it in the Journal tomorrow after we take up other business today.

I think the intent here is to shield the members from disclosing how they vote. In other words, to keep it from the

press and public whether Senator X or Y, whether he or she voted for or against a particular amendment. That's the clear intent.

The other thing that I think is - frankly, when I refer to page 11 of these rules, that's what I was referring to where we remove, we remove a provision that says the names of those who voted for or against any question other than final passage of a bill may be entered alphabetically on the Journal if any five Senators require it.

What that leaves is that, frankly, the only recorded vote that can be taken - and I mean, Mr. President, if the intent here is to eliminate the so-called slow roll call, which can be time-consuming, that's one issue. I might not agree with it, but it's frankly not offensive.

But if the intent here is to avoid recording how Senators voted, whether it's by a show of hands or however, how they voted on a provision, then the plain political thrust of that is apparent. It's the Majority wants to do business in this house and not let the

public know how they voted.

When someone amends the budget, proposes a budget amendment, for example, as the late, great Senator Donovan did -- and I always respected him for this. I saw him do it at 3:00 in the morning when everybody wanted to get a budget passed and he felt very, very strongly about an issue; namely, Medicaid funding for abortion. I disagreed with him, but I used to admire his courage because, frankly, I saw him do it when everybody just wanted to go home, including most of his colleagues who agreed with him on the issue, and he would bring up that amendment to the budget, and we would take a recorded vote. And some years it -- one year it passed, most years it failed as an amendment. But it got recorded.

My constituents knew I opposed cutting off Medicaid funding for abortion. Other constituents of other members knew they supported it. It got recorded. As I read these rules, the vote on that wouldn't be recorded.

What are we keeping from the public

here? What drives this, Mr. President? What could drive this? To keep the public from knowing how their elected representatives voted.

I understand the Constitution, and I understand well the court decisions regarding the keeping of a Journal, regarding the keeping of a record of the proceedings. And I understand the courts have given enormous latitude, enormous latitude, to both houses to govern their internal workings.

But I suggest if we go so far as to hide the members' votes from going into the public record, we've offended a more fundamental constitutional principle than the independence of a legislative house or anything else. I suggest we've gone far too far, we have broken -- we have broken that bond with the governed, with their right to know how we voted.

Oh, we fought last year about a lot of issues, and we used motions to discharge and amendments. And then we had elections. Members went out and defended their record, and they won. They won. No problem with

that, they won. That's the way it's supposed to be. Their constituents could evaluate the totality of how they performed, how they voted on particular things, how they did other things that members do for their districts quite legitimately.

But to absolutely shield from the public how a member votes on an amendment - and I gave you an example, Mr. President, an example of an amendment that we used to do year after year, sponsored by Senator Donovan. And I think Senator Farley, when Senator Donovan was no longer able -- either through illness or he had passed away -- took up that amendment.

Could you imagine not recording a vote on that? Why would you do that? So you can tell one group "I was against it" and another group "Oh, I was for it"?

Please, Mr. President. It defies everything that our system of representative government stands for. We may not have the lowly title of "representative" or "assemblyman" or whatever, we may have the august title of "senator" in the Roman style,

but we are elected representatives. We're not an appointed Senate, we're not a hereditary Senate. We're elected representatives.

And to shield from the very people who vote for us the way you vote on important issues, whether it's to bring a bill up to a vote or amend a bill, is frankly offensive. And it's the ultimate, Mr. President, political cowardice.

Stand up for what you believe and let the public know. And at the point when a majority can't let the public know what it really stands for, I suggest, Mr. President, time is running out on that majority's mandate.

If the Majority is afraid to let the people of the State of New York know exactly where it stands, it's a sad day for this Senate and a sadder day for that Majority.

Mr. President, the 60-day notices on a motion to move a bill from a committee, frankly, I don't know what it's going to save. We're going to have a lot of motions to discharge next year, because all the bills

filed this year, frankly, are going to be in committee more than 60 days by next January. And I don't want to give anybody ideas. We don't need another amendment to the rules next year.

But on a motion to move a bill from committee, we totally silence everybody. Everybody. A member who moves his or her bill from -- moves to petition it from committee - and by the way, I have seen -- I don't see her here, there's a member on the other side who year after year after year made half a dozen motions to discharge, Senator Hoffmann.

And indeed, because I have a memory, in 1978, in February or March, Senator Goodman moved to discharge his bill to abolish city marshals and brought it to this floor, and I remember that. It took my staff forever to find it. I finally gave them the month and the year from here, and they found it.

So Majority members have used that device when they cared about an issue. And Senator Goodman cared about that issue then, and he moved to discharge it. And a number of us supported him.

The fact is, those motions only offend the Majority when it hurts. When they really do want to bring the issue up -- and we saw issue after issue that had been the subject of motions come to this floor and pass last year, to the credit of the Majority. And indeed I suggest, Mr. President, very much to their credit with the public, based on the results that we saw.

To limit it to one a day, who gets to go first, Mr. President? The rules don't say that. Who gets to go first? Who gets to go first that day? I don't know. It doesn't address that.

I suggest, Mr. President -- and I have no problem with this, no one should interrupt the presiding officer. But I really question the following. And we haven't seen this in a few years, but once upon a time the presiding officer of this house was of a different political faith, several of them were, than the Majority. And our rules are very clear. The presiding officer, the President of the Senate, only gets to speak in this house when we open a new session every

two years.

How, then, would one silence a lieutenant governor who decided to get up there one day in January or February and give a 20- or 40-minute speech about his or her beliefs about something or feelings about a bill or whatever? The only way you make a point of order against another member, and it's appropriate, is you stand while they're speaking and say "Point of order." The rules, every rule in every house allows that, to interrupt a speaker.

But it's not my problem. It could be your problem, I say to the Majority rhetorically, Mr. President. I don't know how you would deal with that if you can't interrupt him or her to make the point of order. I guess you just sit here and get lectured to for 45 minutes or an hour. Maybe we'll get a "state of the month" speech every month, with these "state of the states" or whatever.

But the fact that the names of those who are recorded to vote on motions such as this, to petition, and on motions to amend

or suspend the rules or on motions to in fact amend a bill, is frankly offensive. When we ought to be opening up the Senate, when we ought to be letting people know how we function, we now want to take important legislative matters on which we vote -- we're not going to call it a vote anymore, it's a canvass. I guess it's a canvass. They had a canvass in Florida, and a recanvass, Mr. President. I don't know what a canvass is. "Canvass" means count the votes in this context.

Yet it's clear to me the attempt is to avoid constitutional prescriptions that the votes of the members when reported be recorded in the Journal. And that we're going to operate this Senate and this, the time limits, the constraints on speech -- by the way, when a motion to petition a bill from a committee to the floor is made, the proponent of the motion gets five minutes to speak under these proposed new rules.

The committee chair doesn't get any time to explain that the committee studied this and rejected it, that the committee has

held hearings on it, that the committee deemed it unwise to go forward. Absolutely no opportunity to anyone in the Majority, assuming it's a Minority member who brings it.

But I think I just pointed out I know at least two members in that Majority who have done this similar thing when it was called a motion to discharge.

You get no change to explain, no chance to tell what the committee has or hasn't done or why the committee perhaps is going in a different direction or thinks another bill is better.

If you want to gag yourselves, I say rhetorically to the Majority, Mr. President, I guess they can gag themselves.

The fact is, with all due respect to the Majority, I agree -- not often -- I disagree with Senator Bruno's statement, Mr. President, when he said often the bills that come out here have been studied and subject to hearings and studied at committee meetings and so on.

Mr. President, I would say in my observation in the last few years, "sometimes"

is a better word. Often the bills that we're presented with have been whacked out overnight by three men in a room, and they get on our desk just before we're going to vote. That's what often happens, with everything from budgets to major legislative proposals to major bills.

So to say, well, we have to cut down the ability of your people to make amendments and so on -- and let me say, Mr. President, the one thing I have no problem with, except I know how this place works, amendments now, hostile amendments require two hours' advance notice. I have no problem with that, none whatsoever.

Indeed, I will tell a story. When we heard that Senator Bruno had noticed this amendment for last week, and then it was put off for coming to the floor, at least one of the members on this side had some rules amendments that he wished to propose, and I told my counsel, "Notice them." And that's when they first noticed what we call a notice here. I noticed it was Senator Bruno's notice when it just said, Well, on such and such a

day we're going to move to amend the rules. And I said to my counsel, "Where are the rules?" He says, "Well, we don't get them." I said, "That's an outrage." And he says, "Well, that's what we've been doing too."

And I don't know who started it first, because we traced it back, it's the way it's always been done. To me, that kind of notice is no notice. We did the same thing in response, obviously. But I think a notice of what rules amendment you're going to make on 24-hour notice ought to have a copy of the rule you're going to bring, whatever side is bringing it.

I would like to make that agreement right now. I think it's fair. I mean, to just say "Tomorrow I'm going to stand up and move to amend the rules" doesn't give anybody any notice about whether they ought to care or not care. And if it was our side that started this decades ago, this kind of short notice, I apologize on behalf of my predecessors. But I think we ought to go forward and give each other real notice. It doesn't hurt.

So I have no problem with a

two-hour notice of a hostile amendment, which apparently applies to the active list that the Majority puts out. But I do have a problem of we're getting the active list five minutes before session. Two hours' advance notice is fine if you have something to give notice to. And I don't see anything in these rules that says the active list shall be available at least three hours before the beginning of a session.

And it is all very frequent, frankly, that I guess in the interests of expediting things the Majority will call my counsel's office at 6:00 or 7:00 o'clock in the evening and say "Tomorrow morning we're going to do the ban on partial birth abortion" or "Tomorrow morning we're going to do women's health and wellness." Major legislation about which members in the Minority are quite concerned and do have a legitimate reason to want to offer amendments.

In some cases, their bills - women's health and wellness -- that the members on this side of the aisle support in principle, are delighted to have come out, but

there is one or the other feature that makes it incumbent upon them to not support it, they get to point that out by the amendment that they bring.

For us to conference something like that that we haven't seen and decide whether an amendment has support on this side of the aisle is often very impossible to do an hour before session, because of the notice we're given.

I guess there's another answer, and I hate to go there. I guess we can always make the start of session take two hours so we can give notice and get the two hours done if we don't get it two hours beforehand. And if this becomes a rule, Mr. President, maybe that's exactly what we'll do. If we get notice of what's on the active list more than two hours before session and we have any amendments, we'll serve them two hours before the start of session. If we get notice when session starts, I will give the two hours' notice then and make sure it takes two hours till we get to it.

I guess that's what we have to do.

It will work if we get notice. The two-hour notice will work if we get notice. That's the only thing I can tell. But we're not going to not bring the amendments.

So all these timing things, most of them can be dealt with. The thing that I urge the Majority to reconsider, if it's their intention, if it's their intention to reconsider, is exactly what do they mean by this canvass of agreement and what is going to be a recorded vote.

I note in limiting debate the Majority would exempt from the one-hour limit bills and concurrent resolutions. That we get a two-hour limit. I understand that. I am concerned, though -- it's not clear to me, and maybe someone can enlighten me -- that whether or not on a concurrent resolution, as opposed to a bill or any other kind of resolution or whatever, whether it's a recorded vote at the request of five members, if they so request, that will be taken, or whether -- in fact, perhaps on this point, Mr. President, I would ask if Senator Skelos will be willing to explain: On a concurrent resolution, is it a

canvass of agreement that will be undertaken or a role call vote on the request of five members?

ACTING PRESIDENT KUHL: Senator Skelos, do you yield to a question?

SENATOR SKELOS: Under the proposed rule change, Senator Connor, there could be a slow roll call on a final passage of a bill, nominations, and concurrent resolutions.

SENATOR CONNOR: Thank you. Thank you, Senator.

ACTING PRESIDENT KUHL: Senator Connor, on the bill.

SENATOR CONNOR: Obviously my concern was concurrent resolutions can indeed embrace things as serious as amending the Constitution of the United States of America. And I'm glad to hear there will be a recorded vote on that. I think we owe it to the people of the entire nation.

But I think we owe it to our constituents to let them know where we stand on amendments on other procedures in this house. And to preclude a recorded vote,

because that's -- it's clear to me, it's clear to me by what's not covered -- it's clear to me in the fact that a bill or a concurrent resolution isn't covered that the intent here is to shield the public from knowing how their elected representatives voted on things as important as that budget amendment on Medicaid abortion. Important to members of the Majority, Mr. President. And now we're not going to let the public know how people voted on that.

It's a sad, sad day when these rules pass, Mr. President, I think. And I hear Senator Caemmerer saying "the world's greatest deliberative body." I guess we're trading that in for the world's fastest legislative house.

I oppose the resolution.

ACTING PRESIDENT KUHL: The chair recognizes Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I was hoping that the Deputy Majority Leader would yield.

ACTING PRESIDENT KUHL: Senator Skelos, do you yield to a question from

Senator Duane?

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

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Thank you.

Mr. President, I was hoping the Deputy Majority Leader could tell me when the public hearings on these rule changes occurred.

SENATOR SKELOS: There were no public hearings.

SENATOR DUANE: I'm sorry, I can't hear, Mr. President.

SENATOR SKELOS: I believe your question was, were there public hearings.

SENATOR DUANE: When did the public hearings occur?

SENATOR SKELOS: There were none. I said there were none.

SENATOR DUANE: The Deputy Majority Leader said there were none. There were none.

And through you, Mr. President, if the sponsor would continue to yield, or the

Deputy Majority Leader.

ACTING PRESIDENT KUHL: Senator Skelos, do you continue to yield to Senator Duane?

SENATOR SKELOS: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Thank you, Mr. President. I'm wondering if the deputy leader recalls the Minority's motions to discharge on clinic access.

SENATOR SKELOS: Quite frankly, I really don't.

SENATOR DUANE: Through you, Mr. President, I'm wondering if he remembers the motion to discharge on hate crimes legislation.

SENATOR SKELOS: I remember final passage of the bill. I don't remember all the motions to discharge.

SENATOR DUANE: Through you, Mr. President, I'm wondering if the Deputy Majority Leader recalls the motions to discharge on responsible gun control.

ACTING PRESIDENT KUHL: Senator Duane, you're asking the Senator to continue to yield?

SENATOR DUANE: Yes, I am.

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

SENATOR SKELOS: I continue to yield.

SENATOR DUANE: Then through you, Mr. President, I'm wondering if the Deputy Majority Leader recalls the Minority's motion to discharge on responsible gun control.

SENATOR SKELOS: Well, I could ask you how you define "responsible." But I -- yeah, maybe that one I recall.

SENATOR DUANE: Mr. President, it's very difficult to hear. Could I ask the Deputy Majority Leader to repeat his last answer? Through you, Mr. President.

SENATOR SKELOS: I believe I recall that one.

SENATOR DUANE: Thank you.

I'm wondering if the Deputy Majority Leader could -- again, for our education -- tell us what the stipend is for

us to come here to Albany and allegedly debate legislation.

SENATOR SKELOS: Senator Duane -

ACTING PRESIDENT KUHL: Senator Duane, let me just -- are you asking Senator Skelos to yield?

SENATOR DUANE: I am, if the Deputy Majority Leader would continue to yield.

ACTING PRESIDENT KUHL: And was it for the question that you set forth?

SENATOR DUANE: Yes.

ACTING PRESIDENT KUHL: Well, what I would remind you, Senator, is that there is a provision in the current laws that talks about germaneness.

And we are, as you know, on a motion to amend the rules of this house. There's nothing in the rules of the house that depend or state anything about stipends.

So you're very, very close to being ruled totally out of order by this chair. So I would remind you at this point to keep the debate and the discussion to the rules, the presentations before the house.

SENATOR DUANE: Well, Mr. President, I appreciate that very much. But I believe my question is germane, and I will tie it all up at some point in my -- when I explain my vote or comment on the bill. So I'd -

ACTING PRESIDENT KUHL: Well, Senator, let me just remind you on that point. Whether or not your questions are germane or not is a determination to be made by this person standing in this position as the chair and presiding officer of this house. And we may have differences of opinion.

So Senator Skelos has indicated that he is willing to continue to yield to your questions, and you can ask the next question.

SENATOR DUANE: Thank you, Mr. President. I was wondering if the Deputy Majority Leader could tell us how much the stipend is for coming to Albany to debate legislation.

SENATOR SKELOS: Mr. President, I think I have to raise a point of order as to the germaneness of that question.

SENATOR DUANE: And I would like to appeal that.

ACTING PRESIDENT KUHL: Well, I think the Senator said he's not responding to the question at this point, Senator. Would you like the Senator to yield again?

SENATOR DUANE: Yes, Mr. President. Would the sponsor continue to yield for another question.

ACTING PRESIDENT KUHL: Senator Skelos, do you continue to yield to questions by Senator Duane?

SENATOR SKELOS: No, Mr. President.

ACTING PRESIDENT KUHL: The Senator refuses to yield.

SENATOR DUANE: Well, then, I'll speak on the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Duane, on the motion.

SENATOR DUANE: I'm shocked and appalled that we are being asked to vote on rules changes which would have the impact of making for less sunshine on our deliberations and less democracy for what happens within

this body.

I was shocked when I first arrived in the Senate to find out, first and foremost, that there are no cameras recording us on a regular basis. On my television I have two channels of C-Span. I can see what's happening every day with the federal government, and I have a choice of two different stations to see what's happening with our government, with our federal government.

In New York City, we have -- we used to have two stations called Crosswalks which would televise council meetings and committee meetings and what our city planning commission was doing. Tragically, our mayor gave one of those over to OTB so that people could watch what the horses were doing. But we do at least still have one station to find out what's happening with city business.

That here we have no television coverage of our proceedings is just an outrage. This is now a new century. Technology has made it so it would be very easy to televise what's happening here.

Probably even more bizarre is when you go to a committee meeting here, there isn't even a stenographer to take down what occurs at committee meetings. There's no tape recording, there's no stenographer. There is no record of what happens in a discussion at a committee meeting, let alone having hearings. We don't even know what the members are saying to each other during the committee hearings.

One of the rules changes that we're expected to vote on would provide that, and this would be the new rule -- as if anybody knew what the old rules were on committees anyway, since there is no record of what happens at the committee meetings.

But the new rules would say that each standing committee chair shall decide all procedural issues which arise during meetings of standing committees. Does that mean that there would be no vote on the procedures of what happens in a committee? Does that mean there would be no appeal of the rule of the chair of the committee? Does that mean that committees are now dictatorships? That's appalling.

And not only would they become dictatorships, but there would still be no record, either by a stenographer or a tape recording, of the rules that the committee chair is decreeing the committee must follow. That is wrong.

Are we so afraid that New Yorkers would see what's going on here that we don't want to have a recording of what's going on, that we need to give dictatorial powers to committee chairs to not allow New Yorkers to know what goes on in our committees and on the floor of this body? I don't think that's what New Yorkers sent us here to do. I think New Yorkers want to know what's going on in this body.

I asked how much we're being paid to come here because I think we are sent here to debate legislation which impacts the lives of New Yorkers. And to limit debate on issues which have an impact on real people, a real impact on the lives of real people, is just wrong. It's an outrage. It's wrong.

It was said that these rules are similar to the rules which the Assembly has.

Does that make it right? Did we not see a rebellion in the Assembly last year? Is it correct for anybody to clamp down on debate or the ability of people to have their voices heard in a body? No, it's wrong.

It's wrong to close down debate. It's wrong to shut down democracy. It's wrong to pull the blinds on sunshine. New Yorkers need and deserve to know what happens on the floor of this body and in the committees of this body.

I asked whether or not people remembered the motions to discharge on clinic access legislation, on hate crimes, and on responsible gun control. Because I believe, and I think New Yorkers know, that the only reason that the Senate passed that legislation was because the Minority did motions to discharge. And that showed New Yorkers that we could pass that legislation. And you know what? We did pass that legislation.

So to take away our ability to have motions to discharge is wrong, because it's a tool that we have to make sure that the voices of New Yorkers are heard. And in fact, those

are majority opinions of New Yorkers. But even if it was the opinion of a minority of New Yorkers, it still would be completely appropriate to bring those positions to this floor and have us debate them, because every voice in New York deserves to be heard.

I believe that no matter which party is in the majority in either house that we will, each and every one of us, be sorry and rue the day that we called for less democracy, less debate, less sunshine on what we're actually doing here.

And I think New Yorkers will stand firm with those of us who are opposing this clamp-down on democracy and say, "Yes, we want to open up the Legislature, we want to see what's going on in the Legislature, we want to make sure that every voice is heard."

And to reiterate that, to resonate with that opinion, I urge everyone in this body to vote no on these undemocratic, clamp-down, dictatorial rules changes.

Thank you.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Thank you, Senator Duane, for your observations. And what is great about deliberations in this chamber is that all the members of the Senate are free to express themselves in whatever ways they wish as long as they are being civil.

What we do today, all is in the eyes and ears of the beholders. You have your perception and we have ours. Mr. President, let's not lose sight of the fact that the electorate in this state in November spoke. Each and every seat in this chamber that was contested was hotly contested, and the public elected a majority. And that Majority is every one of the 36 members that sit in this chamber.

And why did they elect this Majority? Because they liked the way this Majority was governing, that's why, and no other reason. And the electorate out there respects what this Majority has done on behalf of the people of this state, with our great governor, George Pataki.

We in this chamber today are

relating to efficiency, to order, to procedures that get us to a conclusion. And yes, this is more open because, with the discussion that take place, we don't inhibit with these rules, if you have studied them, one minute of debate on a bill, on a concurrent resolution, not one minute difference if you understand what we are contemplating.

On other motions, yes. We are making them more responsive to the public. We are making them more efficient. And you will see that it will be more orderly and timely and we will discuss the important business that comes before this chamber appropriately.

So you can say what you please. That's what freedom is all about. But it doesn't happen to be so. It doesn't happen to be right. And you, Senator Duane, are wrong in much of what you have just related as relates to democracy and whether or not there's freedom of expression.

We perceive what we are proposing to be open, above-board, orderly, efficient, and reflects the will of the electorate out

there that mandates that this Majority govern. So we are prepared to govern.

And I feel badly that you demean the Assembly and their Majority as you did on the floor. I feel badly about that. Because we all learn from some of what goes on in other houses, in other states. And much of what we're doing here is a learning process.

So I am proud of what we have done here in the Majority as relates to moving this entire process forward. We have done some great things. When you take a look at the reforms that have taken place in the last six years, each and every person in this chamber can be proud, can be proud.

So don't look upon this change in the rules as something that is partisan or limiting. Look upon it as being more expansive, more orderly, more efficient, and, yes, more democratic, in a small D.

So I would hope that you might see fit to join us as we go forward in doing all the good things that we are all elected to do on behalf of our mutual constituency.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. Will whoever drafted the rules yield to couple of questions?

Again, I don't know -- I don't want to direct my questions. I believe whoever the sponsor is, I guess, is the proper person to ask the question of.

ACTING PRESIDENT KUHL: Are you asking the Majority Leader to yield, Senator?

SENATOR DOLLINGER: If the Majority Leader feels Senator Skelos would be the appropriate person, I'd be glad to ask the question of him.

SENATOR BRUNO: Well, let me hear the question, Mr. President, and then we'll make a judgment on which one of the numbers of people led by Senator Skelos might be appropriate to respond.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Let me start with one, Mr. President. I call your attention to Section 4 of the rules. This is

an amendment to Rule VII, Section 4. This is the amendment change.

My question is, why do you use the phrase "elected" to describe a member of the Senate? It's the only place in the rules that you use the adjective "elected" to describe a member of the Senate. Is there some unelected member of the Senate that these rules would apply to? Why would you use that phrase?

SENATOR BRUNO: Because it was the choice of the people that were drafting.

SENATOR DOLLINGER: Through you, Mr. President. There's no member of the house who isn't elected, and so I would just ask, would you entertain a minor amendment -

ACTING PRESIDENT KUHL: Senator Dollinger, just let me interrupt. Are you asking Senator Bruno to yield to another question?

SENATOR DOLLINGER: Yes, I am, Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno, do you yield?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: If it's the case that there's no one in this house who isn't elected, then that word is superfluous.

My question is, would you accept an amendment right now to delete that adjective from your proposed rules? Because it would promote efficiency and clarity and quickness, exactly the thing that you've told us these rules were designed to achieve. By dropping that adjective, we'd get there quicker.

SENATOR BRUNO: No.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Bruno will continue to yield.

ACTING PRESIDENT KUHL: Senator Bruno, do you yield to another question?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Could you tell me why, in the spirit of efficiency and economy and democracy, that adjective is

needed to describe that noun when there's nobody in this chamber who doesn't meet that noun's description?

SENATOR BRUNO: Well, then, it doesn't make any difference. We're all elected and we all know it and we're just saying it.

And it may be redundant, but that was the desire of we that drafted it, and we don't see any reason to change it. But thanks for your observations.

SENATOR DOLLINGER: Again, through you, Mr. President, if Senator Bruno would continue to yield.

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: As I understand this section that deals with amendments, it says that if a bill comes to the floor and we fail to meet the two-hour period, an amendment to that bill would not be

in order. Is that correct?

SENATOR BRUNO: That is correct.

SENATOR DOLLINGER: And even if the bill came, there would be a canvassing of members to decide whether the bill passed. Is that correct?

SENATOR BRUNO: The canvass would be on whether or not they agreed to the amendment that had been presented.

SENATOR DOLLINGER: Correct. As I understand Senator Skelos's -

ACTING PRESIDENT KUHL: Senator Dollinger, are you asking Senator Bruno to yield to another question?

SENATOR DOLLINGER: You're absolutely correct, Mr. President. Will the sponsor yield to another question?

ACTING PRESIDENT KUHL: Senator Bruno, will you yield to another question?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: According to Senator Skelos's explanation, you would have a

canvass but you wouldn't necessarily know who voted for what with respect to the amendment. Is that correct?

SENATOR BRUNO: That is incorrect, Mr. President.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Bruno will continue to yield.

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

SENATOR BRUNO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Given your response, could you explain to me the difference, then, between a canvass of the members and a vote of the members?

SENATOR BRUNO: A vote of the members would be on the main bill where we were up or down, yea or nay, on whether or not you were supportive of a piece of legislation that was contemplated for passage in this chamber.

A canvass would relate to an amendment where those that agree that that

amendment ought to take place would speak in favor or indicate in favor, and that would be recorded.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Bruno will continue to yield.

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Under those circumstances, the no votes would not be recorded; is that correct?

SENATOR BRUNO: There would - there isn't a no vote.

And I believe -- you know, sometimes progress -- if you don't mind my adding, progress sometimes is difficult to understand or follow. But progress is good. You know, change is sometimes good. So please, don't close your mind.

What we're talking about here when we say there will be a canvass of those that

support an amendment, we mean exactly that. If you want to amend something that's on the floor, we ask who supports that. And we canvass, and the president canvasses, and 28 people stand or raise their hand or indicate by their sign that they support the amendment. That is recorded. The amendment would fail, because you need 31.

That's fairly clear, I would think, Mr. President.

SENATOR DOLLINGER: If I may, would the sponsor yield to a hypothetical question, so I make sure I understand this?

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

SENATOR BRUNO: I will hypothetically yield.

ACTING PRESIDENT KUHL: The Senator hypothetically yields.

SENATOR DOLLINGER: Mr. President, suppose this conference made an amendment to abolish a tax and that amendment was in order and there was then a canvass and the canvass would only show those who voted in

favor of the amendment but wouldn't show who voted against it. Would it be your opinion, Senator Bruno, that that would constitute taxation without representation?

SENATOR BRUNO: No.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Bruno will continue to yield.

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

SENATOR BRUNO: Yes, Mr. President. Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Under my hypothetical, you would have a tax that continues in effect without knowing who voted to keep the tax in effect, isn't that correct, under the canvassing approach that you use here?

You would know who had voted to abolish the tax, the members of the Democratic Conference or the members of maybe perhaps some Democrats and some Republicans. But you wouldn't know who had voted in favor of the

tax, isn't that correct, Senator? And wouldn't you then have a tax in place without representation, without knowing who voted to keep it there?

SENATOR BRUNO: No, Mr. President, I don't believe the Senator is correct. You would have the original vote that was a matter of record that instituted the tax with the yeas and nays recorded. So I don't think you're accurate in reflecting the results of what was happening here.

SENATOR DOLLINGER: Through you, Mr. President, again, so I understand the amendment procedure.

ACTING PRESIDENT KUHL: Senator Dollinger, are you asking Senator Bruno to continue to yield?

SENATOR DOLLINGER: I am, Mr. President.

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

SENATOR BRUNO: I will, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Mr. President, could Senator Bruno explain to me how the amendment provision applies when there's no active list and the bills that are acted on by the Senate come out of the Senate Rules Committee, as 90 percent of the major bills in this house come out of the Rules Committee in the last ten days. Will any amendment be in order on those bills?

SENATOR BRUNO: Yes.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Bruno will continue to yield.

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

SENATOR DOLLINGER: Could you explain to me how, since they won't be on the active list -

ACTING PRESIDENT KUHL: Senator Dollinger, I didn't hear a response. Excuse me.

Senator Bruno, do you continue to yield?

SENATOR BRUNO: Mr. President, it would simply be a procedure of waiving the

rules to allow the amendment. As we do anytime that something appropriate that we should waive is before the house.

SENATOR DOLLINGER: Through you, Mr. President, will Senator Bruno again continue to yield.

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Do I understand that the President is saying that when we do amendments to bills that come from the Rules Committee that the provisions of Section 4 will apply but that it's the intention of the Majority of this house to suspend those rules to allow amendments on those bills as a matter of course?

SENATOR BRUNO: It would depend on the amendment and the germaneness and the appropriateness and the timing and any other things that the presiding person in the chair would take into consideration.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Bruno will continue to yield.

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Thank you, Mr. President.

Senator Bruno, could you tell me one instance in which that's been done in the last eight years as you've described it?

SENATOR BRUNO: We have done - we've waived with unanimous consent hundreds of times, maybe thousands of times, when any member could object. And you've been here in the chamber when that happens all the time. So gratuitously, whether we agree or not, we allow it.

So I think there are thousands of examples over these last several years.

SENATOR DOLLINGER: Mr. President, I'll just speak on the bill.

Again, I appreciate Senator Bruno -

ACTING PRESIDENT KUHL: Senator Dollinger, on the resolution.

SENATOR DOLLINGER: -- his candid responses, which I take at face value and which I appreciate.

First of all, I guess I have to agree with one comment made by Senator Duane and by Senator Connor. And that was Senator Bruno's description of our lengthy debate and public hearings and our intensive deliberation on bills before this house. I would suggest that that may go on in Oz and Shangri-La, but I have very little evidence in the eight years that I've been here in New York that that's actually what we do.

I would suggest that the bills, most of the important bills that we passed last year were not subject to public hearings, they were not subject to public deliberation, and frankly they came up at the last second, they were passed quickly. And the reason why they were passed -- and let's not make any bones about it, the reason why they were

passed is because we made motions to discharge and motions to amend bills to include those initiatives. And they were good for the people of this state.

I will agree with Senator Bruno emphatically on one point. This chamber did lots of good things for the people of the State of New York last year. As Senator Duane pointed out, we passed a hate crimes bill. Senator Schneiderman worked hard, both on gun control and on clinic access. We made amendments to the budget that we put before this house that were accepted in the budget process.

We think democracy worked darn well last year. And the problem with these rules is that these rules are a slap in the face of democracy.

The provision that talks about canvassing votes quite frankly is what I would expect. I would expect from a party that didn't want to count votes in Florida that you don't want to count them here on the floor of the Senate either. And I would suggest that this is classic Republicanism. We don't want

to count the votes of the people, and we don't even want to count the votes of the Senators, because we're afraid somehow, somewhere, somebody's going to stand up and say, "Wait a second, I want to know how my representative voted," and this chamber is going to tell them "We don't know." We pay you $79,000 a year to come here and hide from the voters. What kind of democracy is that?

I would suggest that everything that Senator Duane said about clamping down on democracy should be weighed against what Senator Bruno said about efficiency and economy and let's move forward with progress. My recollection is that you can wind it all back about a decade and that's exactly what the rulers in China said: These guys in Tiananmen Square, they're so terrible, they don't want to be efficient, they don't want to be economical. They're out there standing up saying things like 'We would like a little bit of democracy in our country.' And a bunch of people stood up in the back of Tiananmen Square, up in some little alcove in the top of a building and said, 'No, no, no, no, no, no,

we don't want to listen to those guys, we don't want them to be a part of the process, we don't like that part of democracy, we'd rather have our democracy go forward in another fashion.'

SENATOR BRUNO: Mr. President -

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

SENATOR BRUNO: A point of order on germaneness.

Do we see guns here in the chamber? Are you indicating that somebody is threatening to shoot someone here in the chamber?

SENATOR DOLLINGER: No, what -

SENATOR BRUNO: I think we ought to resent the comments that you are making -

SENATOR DOLLINGER: Is that a question? If not, Senator Bruno, with all due respect, is out of order.

ACTING PRESIDENT KUHL: Senator Dollinger, just a minute.

SENATOR BRUNO: I am making a point of order, a point of order.

Is this discussion about people

being murdered in China germane to this discussion in this chamber? Is this germane?

ACTING PRESIDENT KUHL: Senator Dollinger, Senator Bruno raises a good point.

And I made the point earlier, and I just would remind you that in fact there is a resolution in front of this house that deals with rules changes. And that's really the source and should be the focus of debate. It shouldn't be about foreign policy and other kinds of things.

And I don't mean to make a statement, I just want to remind you of that. And I just simply say that Senator Bruno raises a good point. So if you could contain your discussion to in fact the issue at hand, that would be most helpful.

Excuse me just a minute. Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, I recognize the fact that there may be some disagreement and some poor feeling based on remarks that our colleagues make, and I think on both sides of the aisle we feel this way.

But the issue of germaneness I

think -- and I'm just asking the chair - relates to the content of the discussion. What I heard from Senator Dollinger were a couple of analogies and maybe a degree of hyperbole which was related to his analysis of the situation.

But he's talking about the rules changes. He's not saying that we're changing the rules to try to put into place the types of government that they have in foreign countries that are dictatorial. He's just saying that in his analysis, these are certain issues that he's considering.

So I just wanted to put my point on the record of what my concept of germaneness was. Which incidentally was a rule put in by this chamber in 1996, sponsored by the Majority, the germaneness rule, coming from Mason's Rules on Governmental Procedure, Rule 39. In the same copy of Mason's Rules, it talks about some of the rules that Senator Dollinger is trying to fight from being changed as they're proposed.

ACTING PRESIDENT KUHL: Senator Paterson, thank you. And we don't need to go

back and rehash at this point what Senator Dollinger has said.

I would simply say to you that Senator Bruno, in his attempt to try to make this a more efficient chamber, could be invoking the calling the question on this issue, but he has not chosen to, to allow you to continue to voice your concern about these rules changes, Senator Dollinger.

So I simply say to you, try to - without going into a vote and taking up more time, it's a rather limited time here - please continue, but keep in mind in fact that we're talking about rules changes. And that should be the focus of your comments.

SENATOR DOLLINGER: Absolutely, Mr. President. I'll finish on two notes.

One of the things that we always do in this chamber is we name these acts. We've got Jenna's Law and we've got Kendra's Law. I would suggest we give this the title that it deserves, which is "Republican Unaccountability Act."

This is an evasion, an attempt to avoid difficult votes. That's what this bill

is, that's what these rules changes are. Let's call them what they really are. This is the "Republican Lack of Accountability Act."

And I'll close with one other note, Mr. Chairman. It's easy, I guess, when you're cast in the position of opposing oppression to go back to a time when a bunch of people sat in a chamber like this in Philadelphia and talked about what was really important. And they talked not only about substance, but they talked about procedure.

They had a constitutional convention, back even after that, in which they could freely amend the Constitution on the floor, in which they had energetic debates on the floor, in which they spent days hashing out how to put a government together. And they did the best job you could ever imagine. We stand here 220 years later in awe of what they did.

They didn't adopt preposterous rules like this. They didn't cut off debate. They didn't shield themselves from the consequences of their votes.

And I would only go back to the

words of William Pitt, who sat in Great Britain and watched it all unfold and said, "We're going to have a terrible problem because we're creating a chain of oppression, the tyranny of intolerable wrongs."

You know this is wrong. Senator Duane was absolutely right. It's the wrong thing to do in a democracy. Don't do it.

I, Mr. President, put everybody on notice. With these kinds of rules, I will be one of those who will frequently be looking for ways to avoid them and not abide by them. I cannot, I cannot and will not live under a system that is wrong and unfair.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

When Senator Bruno was talking about adding order and efficiency to the decorum here in the chamber, I think that it's incumbent upon me to cite a change that I think accommodates that, since it might be a little different than what might have been presumed by my wanting to speak on the issue.

We are going to, from now on, have motions to petition a bill or a resolution out of committee, one per day in our deliberations -- as opposed to prior, when we've had many motions to discharge, which is the former term, argued in the same day.

I think that's a good change, Mr. President. Because on one occasion we had to, in order to accommodate the deadline -- and it happened in 1995, the deadline was April 11th. So on April 11th, we actually argued 12 motions for discharge in the same session. I don't think that that gave those issues that meant a lot to the members who wanted to get them out on the floor a proper hearing.

So I think the idea of having one per day is a good idea. And I think it not only accommodates order and efficiency but also accommodates the opportunity to be heard on those issues.

What I don't understand -- and I would ask if the Majority Leader would yield for a question.

ACTING PRESIDENT KUHL: Are you asking the Senator to yield, Senator Paterson?

SENATOR PATERSON: Please.

ACTING PRESIDENT KUHL: Senator Bruno, would you yield to a question from Senator Paterson?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Thank you.

My question is, there is a 60-day period before which motions for discharge can be filed under this rules change. And what I wanted to say is that I actually think that that has some merit, because the premise for a motion for discharge would be that which assumes that the committee is not giving the bill an opportunity to be heard.

So how you could walk into Albany on January 5th and offer a motion for discharge is inherently unfair, is it not, Senator Bruno, because the committee hasn't even had a chance to consider the bill?

SENATOR BRUNO: That's correct.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Then why -

ACTING PRESIDENT KUHL: Are you asking the Senator to continue to yield?

SENATOR PATERSON: I'm sorry, Mr. President. Would Senator Bruno continue to yield?

ACTING PRESIDENT KUHL: Senator Bruno, do you yield?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Then, Senator, what's not expressed in the rules is the fact that usually we have a second edict, that may not be in the rules but is one that we are following, which sets a limit on when motions for discharge can be argued, usually the second week in April. That's what we've had for the past few years.

SENATOR BRUNO: That's correct, Mr. President, that has been the rule of the house, in both houses.

SENATOR PATERSON: So if the Senator would yield, Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: So you see, Senator, that second idea that we follow here also has merit, because we don't want to be debating motions for discharge late into the session at the same time that we're really trying to pass the budget, pass very important pieces of legislation, and hopefully adjourn in a seasonable period. Is that correct, Senator Bruno?

SENATOR BRUNO: You can assume that that's correct, Mr. President.

SENATOR PATERSON: Then, Mr. President, if Senator Bruno would continue to yield.

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The

Senator continues to yield.

SENATOR PATERSON: You see, Senator, my problem is not with either one of those rules individually. My problem is with the aggregate of the two rules acting together. Because the only way to accommodate the deadline for motions to discharge, which is now a motion to petition a bill or resolution out of committee, is that it would have to come at a period of time to accommodate this deadline that really isn't fair to the committee.

So what I'm asking you to comment on is how we can accommodate this when we have two seeming rules that act in contradiction to each other.

SENATOR BRUNO: Mr. President, our committees shut down late in April, early May, so that we can start to wind down the process. So I don't think this is any great hardship at all in any way.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Bruno would continue to yield.

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: Mr. President, I apologize if I didn't state the question in a way that would accommodate the Majority Leader's response.

What I'm saying is that if we're going to wait 60 days before we file a motion for discharge, we are into a period that's right on top of the deadline. And it is difficult if we're going to argue all of these motions on one day. There aren't enough days to accommodate the number of motions.

I'm saying you have three different rules: The 60-day rule, the one motion per day rule, and also the deadline rule. When the three of them are acting together, you no longer have a real opportunity to put those motions on the floor.

SENATOR BRUNO: Mr. President, what we're discussing here is identical to

what has been going on in the Assembly for years. And if you'll forgive me, I didn't hear my colleagues, Senator Paterson or anyone else, objecting to the procedures there, which they have deemed to be extremely efficient. So we're learning from our counterparts, just as they learned from us in other respects.

So why, I would answer, is it inappropriate in this chamber when it's been happening year after year after year in the Assembly? This is identical. 60 days, one bill a day, is identical, and it has worked just fine.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, Senator Bruno makes a good point. It would be disingenuous of me to stand up here and criticize the Majority singly, singling them out, if I did not include any other legislative body, whether it be in Albany or anyplace else, that has a system that to some extent, whether by intent or by inevitability, dissuades a full and complete discussion of the issues.

I think it was Senator Duane who commented earlier today that the rightness does not -- is not a value that is reserved for Democrats. He criticized the Assembly, right here in this chamber, if the Assembly practices rules in exactly the same way.

So I think that the point is merited. But I also feel that, having not an opportunity to vote or to speak on what goes on in the Assembly, that the best venue for me to lodge my opinions would be right here in the Senate.

And so, Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: I think that Senator Bruno brings us to the actual question that we're really discussing here today, and it is the responsibility and the oath that we take as Senators. It is the effect of public confidence in our ability to legislate and in our ability to be leaders.

Certainly a mandate, certainly a vote, certainly a majority entitles us to certain responsibility and to certain

decision-making capacity in any kind of body. What I want to suggest is that it's become excessive. And I do not want to impugn the reputations or the great work that this Majority has taken. I think it's just something that's become rampant in our society as it relates to the legislative process. It really is the access of power and sometimes the inability to control it in a reasonable fashion.

Last year this Minority offered 38 motions for discharge. The exact calendar time in the legislative process that it took to debate those 38 motions was 194 minutes, three hours and 14 minutes. If you divide it by the number of motions that we offered, it came out to actually less than five minutes per motion.

But there were some key issues related to hate crimes, gun control, and clinic access that were debated for a period of time. They were the issues on people's minds. The public opinion polls that were paid for by consultants to the Majority and the Minority all agreed that these were the

issues that were most in the public interest last year. And so the opportunity to debate them a little longer was there.

It is shut down under Rule XI, Section 2, subdivision E, when it confines us to a five-minute discussion and does not even offer an opportunity for debate. This is an example of power, but in my opinion in a realm that challenges the notion of responsibility.

It wasn't that long, three hours of all the time that we have in legislative days to discuss some issues that a minority of Senators and perhaps at the time a minority of people in the state believed in. But interestingly enough, this Majority and Minority came together at the end of this session to agree that we had all passed legislation to address elements of those three issues. Maybe had not there been the motion for discharge, perhaps we wouldn't have thought of it that way.

That's what I thought public service was. That's what I thought we sometimes can accomplish here in the chamber.

I think the words of Shakespeare

are in order when he speaks of power in a sonnet where he wrote: "They that have power to hurt and will do none/That do not do the things they most do show/who, moving others, are themselves as stone/Unmoved, cold, and to temptation slow." That was the admonition that Shakespeare gives us about being in the majority, being in power, sometimes having a little more decision-making capacity than those who you actually disagree with.

And I think that the words of Abigail Adams, writing to the former president John Adams in 1792, when she admonished him that the Continental Congress had not addressed the issues of women -- she even said in the article that any man would be a tyrant if given the opportunity. And while I don't totally agree with that, the point is that she was talking about notions of freedom for half of the United States population that at that point couldn't get a hearing in something that we celebrate as part of our original Constitution.

She left out the fact that our original Constitution actually designated

one-sixth of its population to be three-fifths of a man. Not even a person, three-fifths of a man.

So what I'm saying is in those situations where we find that individuals are in possession of power to the extent that it can become abuse -- not because the individuals are of some desire to be that way, but just that the structure, just that the actual set of rules that are established do not accommodate that very important view which is often the minority view.

And Shakespeare speaks to that at the close of Sonnet 94 when he says that "The summer's flower is to the summer sweet/Though to itself it only live and die/But if that flower with base infection meet/The basest weed outbraves his dignity."

And he substitutes the word "flower" for "power," because what he's really saying is that that is the growth of power, depending on how it's used. And when it's not used correctly, he closes by saying "For sweetest things turn sourest by their deeds/ Lilies that fester smell far worse than

weeds."

ACTING PRESIDENT KUHL: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. If the sponsor would yield to some questions, please.

ACTING PRESIDENT KUHL: Senator Bruno, do you yield to a question from Senator Schneiderman?

SENATOR BRUNO: Not presently, Mr. President.

ACTING PRESIDENT KUHL: The Senator refuses to yield.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: I guess nobody else is going to yield to a question presently either.

Let me speak on the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Schneiderman, on the resolution.

SENATOR SCHNEIDERMAN: I hope that after the rule providing for civility is passed, perhaps yielding to questions will return to its usual state.

I am in agreement with my colleagues that this is an extraordinarily regressive set of measures. And I do not see any way to justify them beyond this "1984"-style rhetoric -- that war is peace, slavery is freedom -- which we seem to be into.

I do not think the public of the State of New York wants less democracy in this house, and I don't think the public of the State of New York wants rule changes that make it harder to know what their Senators stand for. I think that this is -- it is incomprehensible, I think, to any reasonable observer how you can impose a rule requiring amendments to be submitted at least two hours before the time for the Senate to convene when the rule that provides for the submission of bills does not require that the bills that you might seek to amend be submitted two hours before the Senate convenes.

This is a set of rules that will cause a sting that will not go away easily. I think that the change from recorded votes to a system of canvass of agreement that is a

transparent effort to evade the constitutional requirement that all votes be recorded is disgraceful.

I do not see how my colleagues in the Majority can look us in the eye and say these are rules that are designed to increase democracy. I do not understand how it is more efficient, more responsive to the public, more open and above-board, to quote Senator Bruno's words, to make it harder for the public to know what votes were taken by their Senators.

And I don't think that this will increase the efficiency of the house. As Senator Connor pointed out, and Senator Dollinger, I think this is just going to increase the inefficiency caused by different tactics, different maneuvers, as we make an effort to raise issues the public wants to hear us debate.

And I think it's a very sad day for this house if these rules are to pass. I urge everyone to vote no.

ACTING PRESIDENT KUHL: No other Senators having wish to debate on the resolution, Senator Bruno -

Senator Onorato, you wish to be heard?

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

ACTING PRESIDENT KUHL: Senator Onorato, on the resolution.

SENATOR ONORATO: Mr. President, I've been in this chamber now 18 years. And I am very, very saddened today by these particular rules changes.

I thought we all got along very, very well here in this house, with open debates on all issues, whether we were in agreement with them or not. Senator Bruno indicated that last year was probably one of the most productive years that we've had. We had 38 amendments in this house, none of which passed. None of them affected the election of any Republican or Democrat in this house.

The rules as they currently exist are not broken. And, coining their phrase, if it's not broke, there's no need to fix them. By changing these rules, you are doing a disservice to every member of the Minority in this house.

Senator Bruno alludes to the fact that the same rules are applying in the Assembly. If that be the case, it is wrong there and it is wrong here. Two wrongs do not make a right.

What I am asking from my colleagues is to have some consideration. I can't get bills passed, but the least I can expect from you is to have my voice heard on this floor and that every vote that I take be recorded, not only through a canvass if I'm in the affirmative. I want my constituents to know that I voted no on a bill as well as yes.

And I urge you to reconsider these draconian rules that you are proposing here today to stifle my voice. I want to hold my head up high and walk in my community and state to them that I have every right that my colleagues on the other side of the room have in proposing legislation, discussing them, and to bring amendments on the floor when I see fit.

Ladies and gentlemen, I really urge you to search in your conscience before you pass legislation such as this to stifle our

voices. You've stifled everything else that you've given us before. Don't take our voice away from us. Thank you.

ACTING PRESIDENT KUHL: Senator Breslin, on the resolution.

SENATOR BRESLIN: On the resolution, Mr. President, briefly.

Over the years I've been here, I've listened to my friends in the Majority as they've come from the Assembly. And they've talked about the process in the Assembly and talked about the light that is contained within this Senate and how democratic it is and how Minority members are able to participate.

That changes today. That changes dramatically today. It changes in a way that it suppresses the point of view of 25 of the 61 Senators here. Suppresses. It also allows the Majority to do things in this body without being held accountable.

So we have suppression on the one side and no accountability on the other. That's what they do in totalitarian states. It isn't what we should do here in the New

York State Senate, when all of the citizens in New York are watching us.

I urge everyone to reconsider and think about what you've said, about what you experienced when you were in the other body and what you've experienced in life as a minority member when you have been abused by power, and to let the sunshine continue to flow here in the Senate, where there's an open dialogue and open debate and we accomplish things.

And the idea that debate on a bill is sufficient in and of itself, I only have to remind you that in the past four years, there's only been one bill that's been brought to this floor that was voted down. What does that tell you? It's determined beforehand what bills get here. And it's not determined by the 25 Democrats. We aren't able to pick and choose those bills we debate on. But up until this point, we were able to pick those items and motions to discharge which we could debate fully which later became part of the law of this state.

It's a dark day for all of us.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Lachman, on the resolution.

SENATOR LACHMAN: Yes. I haven't been in the chamber high [ph] years, or 18 years, as Senator Onorato has been. I did arrive one year before Senator Breslin. But I share their many concerns, as well as the concerns of those speaking before, especially the Minority Leader.

I'm not certain that the Majority is completely aware of the impact of this legislation.

When I arrived in this chamber five years ago, I was told there is a certain civility in the Senate and there's a certain process that takes place that is different than the other chamber. And it's true. I learned in five years that the civility is different, the process is different, and the relationship between Minority members and Majority members are different.

James Madison, in the Federalist Papers, wrote about the tyranny of the majority and the tyranny of the minority and

how the majority and the minority must respect one another. And that is why, Mr. Chairman, we have Alaska with two senators and California with two senators, even though California's population is 35 million and Alaska's is just 2 million. That's why we have an Electoral College that decides who will be president, and not the popular vote of the nation. It was the consideration given by the large states to the small states of the union, so that they would feel not left out but part of a greater union striving towards a common goal.

And I think this is not so much a question or an issue of Republican versus Democratic, but I think it's an issue of majority versus minority. And I must tell you, I'm not happy at all with what takes place in the Assembly vis-a-vis the Majority and the Minority. And if this goes through, we will be almost a carbon copy of them rather than elevating them to the position of the New York State Senate.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator

Espada, on the resolution.

SENATOR ESPADA: Thank you, Mr. President.

And I must start by congratulating my colleagues on the Democratic Conference side. Clearly they have incurred the wrath of the Majority, and this is payback day in part. And I am sure that the Democrats on this side of the aisle have incurred that wrath because finally as an observer, having been away from these august chambers for four years, I noticed a real competitiveness, a real spirited effort to gain the majority, to gain the influence, to talk to the people about what the issues were.

I followed very carefully the hate crimes bill. I was here from '92 to '96, and that couldn't get on the floor.

So clearly the ability through procedure to speak to the people, to have the people know what this body stood for, is being swept away today.

But you won't get any whining from me. Most of my problems have not been with Republicans. I think I've come from a county

that has but one, for the moment. But my problems have been with dictatorial and authoritarian people and bodies and things. I come from a jurisdiction, the 32nd, that is a protected jurisdiction. It is federally protected because of institutional bias and prejudice and racism. And all of that protection came by way of very hard work.

These procedures, these new rules, albeit for the sake of efficiency and order, you're doing it to my voters. You're doing it to the 300,000 or 400,000 people that are protected by federal statute. And I take offense. I don't whine about it. I was trained, as the Majority Leader here, in the art or science of pugilism. When you're hit with a body blow, you don't whine. You try to hit back. And hit back we will.

You will not fetter us through procedure, you will not shut us down through procedure, you will not dominate debate through procedure. You may claim victory in terms of your electoral edge because the money flows a certain way, advantages have been institutionalized and will continue for a

while longer.

But I take no personal umbrage, because I have been taught to really treat and acknowledge your enemy for what they are. Those that would strike back in this manner have been hurt. They are to some extent fearful of what has been laid upon them in this past election. They try to justify it because of what happens on the Assembly side.

And let me just say as a registered Democrat, I've been registered as an independent, have even been campaigned for Republican Party policies -- this is not about party. This is not about procedure. This is about an act of fear, trying to squash something that's not even there. There's no rebellion afoot.

As Senator Onorato, I served under Senator Ohrenstein, a most gentile person himself. This is not a body that has been uncivil. This is strictly about imposition of your will for what happened in this past electoral season.

And somehow emulating the Democratic side is also wrong. My son served

in the Assembly. As a young man of 22, he would come back bragging to his dad about what advantages he enjoyed in the Democratic-Party-controlled Assembly. And I would caution him, I would caution him about what that said about him as a person, as a man, as a leader.

And similarly, I urge people to take caution here about what these measures say about them as persons, as leaders.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Hassell-Thompson, on the resolution.

SENATOR HASSELL-THOMPSON: Yes, Mr. President.

I am the newest member here in the Senate. But new or not, 96 percent of the people in my district voted for me. And they voted for me understanding that even as a freshman, I would not pass bills in this body. But they did have an anticipation and an expectation that through my history, I would voice on this floor their concerns.

I see these resolutions as a disenfranchisement of those people who elected

me to do this. I do not see the opportunity here to amend those things that may on the surface appear to be good, may appear to be worthy, but that may put some of my constituents at a disadvantage. And it does not allow me the opportunity to speak on those issues.

We talk about emulating another house. When I sought this position, it was impressed upon me that I was coming to the upper house, the house that sets the example. I took great pride in that.

I'm not sure, as I stand here at this moment, that I take great pride in the act that we are attempting to do. Anytime the constitutionality is bypassed and you think that what has happened to you warrants that, we take umbrage, certainly. But I am more fearful of that than anything else that we may do in these chambers.

I think that we have a constitutional responsibility as leaders. And when I took the oath of office to protect the Constitution, I did not do so with any desire to bypass it or to skirt it, but to debate it

to ensure that the way in which we interpret the language would be in the best interests of the people that we serve.

So therefore, I am voting no. I am voting no on behalf of the people who sent me to these chambers.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Markowitz, on the resolution.

SENATOR MARKOWITZ: Thank you very, very much.

I think of all this time that we're spending when we ought to be spending it on the burning issues that face New York residents, no matter where they may live in the State of New York. I'd like to spend time talking about affordable housing for our moderate- and middle-income families in New York. I'd like to talk about the escalating costs of energy. I'd like to be talking about the need for affordable assisted living for our senior citizens. And so many other problems -- crumbling school buildings in Brooklyn, lack of certified teachers.

However, since we're the Minority,

you set the agenda. I also want to add, if I may, you set how the resources are allocated. And so here I am, here we are, representing no less than you represent. The folks that we serve are no less important than the folks that you serve, because we're all New York State residents. Yet when you look at the allocation of funds that you receive to help those that you want to serve and what we receive, you'd understand some of our concerns.

Because it's obvious we are not equal here. Perhaps outside the door, but in this place there's no such thing as equality. Other than the chair I get is basically maybe the chair you get. But other than that, when it comes to resources to bring home to our constituencies, when it comes to staff allocations in order to serve the same people you serve, the same numbers, there is no equity here.

And now we're talking about changing rules to make us even less effective in our ability to represent those who are no less important than the people you serve. I

believe that maybe Brooklyn residents are more important than the people you serve, and your attitude should be the same about the areas you serve. We all share that pride of the communities, boroughs, neighborhoods that we serve.

What we ought to be talking about here is the equal allocation of funds. Equal allocation of funds. Majority or minority should not matter when it comes to needs that every one of us are sworn to serve, those that have given us this privilege and honor of being an elected official on their behalf.

The New York State Assembly, that's the lower house. We're the house of the lords. We're the upper house. We are the examples, exemplary examples of how legislators, public officials walk around with pride and with dignity. We follow no one. We're the Senate. We're proud of this house. And we want to be even more proud of it in the days ahead.

Senator Bruno has been a -- in many ways has stamped his personality on this house. And in many ways he has, I think, and

I think we all feel that way, has made some important changes, positive changes in certain ways, in terms of us not working all night, which is wonderful, streamlining some of the processes that help in some ways move legislation forward.

But to Senator Bruno, the best leaders are those that treat those that may be in the minority the best. What you'll be remembered for is how you treat your adversaries. That's what you'll be remembered best for. Not those that already support you, but those that may not be among your Majority but those that nonetheless have every right to share in the accomplishments of this Senate.

And so I hope that when this is said and done a few minutes from now that cooler minds will prevail, that the dignity of the Senate will be upheld, and that we'll put these proposed changes aside for now and let's go back to our priorities in terms of the major issues facing the residents of our state in every region, represented by any of us in any party. That should be the goal. That's our objective.

And I hope and pray, Senator Bruno, that you will take on the leadership and help resolve this right now. And that is to let us move on to other issues.

Thank you.

ACTING PRESIDENT KUHL: Senator Connor, to close for the Minority.

SENATOR CONNOR: Thank you, Mr. President.

I've been in the Senate since early 1978. Do the math. I've served longer than anyone on this side of the aisle. Can't say that, Mr. President, about some of the people in the Majority. But I think I got here not so long after Senator Bruno got here, actually.

And I've been the Minority Leader now -- beginning my what is it? Beginning my seventh year? Uh-oh. And my good friend, Mr. President, Senator Velella once said to me, "You have a tough job, being Minority Leader. You have a tough job." Compared to being in the Majority? Yeah.

I've tried my best. But I've been here long enough, and I've had an interest

before I came here in this institution. And I've watched this institution. And as a new member here, Mr. President, I spent time as a young member giving a ride home to one of my Assembly members, the late, great Bill Passannante, who served in this Legislature for over 40 years, I guess. And I also in Kings County talked to some judges who had served here 30 and 40 and 50 years ago, to try and get a sense of this institution that I was joining.

And I also have my own experiences. Mr. President, in my first full session as a freshman Minority legislator, I passed 19 bills into chapters. And they were not local bills. And it was not unusual for members of this side of the aisle who spent the time talking to committee counsels, talking to committee chairs, and working legislation.

What happened to this institution, Mr. President? What happened to it? I remember making a speech as a freshman on the floor and getting a phone call back into that -- we used to have the phones back in the fireplaces. And a voice said, "Do you know

who this is?" And I said, "Senator Anderson?" And he said, "Yes. I liked your speech, and I agreed with you," not the committee chair who I was debating against. Who also became a good friend of mine, who's no longer with us.

What happened to this institution? What have we all done to it? And I'm not pointing at one side or the other. But something's happened. We've lost something.

And incidentally, Mr. President, something we all know never happens anymore that's wrong with it. I got some of the those bills out of committee because I used to go out to dinner with the committee chair and we'd hang out together evenings after session. Nobody does that cross-party anymore.

What's wrong with this? What's wrong with this institution? Some of these old-timers who served here 50 and 60 years ago and 45 years ago in chatting would say to me, "We always had a deal. We always split everything 60-40 with the Minority." Staff, resources, and so on. And I said, "Oh, really?" "Yeah, because you never knew when it would change. And we had the attitude" -

pardon the expression, this was an old pol - "everybody's got to eat. And if we lose this majority, we got to eat too."

And I don't remember -- go back in this century. This Legislature achieved great things. Great things. It took the lead in the nation on things like rights of working men and women, safety, child labor. Go back throughout this century. This Legislature led the nation. This Legislature wasn't the last state east of the Mississippi to do stuff, the way we were with hate crimes.

What has happened to this Legislature? And I say Legislature. What hurts me is what's happened to this house. And the other house's business is the other house's business. But the fact is, we did a better job for the people we all served then. And we weren't afraid of ideas and where the ideas came from and we weren't afraid to - and no one felt the necessity to suppress ideas. What's happened?

You know, people said to me after this last election, "Gee, you raised a lot of money." I did. And Senator Velella said it,

boy -- as he once said to me, it's hard, it's awful hard when you're in the Minority to do that for candidates who are challenging long-standing, respected legislators. It's awfully hard to do that.

And we fought. And people say, oh, the top of your ticket won by more than Lyndon Johnson won, or whatever. Well, what's changed since 1974, when -- the last time a house changed hands, the other house. And it was awful close here, those of you who are historians. Within less than 5,000 votes spread over six districts cumulatively in the Majority.

What's happened is this house and the other house have refined the most perfect incumbency protection system. And a lot of that, frankly, was under the guise of reforms that many -- my predecessor, who I supported, pushed and all.

We did things -- you know, in 1964 or 1974 there were no district offices. Staffs were very small. There were no member items, pork barrel, big funds of whatever you call a three-way, governor-and-two-houses

split. There were no newsletters paid for by the public or bulk mailings.

You know what? We all thought in the beginning, great, we're going to have newsletters, district offices, it will help the people, we'll serve the people better.

I've come to a conclusion after all these years, Mr. President, all we've done is enhance the existing power structure, and it's not good. And I say it's not good not because it's Republican in this house. I say it's just not good for the people to not have change. You know, as Thomas Jefferson said, a little revolution is good every now and then.

You know, the reality is -- and I don't expect to anybody to throw up their hands and surrender, Mr. President. Lord knows in this Majority we don't have quitters here, we have people who went out and fought hard.

I've learned some lessons from those old-timers. And, you know what, I'm privileged to have young children. I have an 11- and a 13-year-old. And I learn lessons from them, Mr. President. The first thing I

learned is sticks and stones will break my bones, but names will never hurt me. We ought to remember that. We can learn from children. We can learn from children.

I also am privileged to have gone to more soccer games and basketball games and baseball, Little League games in the last six or seven years than I thought I ever would, and at my age it's been a joy. And I learn things, because we want to teach our kids at these things.

Oh, my kids aren't going to be pros. None of the kids they're playing with are going to be pros. One kid in a zillion is going to be a pro, and he's frankly not a middle-class kid playing in a Little League, he's out there playing all night because he can't go home. And that kid will make the pros, and God bless him.

But I learned something we try and teach. And we've had problems where we've asked coaches not to do it anymore, because they didn't understand what it was about, or parents not to come anymore because you don't throw things at the umpire. And I hear the

kids, and they're all fired up before the game: "We're going to kill them, we're going to kill the other side. We're going to murder them." And they get in there and they play hard.

And boy, when they win, they high-five each other and they cheer. And we give them about two minutes of that, and we say, "Okay, now calm down and give a cheer to the people you just beat, and respect how hard they played, and line up and shake hands."

We could learn from little children, Mr. President. We can learn from little children. We could really learn. The public doesn't need us carrying on these fights after the fight's over. If I were one of the victors in some of those hard-fought races, I'd be proud and I wouldn't be angry. I'd be proud and happy.

To clear up the record, the Assembly, these rules may seem similar to what the Assembly did in that they put time limits on motions and so on. It's different in one important respect that goes to the heart of it. In the Assembly, you still record votes

for amendments and motions to discharge. You record them when 15 members ask to have them recorded. Fifteen, comparable to five here. They're not quite three times as large as this house. You record those votes because you understand, at the end of the day, the public has rights.

And you understand something else that I'm always trying to teach my children. Just because you can do something, just because you want to do it doesn't mean you should do it. It doesn't mean you ought to do it. It doesn't mean it's right. And that's what it's about. It doesn't mean it's right.

I understand wanting to do it. And I understand in a legislative body the Majority can run roughshod if it wants to. But the real question is, you shouldn't do it. And you always have to ask yourself that. Don't we ask ourselves all the time that question? There's lots we can do, there's lots we want to do. And a lot of those things we shouldn't do, and hopefully we don't do them.

And that's really the message about

this rule, Mr. President. The Majority can do it, and I understand all or some of them want to do it, but they shouldn't do it. And they shouldn't need the Minority to raise that question about whether you should do it or not. You should sit back and think before you do things like this and say should we really do this.

Should we really take something like my example, Senator Donovan's motion to cut off Medicaid funding for abortion as an amendment to the budget, and mask and hide from the public how people voted on that? Of course you shouldn't do that.

And it's not about will it hurt you or help you politically. We all take votes hopefully all the time because of what we believe in. Yeah, you're always influenced by what your constituents want and how it will play. That's part of the process. But in the end, you do what you think's right. And you're accountable for that.

If you can't explain what you're doing, I give you Harry Truman's famous saying: "If you can't take the heat, get out

of the kitchen." We're all in the kitchen. You should be able to take the heat. Lord knows, Mr. President, we've seen members over and over again take a tough vote, explain it to their constituents, and I haven't seen a whole lot of people losing their seats at the end of the day.

I'm against this resolution not because the Majority can't to it, not because they don't want to do it, I'm against it because it shouldn't be. It shouldn't be the rule in this house that used to be far, far, far different when we all knew how to get along.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno, to conclude for the Majority.

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

And thank you, Senator Connor, for your observations and your remarks, and for your passion. And I understand passion. And you're right. In the words of Senator Truman, if you can't take the heat, get out of the kitchen.

We're here governing. We are here governing. And that's exactly what this is all about. Your perception, as you have shared it, isn't necessarily the right perception. That is your perception. And you have a right to your perception. And we have a right to our perception.

And our perception is, as I opened the discussion on this issue, that we are constantly and continually going to relate to improving the order in this chamber, the efficiency of this chamber, so that we can produce a result in a more orderly way. And that, Mr. President, will be exactly what happens as we enact the rules that are before us today.

So what you fear is beyond me. Because we are in a legislative process. And threats don't cut it. And, Senator Espada, I hear you very clearly. And frankly, I don't think it's appropriate to be threatening, by innuendo or in any other way, in this chamber.

If you can't take the heat, get out of the kitchen. I agree with you, Senator. And what we're doing here today we feel will

bring order and efficiency to the process.

And just for correctness, you talk about a five-minute discussion. Senator Paterson talked about 38 amendments, three hours-plus discussion, five minutes per. Well, that's exactly what we have before us. We took it exactly from your division. So what is the argument? That's what we had before, that's what we will have now, by your own division. We didn't just make this up.

All votes in this chamber will be recorded for the record, Mr. President. So because it's said doesn't make it so. So I am suggesting that people relax, be flexible, and learn as we go along that we are in a changing world. Wouldn't it be sad if we were stagnating in this world, if there was no progress. So you perceive these rules as a step backward, we see them as a step forward.

And, Mr. President, I submit again that everything that has happened in this chamber accrues to the benefit of our mutual constituency, because the more efficiently we relate and debate, the more efficient the process, the more orderly the process, the

more that we can get done.

So I see the clock is ticking to the two-hour limit, and so I will ask for your support for this resolution, which will improve the process in this chamber.

ACTING PRESIDENT KUHL: The question is on the resolution.

SENATOR CONNOR: Slow roll call.

ACTING PRESIDENT KUHL: Are there five members who request -

SENATOR DOLLINGER: Senator Espada has been standing, Mr. President, asking to be recognized. I believe he's entitled under the current rules -

ACTING PRESIDENT KUHL: Senator Dollinger, you are out of order, number one. You haven't been recognized, so please sit down.

And I have seen Senator Espada right where he is. The Minority Leader requested time to close, the Majority Leader requested time to close, debate on this issue is closed.

There is a slow call about ready to be requested. It's being honored. And

Mr. Espada, Senator Espada will have an opportunity to make a statement, two minutes is the limitation on that, if he wishes to do so.

Let's stick with the rules of the house. A slow roll call has been requested. There are five members who have signified that they request a slow roll call. So the Secretary will call the roll slowly.

THE SECRETARY: Senator Alesi, excused.

Senator Balboni.

SENATOR BALBONI: Aye.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Yes.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: No.

THE SECRETARY: Senator Brown.

SENATOR BROWN: No.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

ACTING PRESIDENT KUHL: Senator Connor, to explain his vote?

SENATOR CONNOR: To explain my

vote, Mr. President.

ACTING PRESIDENT KUHL: Senator Connor, to explain his vote.

SENATOR CONNOR: I heard what Senator Bruno said about recording votes. My concern is with this new device called canvass of agreement.

And I think I read the rules correctly, and I listened very carefully to the answers I got. And it appears, yes, if a majority of the members are in agreement, it will get recorded and the amendment will go on the floor and to the bill. But if it fails, as I read them, there will be no recorded vote.

The proof will be in the pudding, Mr. President, when we see the Journal from later today. Because I'm no naif, and I know this rule will pass. And there are other rules amendments that I guess we'll take - what are they called again? -- canvass of agreements on rather than votes, and we'll see whether they're in the Journal for today or not, as recorded.

And secondly, just let me say in

addition to that issue, I think when the desk on unanimous consent moves to discharge from committee such and such and such bill and substitute for whatever, there will be a point of order. Because as I read the rules, there is now no such thing as a motion to discharge.

So I guess the desk, in doing that housekeeping, will present the house with a petition to whatever it is and will canvass agreement about it. It might take a while, Mr. President, but we'll get the hang of it probably by next year.

I vote no.

ACTING PRESIDENT KUHL: Senator Connor will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

ACTING PRESIDENT KUHL: Senator Dollinger, to explain his vote?

SENATOR DOLLINGER: Mr. President, to explain my vote.

ACTING PRESIDENT KUHL: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Mr. President, I think this is not only a dark day, as Senator Breslin called it, I think this is a sad day. It's a sad day whenever any voice in any hall, in any chamber, in any institution that stands up and talks about change is in any way stifled.

I quoted William Pitt earlier because I just finished a wonderful book called The Lexington Alarm, and it's this fabulous book about meetings in little churches and little halls all throughout - well, anything within about 60 miles of Boston, Massachusetts, between 1773 and 1775. And people got up and without any rules at all, without a single rule -- they had one presiding officer -- and they talked about the importance of liberty, the importance of freedom, the importance of founding a country that was built on institutions that believed in both of those critical things. They did it all with virtually no rules at all.

And here we are 225 years later

layering on the rules to do just the opposite. Those patriots who gave their lives to start this country if they were in this chamber would tell you that this is silliness, that it's contrary to what they gave us, the precious gift to express our thoughts, to be accountable for our votes. And we stand here today laughing in derision at what they did. I think it's a disgrace.

I would say, as I've said before, this is the "GOP Lack of Accountability Act." It's going to become law. And I'll quote, with another man who fought against tyranny in every form: If this majority lasts for another 40 years, this will be their saddest hour.

I vote no.

ACTING PRESIDENT KUHL: Senator Dollinger will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Duane.

SENATOR DUANE: To explain my vote, Mr. President.

ACTING PRESIDENT KUHL: Senator Duane, to explain his vote.

SENATOR DUANE: People much wiser than I said this much better than I'm going to be able to. But it's clear that democracy is a very lengthy and messy and inefficient way to rule. The only thing it has going for it is it's better than any other way we have.

To limit the kind of discussion that we can have in this body is just plain wrong. I'm voting no on this. But I also am very concerned about what the future holds.

It's my understanding that under the rules, if a person's name is cited who's on the floor, that person is allowed to respond. I think it's wrong to not allow a person whose name has been raised to use a point of personal privilege to respond. I hope and I pray that that's not what the future holds for this body.

Thank you.

ACTING PRESIDENT KUHL: How do you vote, Senator Duane?

SENATOR DUANE: No.

ACTING PRESIDENT KUHL: Senator Duane will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Espada.

ACTING PRESIDENT KUHL: Senator Espada, to explain his vote.

SENATOR ESPADA: To explain my vote, Mr. President.

I just want to go back to the comments that I made on the motion that's being voted on. I spoke about the principles of openness. I spoke about my district as one of the poorest districts in this state, that is a protected jurisdiction under the federal Constitution, that, through procedure and through other institutionalized methods, have been kept oppressed. Through formulas, its children have been denied an education.

And it is these kinds of procedures that don't add any vote, any weight, any measure of advantage that I talked about for a couple of minutes.

I've trained myself only to take the floor here on rare occasions when I feel I have something to say. Let me just say I thank the members of our conference, because clearly this is political retribution. They've earned that, brave souls that they

are. We'll keep marching on, unfettered by these procedures.

I also indicated -- through metaphor, mostly -- but it's a shared experience that I know the Majority Leader has training in the sweet science of boxing, and so do I. And he or I, when we practiced that art, that science, would take to the ring in the most violent ways -- there was civility there. You would not tie your opponent's arms behind their back, knock them down and proclaim yourself a champion. That is no champion, sir.

Thank you very much.

ACTING PRESIDENT KUHL: Senator Espada, how do you vote?

SENATOR ESPADA: I vote no.

ACTING PRESIDENT KUHL: Senator Espada will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: Aye.

THE SECRETARY: Senator Gentile.

ACTING PRESIDENT KUHL: Senator Gentile, to explain his vote.

SENATOR GENTILE: Mr. President, I speak with a heavy heart today in anticipation of the vote we are about to take.

Obviously, as you've heard, this issue is not about what happened in the Assembly and the rules of the Assembly, although many of those members on the other side have lived under those rules. It is not about that. It is not about efficiency in this house.

We all know that it's about stifling ideas and stifling debate. And that is not what many of us here on this side have come to do. We have come to introduce those ideas, to debate those ideas. And we feel confident in debating those ideas that if the ideas on the other side are as equal or superior, then those ideas will win the day. But let's debate those ideas. I believe that this rule change, these rule changes, will stifle that debate.

And one other thing. As I look

across this room today and I see the young people who are sitting right behind you, many of those interns right there, I ask you to think, is this the vote you want to take and have those young people and the young people that sit behind us here today leave this chamber with this thought, that this house has now moved to stifle debate, to stifle democracy?

Is that the impression we want to leave on all these young people that are here today, that are up in that gallery, that are looking through that TV camera? I don't think so. I don't think so.

This resolution is abhorrent to every democratic bone in my body. It should be abhorrent to every democratic bone in your body, in the bodies of those interns and all the young people that are watching us today.

I vote no, Mr. President.

ACTING PRESIDENT KUHL: Senator Gentile will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Mr. President,

to explain my vote.

ACTING PRESIDENT KUHL: Senator Gonzalez, to explain his vote.

SENATOR GONZALEZ: I think that these rules changes, or this resolution, what it does is, in my belief, disenfranchises the people who elected me to represent them in this body. So therefore I vote in the negative.

ACTING PRESIDENT KUHL: Senator Gonzalez will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Goodman.

(No response.)

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: No.

THE SECRETARY: Senator Hevesi.

SENATOR HEVESI: Mr. President, to explain my vote.

ACTING PRESIDENT KUHL: Senator Hevesi, to explain your vote.

SENATOR HEVESI: Thank you.

Mr. President, I have a great deal of respect for Senator Bruno, our Majority Leader. But please hear my words today. The failure of a powerful man to wield a judicious sword shall in and of itself, and in the course of time, relieve that individual of the burden of leadership for which he is so wholly unprepared.

I vote no.

ACTING PRESIDENT KUHL: Senator Hevesi will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Hoffmann.

(No response.)

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Kruger.

(No response.)

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: No.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Aye.

THE SECRETARY: Senator McGee.

SENATOR McGEE: Yes.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Yes.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: Aye.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: To explain my vote, Mr. President.

ACTING PRESIDENT KUHL: Senator Onorato, to explain his vote.

SENATOR ONORATO: I'm explaining my vote, hopefully that it will be my last opportunity to change somebody's mind.

Senator Bruno indicated that these rule changes were a step in the next century, that it was a move forward. To me, it's probably the most advance-to-the-rear motion that this body has ever engaged in, again, to stifle my vote and my voice for the 300,000 that I represent in my district.

I hope clearer minds in the future will revisit this draconian rule change and get back to the real 20th century where truth,

honor, and debate will go forward.

I vote no.

ACTING PRESIDENT KUHL: Senator Onorato will be recorded in the negative.

Continue to call the roll.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford.

Please call Senator Stafford's name.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

ACTING PRESIDENT KUHL: Continue to call the roll.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Paterson.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, to explain my vote.

ACTING PRESIDENT KUHL: Senator

Paterson, to explain his vote.

SENATOR PATERSON: I'm sure that you will agree with me that Senator Bruno is a very dynamic and highly intelligent leader. He is very wily. And I must admit I admire the clever way in which he took my argument and made it his argument.

My argument was that right now, if you divided the time of the motions for discharge, it probably falls within the five-minute limit. And Senator Bruno very capably answered that what's the difference, that's what we're actually doing. We're just, in a sense, codifying it.

What I said was that the current system actually complies with order and with efficiency. We're not taking that much time on motions for discharge.

But there were three areas last year that commanded more time: Hate crimes, campaign finance, and gun control. And we spent a considerable time on those three motions. Almost all of the elapsed time was on these three motions, because they were the issues of the day. And they did lead to

passage of vital laws by this body sponsored by Majority members.

So I still feel that we have order and we have efficiency now. But we are not accommodating the opportunity to address important issues.

Finally, Mr. President, in voting no, I turn your attention to Article 3 in Section 14 of our State Constitution that says that on votes by the Legislature, the ayes and nays will be recorded in the Journal.

It's my opinion that this canvassing procedure that we're putting in really is an attempt to have a vote but call it something else, call it a canvass. And in that way, it allows people to, in a sense, escape any real notice or any real view by the public of the positions that they're actually taking.

And because of that, I think that this rules change must be defeated. Because calling it a different name is not changing what it is. It's a vote, it's a vote taken by this body, and I think the public has the right to know.

We can stand the heat. We'll stay in the kitchen. We'll keep fighting, but certainly with greater restrictions and what I think is an obfuscation to the true leadership that I think that some very capable people here are capable of.

I vote no, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Rath.

(No response.)

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: To explain my vote.

ACTING PRESIDENT KUHL: Senator Sampson, to explain his vote.

SENATOR SAMPSON: Mr. President, I understand the importance of order and efficiency and change. Change is good. But to lose respect in the process of such change is unacceptable.

You know, these rule changes, to

me, are the ultimate act of disrespect. We can't pass a bill on this side. Now you're in the process of limiting our time in which we can debate our bills, which is basically telling our constituency we really don't matter.

And sometimes I sit here and say, What purpose, then, do I have in coming up here in Albany, basically perpetrating a fraud upon the constituencies in my district.

But, you know, as Senator Bruno said, if you can't take the heat, get out of the kitchen. But I look at it as a lawyer, I'm trained as a lawyer. And my thing is once you have a set of rules, you always try to find the loopholes in those rules. So it's a challenge to us to find the loopholes in the rules to make sure that our constituency doesn't lose their right, as they gave to us, for them to hear these debates and debate issues that are of utmost importance to them.

But as Senator Connor said, what's wrong with this institution? What's wrong with it is we have lost respect for one another. You know, the Majority beat us in

the street. But now we're taking from the street, now we're taking it to right here in these chambers. But, you know, you have to deal with the punishment that is dealt. But at some point in time you may be in the position, as Senator Espada said, to throw back that body blow.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Senator Sampson, how do you vote?

SENATOR SAMPSON: I vote no.

ACTING PRESIDENT KUHL: Senator Sampson will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Santiago.

(No response.)

ACTING PRESIDENT KUHL: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr. President, to explain my vote.

ACTING PRESIDENT KUHL: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: I think that we've made our positions clear on both sides on this. And I think this is an

extremely unfortunate move for our constituents, for the people of the State of New York.

The only thing I have to say to Senator Bruno, who I have respected and I've understood to be a man of temperance and moderation, someone who restrains the people like me on his side of the aisle -- maybe not as much as I would like -- is that we're all in the same kitchen. And if the kitchen is lit on fire, we all suffer. And I'm not sure you're not lighting the kitchen on fire with this move.

I vote no.

ACTING PRESIDENT KUHL: Senator Schneiderman will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Aye.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Aye.

THE SECRETARY: Senator A. Smith.

ACTING PRESIDENT KUHL: Senator Smith, to explain her vote.

SENATOR ADA SMITH: Thank you,

Mr. President.

I believe that most of us ascended to this august body because of our outspoken advocacy for open government. And inherent in that premise is that we would be opposed to any measure which would limit the ability of the people of the State of New York to obtain information, information about our positions on issues that affect them.

I've always been led to believe that information is power, and especially as a minority. And I certainly today believe in power to the people. And therefore, I vote no.

ACTING PRESIDENT KUHL: Senator Smith will be recorded in the negative.

The Secretary will continue to call the roll.

THE SECRETARY: Senator M. Smith.

ACTING PRESIDENT KUHL: Senator Smith, to explain his vote.

SENATOR MALCOLM SMITH: Yes, Mr. President.

I know what I have to say to this body may not matter much, but just allow me to

say it.

When I got elected, I was probably one of the happiest individuals, at least in my neighborhood, because it was something I had wanted to do for quite some time. I was very moved when I first came here and I was greeted by the Minority Leader, by the Majority Leader. And I felt as though once I began to get involved in the process, speaking to my colleagues on that side of the aisle, on this side of the aisle, that I thought that much would be able to be done and that I had the ability to raise my voice on different issues and effectuate certain changes.

Today what I think I'm being told is there is basically some sort of verbal slavery being developed here today. And I have some difficulty with that. I have difficulty only because who and what I began to respect about the distinguished individuals sitting around this room for some reason is beginning to change.

I thought -- and I've talked to many individuals, on both sides of the aisle -- that while there were differences of

opinion, differences of philosophy, we all would always respect one another as it relates to our right to present our cases.

And I can tell you, from an individual who comes from an ancestral background of slavery, it is difficult to accept the fact now that I've got to be in a position now where verbal slavery is being placed upon me as I sit here as an elected individual to this body.

I am going to vote no today. But I would also hope that as we move forward and present other rules and other rule changes, that we take the same type of deliberation, the same type of thought to understand what we do today is basically going to send us down somewhat of a slippery slope.

And I would hope that we are mature enough to understand that it is necessary for us to be able to debate and have differences, but also move to a point where we can take care of the business at hand.

Because as we sit here today, I am not at a hearing dealing with one of the most contentious issues today facing this body, and

that's education. I am, rather, here talking about whether or not I can speak at a particular time. And I think that's a travesty.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Smith will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, briefly, to explain my vote.

ACTING PRESIDENT KUHL: Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: In the years I've been here, I've grown to care about this institution. And because of that, I'm really disappointed today, because I don't see the efficiency in this motion.

I think that one of the things that government has always stood for is a free exchange of ideas. And to limit the exchange of ideas is not exactly enhancing government.

You know, in Washington, no matter how contentious it gets, no matter how close the majority is to the minority, like it's now even, they don't change all the rules so that they can more easily push ideas through. They don't try to cut down on the debate.

Debate is good, it's healthy. It's good to exchange ideas. No, we don't all agree on everything. Like there's a lot of things none of us agree on. And the fact is that it has never hurt anybody to have to sit and listen to the other person's opinion or to have to vote sometimes on something that they find distasteful to vote on.

The fact is, we're elected to make those kind of decisions, and we should take that election and this office very seriously. The fact is, it seems to me like we're doing these rules because we want to spent less and less time here. And quite frankly, I don't care how long we're here, just so we do the best job we do, that we work long and we work hard, because that's what we were elected for, to represent people, to take as long as it takes to get the best job done. And to be

able to do it quicker doesn't make it better.

I vote no.

ACTING PRESIDENT KUHL: Senator Stachowski will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Stavisky.

ACTING PRESIDENT KUHL: Senator Stavisky, to explain your vote?

SENATOR STAVISKY: To explain my vote.

ACTING PRESIDENT KUHL: Senator Stavisky, to explain her vote.

SENATOR STAVISKY: We've heard analogies here about heat and in the kitchen. And certainly Senator Connor, who has a reputation of being an excellent cook, certainly knows that there are times when, to get a better product, we turn down the heat. It seems to me that this is one of those times.

As I read the proposed changes, I was struck by the phrase "members are expected to uphold the highest standards of civility in dealing with other members." Civility I think takes several -- has several faces. We have

not only verbal civility, but we have also civility in terms of intellectual civility and intellectual freedom. And to impose the so-called gag rule I find very troubling.

I am very proud to represent a district in Queens County that is probably the most culturally diverse district in the entire state of New York. My district has approximately 40 percent Latinos, 30 percent Asians, 15 percent African-Americans, and about 20 percent or so non-Hispanic whites.

How do I go back to these people and say to them I have been told I cannot rise, my vote cannot be recorded, when these people came to Flushing and Elmhurst and Jackson Heights from other parts of the world seeking the opportunity for a better life?

It seems to me that we're setting a very, very unfortunate example. And, Mr. President, I vote no.

ACTING PRESIDENT KUHL: Senator Stavisky will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Aye.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: The Secretary will call the absentees.

THE SECRETARY: Senator Goodman, excused.

Senator Hoffmann.

(No response.)

THE SECRETARY: Senator Kruger.

(No response.)

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Santiago.

(No response.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes, 33. Nays, 22.

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

SENATOR DOLLINGER: Mr.

President, I believe at the desk yesterday I gave notice of an intention to amend the rules as well, and there were six items that were amendments. I assume they're in order now, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger, excuse me just one minute. We have a correction on the last vote count that the Journal clerk would like to announce.

So could we have the announcement of the roll call on the last vote.

THE SECRETARY: Ayes, 33. Nays, 23.

ACTING PRESIDENT KUHL: The resolution is adopted.

Now, Senator Dollinger, you are correct, at the desk there are six proposed resolutions that -- we have them numbered. I think that they were numbered by your staff one through six. Are you intending to take up all six this evening?

SENATOR DOLLINGER: Yes, Mr. President. I'll take them up in the order in which they were labeled by the staff.

ACTING PRESIDENT KUHL: That

would be fine.

Senator Dollinger, you now have the floor for the opportunity to explain your Resolution Number 1, as we have it here at the desk.

SENATOR DOLLINGER: Thank you, Mr. President. This is Resolution Number 1 in the -- I guess the first resolution in the first item of business under the new rules, Mr. President.

This is a proposed change in the rules that does something we now do, and simply transforms it into the body and text of the rules under which we operate this chamber. And I'm going to name this -- I named the last set of rules that we made and talked about what they were all about. But this rule I'm also going to name after someone who made a significant contribution to it.

ACTING PRESIDENT KUHL: Senator Dollinger, excuse me just a minute. It's pretty noisy in here. I see that there are members talking with staff or whatever, or members who are up out of their seats.

So could the members please take

their seats, staff take their seats, take any conversations that are necessary out of the chamber, so that we may hear Senator Dollinger's explanation of his proposed rules change, Resolution Number 1.

I think we have a little more quiet now. Senator Dollinger, thank you.

SENATOR DOLLINGER: Thank you, Mr. President.

This rule I'm going to actually name after someone who was a former resident of this chamber, someone who stood here through endless debates right around this time of year, and always waved that big book - remember Senator Leichter's big book about congressional accounting?

And he actually got something done. He convinced the Majority of this house after a long debate, after debating a number of times about things that were important in the rules, he convinced this house to create a biennial -- twice a year -- accounting of the fiscal expenditures of the Senate, which is now published by the Senate.

This is one of the innovations that

Senator Bruno brought to this house. It was a good thing. It told the taxpayers how we were spending their money. And it was the right thing to do.

Now, what this rule simply does is incorporate into the permanent rules of this chamber the requirement that there be a twice-annual explanation of the expenditures of the Senate. Much as it's done now. We take this practice which we now have, and we incorporate it into our rules. We take all the good things that Senator Bruno has tried to accomplish through this semiannual accounting, and we incorporate it into the rules. We make it a part of our statute, a part of our law, and we require that any future Senate, regardless of its majority leader, Democrat or Republican, would have to comply with the requirement for the biennial release of financial information regarding the Senate.

So this is something that Franz Leichter worked on for years. He never saw it come about into law. He never saw it become a part of the rules of the Senate. But

everybody over there knows it's the right thing to do. Senator Bruno has warmly embraced the idea, after Senator Leichter's years of hectoring, to have it done.

And so all I'm asking, through this change -- it's a very simple change. It simply says that the semiannual accounting expenditures will now be required by rule in this body, and under those circumstances that any future Senate will be bound by that rule. I called this the Leichter rule. Franz Leichter would be, I think, smiling if he were here, that this is something we could honor him, a colleague from the Bronx, from Manhattan, a colleague who had done all the work to make this happen.

My suggestion is to this Majority, let's adopt this rule, let's tell the people of this state that we're firmly committed to accountability in our financial expenditures -- maybe not in our votes, but in our financial expenditures. We are willing to be held accountable, we will enact a rule that benefits the members of this house and benefits the taxpayers in this state because

they will know how the $80 million or $90 million that they pay to maintain the New York State Senate, they will know how it's spent and that it's spend prudently.

Mr. President, I recommend to the members of this house an amendment to Rule II adding a new section which will require the Temporary President of the Senate to provide a semiannual accounting of all Senate expenditures and to make such accounting available to the public.

Thank you, Mr. President.

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

SENATOR HEVESI: Mr. President.

ACTING PRESIDENT KUHL: Senator Hevesi, you wish to speak on the resolution?

SENATOR HEVESI: Yes.

ACTING PRESIDENT KUHL: Okay. Senator Hevesi, on the resolution.

SENATOR HEVESI: Thank you, Mr. President.

I want to commend Senator Dollinger for bringing this proposed amendment to the

Senate rules. This is a commonsense amendment that would really provide a great public service. Which is, in addition to the tangible benefits that it directly provides by giving an accounting of the, by some estimates, $80 million or $90 million that it costs to operate this institution, I believe it would go a long way -- and we're going to see some other amendments today that go a long way -- towards restoring the confidence that the public should have in its institutions and most notably in the Senate.

The money that this house spends is taxpayer dollars. It's not our money because we happen to get elected to the State Senate. We have oversight on it, we have discretion as to how it's going to be spent. That's our responsibility. But it's not our money to the extent that we should have the privilege of obscuring from the public exactly where it's being spent.

And I run the risk here of implying, which I'm not, that the money is being spent in some nefarious or wasteful way. It may not be. But the public and every

member of this house and every staff member and everyone should have every assurance, by being able to go and examine the documents, that every single penny of taxpayer money that we obligate the people of this state to pay is being accounted for to the dollar.

And what it does is it enables everyone who is involved with the process to know, in case they weren't keenly paying attention to this, that people are going to be watching. And when you have that assurance that people are going to be watching, that somebody is minding the shop, you tend to make decisions that are more appropriate than you would if you knew that the decisions you were making were never going to be exposed to public scrutiny.

And that type of openness, that type of disclosure is absolutely essential in an institution such as the New York State Senate.

I urge all of my colleagues to support this amendment. And again, I commend Senator Dollinger to bring this amendment to the floor. It wouldn't cost anything to do

this, or hardly anything to do this, and it would go a long way towards doing the right thing, restoring confidence in government, and letting all of us have the peace of mind of knowing where every single penny that this body spends, where it goes and for what purpose.

I support the amendment.

ACTING PRESIDENT KUHL: Senator Duane, on the resolution.

SENATOR DUANE: Yes, thank you, Mr. President.

I want to commend Senator Dollinger on this terrific rules change. I can't imagine how anyone in the State of New York would not be pleased to know that we were doing everything we possibly could to fully and completely disclose the finances of this body.

It doesn't seem particularly onerous to me at all that we would provide such an accounting every six months. Most corporations do that sort of thing on a quarterly basis. And I think that it would do us well to start with a semiannual accounting

and at some point go to quarterly. And with computers, I see no reason why we couldn't do this on a monthly basis.

But slowly but surely, we should phase in this kind of accounting procedure. I think it would be certainly a good example to other people in government and other bodies across the state, that we're doing that with this body, which probably, outside of the New York City Council in the state of New York, probably spends the most money.

I think it would be a terrific example for people whose legislation we -- for whom we pass legislation to see that we are being as responsible as we possibly can be in accounting for every dime that we spend in this body.

I don't mean in any way to imply that there's any waste or mismanagement in how we spend funds in this body. But we do hear often from pundits and reporters and good government groups that they question how it is that we spend money in this body.

So if we have nothing to hide, and I assume that we don't have anything to hide,

then the right thing to do would be to put this forward and show everyone exactly where it is. In fact, the expression "put our money where our mouths are" comes to mind on this. Or maybe we should say put our accounting where our money is. Or put our accounting where our money should be? Something like that. But you get the drift of what I'm saying.

Eventually I think we could put this information on the Internet as well, so that people could get a good look at it and see how it is we're spending money. That would certainly open the process. There might be more efficient ways for us to spend our money. And if the public got to have a regular look at how we spent our money, they may come up with terrific suggestions on how we could be even more efficient in how we spend money, and those funds could either be expended in different ways, or maybe we wouldn't need to spend so much money.

I mean, this is just really - Senator Dollinger, you've really presented us with a win-win here, and I must commend you

for it. And the time has come for us to really step forward and show the world how it is that we spend our money. Thank you from the bottom of my heart, Senator Dollinger.

ACTING PRESIDENT KUHL: Any other member wishing to speak on the resolution?

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Would the sponsor yield to a question? Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger, do you yield?

SENATOR DOLLINGER: Yes, I do.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR SCHNEIDERMAN: Thank you, I was just checking. Thank you, Senator Dollinger. I appreciate your yielding to my question.

I cannot imagine why we wouldn't do this. I feel as though the rules that were just passed earlier, the refusal to pass this rule is so contrary to the clear public opinion and the clear direction of our country. T.

Hose of us who have been in the private sector have learned that transparency is essential is the effective operation of an enterprise. We have to have transparency. People have to be able to see what's happening. We are now moving in the opposite direction. We are moving to shroud in secrecy the proceedings of this body, to prevent the public from being able to see what we do.

Providing a basic accounting, this is a minimum. This is a minimum. As some of my colleagues have mentioned, we should have this on the Internet. We should have instant reporting. We should have transparency.

We are moving contrary to the will of the public. And I think that because we still do have something of a functioning democracy in this state that we do that at our peril. I urge everyone to support this amendment and our other amendments to open our body up for the scrutiny of the public that elected us. And I really do not understand the urgency of this effort to move us in the opposite direction.

Thank you.

ACTING PRESIDENT KUHL: Any other member wishing to speak on the resolution? Hearing none, the question is on the resolution.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Can I just rise for a point of order, Mr. President, so that I understand the current rules?

ACTING PRESIDENT KUHL: Yes, sir.

SENATOR DOLLINGER: Is a slow roll call in order on this?

ACTING PRESIDENT KUHL: Under the new rules, no.

SENATOR DOLLINGER: And if I asked for a slow roll call, what would be the opinion of the chair be? Would that be denied?

ACTING PRESIDENT KUHL: Well, I just probably wouldn't recognize you as being in order, Senator.

SENATOR DOLLINGER: Well, then you would rule me out of order, Mr. President, is that correct?

ACTING PRESIDENT KUHL: No, not necessarily.

SENATOR DOLLINGER: Well, if I then appealed the ruling of the chair, would the appeal of the ruling of the chair be in order?

ACTING PRESIDENT KUHL: Senator, I recognized you for the purpose of speaking on the resolution. If you'd like to speak on the resolution which is before the house, that's fine. We haven't really reached anything at this point.

So to maintain proper order, which is my job in this chair, I simply would say, would you like to make a statement on the resolution or are you ready to move to a vote?

SENATOR DOLLINGER: No, Mr. President, I actually rise for a point of order. I'm simply asking if a slow roll call request is in order on this bill. And the answer was no, it is out of order.

My question then, Mr. President, is another point of order. If the chair rules that we're out of order asking for a slow -

ACTING PRESIDENT KUHL: That's not a proper point of order, sir. That's not a proper point of order.

SENATOR DOLLINGER: Well, but Mr. President, my question, my point of order is if you rule this out of order -

ACTING PRESIDENT KUHL: Senator, my point to you very simply is I'm not in a position, nor are you, to enter a dialogue over the rules and a prospective interpretation of the rules by this presiding officer.

We're at the point where we are either going to take a roll call on this resolution or we're not. So you have the opportunity to speak on the resolution, or you have the opportunity to make some request further on down the line. Do you wish to speak on the resolution?

SENATOR DOLLINGER: No, Mr. President, I'll yield to Senator Brown.

ACTING PRESIDENT KUHL: Senator Brown.

SENATOR BROWN: Yes, Mr. President, would the sponsor yield for a question?

ACTING PRESIDENT KUHL: Senator Dollinger, do you yield?

SENATOR DOLLINGER: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR BROWN: Senator Dollinger, I think that this is a fine measure. I would ask, how would the public be able to access the printing of these accounting records?

SENATOR DOLLINGER: Currently - through you, Mr. President -- the rules -- or, excuse me, the current practice of the Senate, Senator Brown, is to furnish a book that's about two or two-and-a-half inches thick which constitutes the biennial report of Senate expenditures. And my understanding is that that book is made available to members, there's a single copy made available to members, and there are copies posted in the Legislative Library.

Other than that, I don't know that there's any other distribution of that document. And I don't know how many copies are printed or where they end up.

SENATOR BROWN: Through you, Mr. President, would the sponsor yield for another

question?

ACTING PRESIDENT KUHL: Senator, do you yield to another question?

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

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR BROWN: Now, with these books that are printed, would a member of the public be able to request, through a Freedom of Information Act, access to these financial records?

SENATOR DOLLINGER: Through you, Mr. President, I believe the answer to that question is yes. But I don't know. I don't maintain these records. They're maintained, I believe, by Senator Bruno's office or by the Legislative Library.

SENATOR BROWN: Through you, Mr. President, would the sponsor yield for another question?

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

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

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR BROWN: With these published financial records that we would all have access to, are members of the public able to come into our offices and review these documents?

SENATOR DOLLINGER: Mr. President, I assume that if the document is on the shelf of a member that any member of the public, at your sufferance, could come into your office and examine the expenditures, your expenditures as well as those of Senator Marcellino's or Senator Connor's or anyone else.

That document is in the public domain. Although it's, at least from my point of view, not readily available to the public.

SENATOR BROWN: On the amendment, Mr. President.

ACTING PRESIDENT KUHL: Senator Brown, on the amendment.

SENATOR BROWN: I too would just like to join the other Senators that have commended Senator Dollinger on sponsoring this

amendment. I think anything that we can do to make our finances more open and available to the public is a very positive measure, and I certainly will wholeheartedly support this amendment.

Thank you, Mr. President.

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

Hearing none, the question is on the resolution. All those in favor signify by saying aye.

SENATOR CONNOR: Is this a vote?

ACTING PRESIDENT KUHL: This is a vote.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 25. Nays, 33. Party vote.

ACTING PRESIDENT KUHL: The resolution is lost.

Senator Dollinger.

SENATOR DUANE: Mr. President, I'd like to explain my vote.

ACTING PRESIDENT KUHL: There is no opportunity to explain your vote under the new rules, Senator Duane.

Senator Dollinger, why do you rise?

SENATOR DUANE: Can I appeal that? I'd like to appeal that.

ACTING PRESIDENT KUHL: No, I didn't make a decision. I'm just telling you by way of information, Senator Duane.

Senator Dollinger.

SENATOR DUANE: I'm appealing your decision, Mr. President.

ACTING PRESIDENT KUHL: The chair is not recognizing you, Senator Duane, so please sit down.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, just on a point of order so I can make sure I understand the new rules.

Are you saying that Senator Duane, when he asks to explain his vote on a matter of the debate that we just had and the vote we

just had, is no longer in order to do that?

ACTING PRESIDENT KUHL: That's correct.

SENATOR DOLLINGER: Could you cite the section of the rule that applies, Mr. President, with all due respect?

ACTING PRESIDENT KUHL: That's my ruling, Senator Dollinger.

Why do you rise? Are you asking to take up the next -

SENATOR DUANE: I appeal that rule. I appeal it, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, as a point of order, could you explain the section of the rule? Could you provide a citation of the section of the rule that gives the President that authority?

SENATOR SKELOS: Mr. President.

SENATOR DUANE: Point of order. I'm appealing the rule, Mr. President. I'm appealing the rule.

ACTING PRESIDENT KUHL: Senator Duane, you're not being recognized. Would you

please sit down, because you are -- you are out of order, Senator Duane.

SENATOR DUANE: Point of order, Mr. President.

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

SENATOR CONNOR: Everyone sit down.

SENATOR SKELOS: I think we can clarify this. You can explain your vote other than on a canvass.

ACTING PRESIDENT KUHL: Senator Skelos has taken the position, and the chair will recognize that he was mistaken.

So, Senator Duane, would you like to explain your vote on the prior resolution?

SENATOR DUANE: Thank you, Mr. President.

I want to reiterate my affirmative vote on this really terrific rule that Senator Dollinger put forward.

And I'm struck that if we did put our finances forward every six months in this way, there would be no confusion such as the terrible confusion we just underwent because

of the new rules changes. If in fact these expenditures were published, as Senator Dollinger has called for, there probably would be no need for that kind of confusion about where our money is going.

So I could not be any more enthusiastic about this rule change and the way that I voted yes on it, except you might see equal enthusiasm to other rules changes which I believe we will be seeing in the very near future.

But from the bottom of my heart, once again, Senator Dollinger, thank you for this wonderful proposal.

ACTING PRESIDENT KUHL: The Secretary will announce the results.

Senator Brown, why do you rise?

SENATOR BROWN: I rise to explain my vote, Mr. President.

I would also like to explain that we just, in the last series of rules changes that passed, we talked about the spirit of efficiency. And in the spirit of efficiency, I'm voting in favor of this measure because I think it is efficient to give the public the

opportunity to be able to see our finances and review the expenditures of this body.

And I would again, just as Senator Duane has done, commend and congratulate Senator Dollinger for putting forth a measure that gives us the ability to give the public an open and efficient way to review the finances of this body.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will repeat the roll call results.

THE SECRETARY: Ayes, 25. Nays, 33. Party vote.

ACTING PRESIDENT KUHL: And the motion is lost.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I appreciate the presiding officer's indulgence as we work through the new rules. So I'll work through them, as I'm sure the presiding officer and his successors will as well.

Mr. President, I have a second amendment to the rules at the desk that I ask to have considered by the house.

ACTING PRESIDENT KUHL: Is this the one that you have numbered Number 2 that you're addressing now?

SENATOR DOLLINGER: Correct, Mr. President.

ACTING PRESIDENT KUHL: The chair recognizes you for the purpose of explaining it.

SENATOR DOLLINGER: Mr. President, this is a small change, a very small change, that augurs a significant change in the future of this house. This is an amendment to Rule Number II, Section 7, to require the Legislative Library to maintain a collection of videotapes and videodiscs of televised Senate proceedings.

The reason why this is in the rules is because it's part of a four-part package we will eventually get to that discuss and that pertain to the videotaping and the video broadcasting of the Senate proceedings. And this too is another area where we are going to march down a path putting into law things that Senator Bruno has already partly marched us down the path towards.

I was astounded today to hear Senator Markowitz in stereo in the Senate. I sat in the room outside and listened to my staff in Rochester, New York, put the phone next to the computer and listened to the audio broadcasting of Senator Markowitz's remarks. And when the door opened to the Senate chamber, I could hear him live in the Senate chamber.

So I got to hear Senator Markowitz talk not only here in Albany, live, but on about a two-second delay I heard his voice on the Internet from my office in Rochester, New York.

The audio broadcasting of the Senate proceedings is the first step down a path to provide the sunshine that we think is oh so important in government, to bring it right here into the Senate chamber. What this rule simply requires is that we will keep a library of videodiscs and videotapes of all the video broadcasts that the later changes in the rules will require.

In the Legislative Library, as described in the Senate rules, we require the

Legislative Librarian to maintain the records of the Senate. And it seems to me if we are going to march down the road to video broadcasting, we should require that the Senate archive all the video images in this chamber.

I would suggest that New Yorkers would be very well informed about what happened today if they could review the videotaped images of Senator Bruno's defense of the rules, Senator Connor's discussion -- I think oh so appropriate discussion -- about what you have the power to do and what you may want to do but what you don't do because it's not the right thing to do, Senator Hevesi's words, Senator Schneiderman's words, Senator Duane's, all those who spoke.

I think it would be a wonderful thing for the people of this state to be able to look at them as part of a video library so that the images of this Senate in operation would be captured in perpetuity.

The first step in doing that is to require that the Legislative Librarian keep and maintain those tapes. Under the current

rules, we give directions to the Legislative Library staff on what are the official records of the Senate. This amendment simply requires that the videodiscs, if we can record them in disks, or the videotapes, would be kept and maintained as part of the Legislative Library. I think it would behoove the Legislative Library.

Senator Bruno has so often talked about his rules marching us into the 21st century. Well, I think his rules, my personal opinion is that they slid us back to about 1214, that time before the signing of the Magna Carta. But this rule will clearly march us into the 21st century, and maybe turn the Senate around from the direction the last set of rules took it to the new direction and the better direction that this rule augurs for our future.

I recommend it to the house. It's the first of a series of amendments dealing with video broadcasting. This is the first place to start, and I encourage the house to accept it.

ACTING PRESIDENT KUHL: Senator

Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I want to commend Senator Dollinger for offering this rules change. I think it would be good to publicize, as much as anything, what goes on in this chamber so that the voters get a fair opportunity and that the residents of the state know what government is doing.

So, for instance, when Senator Dollinger gets up and he mentions all the Senators that spoke, the fact that he left out his friend who sits next to him is fine, but I can get up and speak for myself and the residents around the state will know how I feel about things.

What's particularly important about this rules change is that the system that Senator Connor described -- and I don't know if I ever really thought about it to the extent that I did when he described it, where he talked about the changes some 25 years ago where we now have district offices, we now have newsletters, there's greater contact

between each individual Senator and the voter.

Constituents come to our offices, they appreciate what we do, and sometimes when they get helped by our offices they leave and they say something like "Tell the Senator I'm going to vote for him." But the funny thing is whether it had been the incumbent or the insurgent, whoever is in the Senate office probably would have helped their constituents when they came to the office. But because of that assistance, it has an almost de jure political interpretation, that this is a good person, we should help them.

Well, the other side doesn't get a chance to give an opinion, and it's actually public money that sponsors our district offices and sponsors our newsletters. But to a certain degree, they are our view, they are one-sided regardless of which district they cover.

So what Senator Dollinger is offering us is an opportunity to hear both views, all through the different regions and parts of the state, and I think it's a great idea.

Thank you.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Thank you. Would the sponsor yield?

ACTING PRESIDENT KUHL: Senator Dollinger, will you respond to a question from Senator Duane?

SENATOR DOLLINGER: Yes, Mr. President.

SENATOR DUANE: Thank you. Through you, Mr. President, I'm wondering whether the Legislative Library would also be required to supplies copies of these tapes to other libraries that requested them.

SENATOR DOLLINGER: Through you, Mr. President, there's nothing in this rule that requires the Legislative Library to provide copies of that.

But I would hope that if the Senate gave direction to the Legislative Library to maintain the collection, that one of the things they would also think about doing is make copies of the videodiscs or the tapes. Ideally we would do in this digitized format,

therefore making the copying of this much cheaper. And if we did, then the Legislative Library would make those available on request. Ideally, either through the Freedom of Information Act or on its own.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR DOLLINGER: I will, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: If one of the libraries at the SUNY campuses requested a copy, would you be supportive of us doing a budgetary add-on so that they could afford to purchase these copies and have them at each of the SUNY libraries that might ask for them?

SENATOR DOLLINGER: I would. Through you, Mr. President, in response, I would.

I think that it would be an enormous education to college students and

graduate students in this state to see the debate that just occurred. It might be a fascinating opportunity to see how government really works and to see how those lofty principles of democracy that drive so many young minds toward government, what happens when they actually get there, and how minds who have been in government for a long time deal with things like legislative debates and attempts to stifle that debate. I think that would be the kind of education that we should make available to our students throughout the state.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR DOLLINGER: Yes, I do, Mr. President, thank you.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: I'm wondering if the sponsor has thought this through enough to tell us whether or not he envisions this being

in black and white or color.

SENATOR DOLLINGER: Through you, Mr. President, living color is the only way to record these. I come, of course, from Eastman Kodak company -- country, I should say, and we believe in color film and color digitizing as well.

SENATOR DUANE: Thank you. Mr. President, if the sponsor would continue to yield.

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

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: Would you envision that the audio part of the tapes would be available in mono as well as stereo, or do you think they'll just be in mono?

SENATOR DOLLINGER: Mr. President, I would encourage them to be digitized and hopefully in full spectrum sound.

SENATOR DUANE: And through you,

Mr. President, if the sponsor would continue to yield.

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

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

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: DVDs are really coming into their own right now, and I was wondering whether or not you envisioned that the tapes would also be available to those New Yorkers who have a DVD home entertainment system.

SENATOR DOLLINGER: Mr. President, I would leave that up to the Legislative Librarian. This amendment simply requires the collection to be maintained. But I would encourage as wide a distribution of these tapes as possible.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR DOLLINGER: Yes, Mr. President, I will.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: I'm not accusing the sponsor of being slippery on this issue, but maybe I should clarify it and say, would the sponsor support a budget item to make it possible for DVD copies to be distributed to libraries and universities?

SENATOR DOLLINGER: Again, Mr. President, I would leave that up to the discretion of the Legislative Librarian on an annual appropriation basis. I personally would support it, but I would leave that to the usual budget process.

SENATOR DUANE: And through you, Mr. President, if the sponsor continue to yield.

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

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: What about those poor New Yorkers who bought Betamaxes, Senator? Do you also believe that they're entitled to see a record of what happens in our body, or should they be discriminated against because they bought technology which they had no way of knowing would soon become obsolete?

SENATOR DOLLINGER: Through you, Mr. President, I would leave it to the Legislative Library staff if they wish to have other forms of recording. I would leave that up to the imagination and the technology choice of the Legislative Librarian, who has good judgment in these areas and whose judgment I respect.

SENATOR DUANE: Thank you. Through you, Mr. President, if the sponsor would continue to yield.

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

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

SENATOR DUANE: I'm wondering if the sponsor could tell me for how long the

library would be required to keep these tapes available, and where -- I'll just go on, because I'll ask a couple of questions at one time, if I may -- where the prior-year tapes would be stored, under your proposal.

SENATOR DOLLINGER: Through you, Mr. President, the Legislative Librarian maintains, I think, historical records from as far back as the early 19th century, if not further back, that deal with the archives of the Senate.

And my intention would be that once these documents are stored, they would be stored in perpetuity, as long as the disks survive. Which to our best understanding, given current technology, is several hundred if not thousands of years.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

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

ACTING PRESIDENT KUHL: The

Senator continues to yield.

SENATOR DUANE: In light of the colorization which happened with movies when Turner bought many of those old movies, I'm wondering if there might be a budget line available for those of us who might need some retouching on the videotapes.

SENATOR DOLLINGER: Mr. President, I'm not sure. Again, I leave that to the Legislative Librarian.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: Let me preface my next question by saying how very much I appreciate the indulgence of the sponsor of this legislation for my questions. It's really a breath of fresh air, Senator. Thank you.

I just finally wanted to ask whether or not you would expect that there

would be a lending fee for the general public if they wanted to borrow one of these videotapes.

SENATOR DOLLINGER: I would leave that up -- through you, Mr. President, I would leave that up to the Legislative Librarian to determine those kinds of costs and expenses.

But I do believe that this is the first step to making them widely available.

And the other advantage would be that ideally, Senator, at some point what the Legislative Librarian could do is simply take a Freedom of Information request over the Internet, put the disk in the machine, and then, through e-mail or some other device, e-mail to the requester the portions of the Senate videotape that they wished. All of which could be done through e-mail.

That technology, I think, will be readily available through the next decade. And it would certainly help people who are doing analysis of the proceedings, who are doing historical reviews of the work of the Senate, scholars looking who are at the Senate debate and the passage of legislation. You

could simply download this stuff from the Legislative Library directly into your home computer and, who knows, maybe someday attach it to your thesis, make it a part of your thesis.

That kind of information dispersion is going to be a part of the next decade, and the Legislative Library ought to be at the forefront of it.

SENATOR DUANE: Thank you. On the bill, Mr. President. On the rule, Mr. President.

ACTING PRESIDENT KUHL: It's a resolution, Senator Duane.

SENATOR DUANE: On the resolution.

ACTING PRESIDENT KUHL: Senator Duane, on the resolution.

SENATOR DUANE: I really have to commend Senator Dollinger for really the breathtaking vision which this particular amendment has brought before all of us. I'm just struck at just the vast universe of possibilities for the use of this really invaluable documentation of what goes on in

our body.

I am almost but not quite speechless with how really terrific this is, and I have to urge everyone to vote in the affirmative on this. Thank you so much.

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

SENATOR CONNOR: Mr. President, in support of Senator Dollinger's -

ACTING PRESIDENT KUHL: We would be taking you out of order, Senator. I assume that your colleagues don't mind. Senator Breslin and Senator Espada have both indicated a desire to speak on this resolution, so if that's permissible with them.

SENATOR BRESLIN: I'll be more than happy to yield to -

ACTING PRESIDENT KUHL: I thought maybe. I thought maybe.

SENATOR CONNOR: Thank you, Mr. President. But I encourage them to go after me.

I just wanted to say I support this. And it raises, as Senator Duane suggested, whole new possibilities. And I

think probably when we get to the next amendment we can talk about methods of doing it, because I think people do have a lot of concerns about how one would televise Senate sessions. Particularly because we don't have a podium the way Congress does. And I think everyone agrees that it would only be fair to film the presiding officer, members that have the floor or share the floor.

So I think in the next one Senator Dollinger will inform, I hope, the body the way he has me of things that can now be done in videographing which will not scan the chamber but will be able to focus before there's a picture on the person that has the floor.

I would just caution the members, I'm sure decades ago actors were very, very excited when they heard, oh, they're going to film my play, or, gee whiz, they're going to preserve my film and isn't that nice. Never realizing that, you know, decades later it would be played on TV for profit. So I hope if this passes, we then have a subcommittee to look at residuary rights for former

senators -- because it wouldn't be appropriate while you were still in office -- in case something you said on the floor ends up being a hit on Home Box Office years after you've left office.

But I do think this is a good way to preserve our record. People with an interest in history can learn a lot more, I think, from this kind of technology than, frankly, the dry words of minutes tell you.

I would love to be able to see, for example, one of my predecessors, Senator Wagner, the original Senator Wagner before he was a U.S. senator, as well as one of the Speaker's predecessors, Al Smith, when -- if you've seen that documentary on New York City and you see what a pivotal role they played actually on the floor of these houses in dealing after the Triangle Shirtwaist Factory fire with labor rights and workers' rights in their investigations. You can read all about it, but I'd love to be able to see them actually on the floor, and their other colleagues of the day, addressing these issues with such force and passion and weight of

facts behind them.

So I think we'd do the public a service if we went ahead with something like this. And someday, you know, when I'm old and retired and run out of bait and beer, I wouldn't mind kicking back in the evening, maybe, and being able to watch some of these great debates that we're going to have in the coming year or two.

So I support this, Mr. President.

ACTING PRESIDENT KUHL: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President, briefly on the resolution.

I too join with my fellow Senators in commending Senator Dollinger for figuratively and literally turning on the lights on this body, in his first resolution dealing with our finances, which went down to defeat because there's so many excesses in that area, and now we have one that would allow the people of the State of New York historically and currently to view what we do here, so they'd be able to look and see who's here when we take attendance and find out

philosophically which way we're driven.

They'll find out the process, whether it be flawed, open or not. And I'd suggest that it would be a rude awakening for those people who view what we do here in this body.

And remember, when we show the people what we do here, it will be reflected in what they do in terms of returning us here.

So I commend Senator Dollinger. I commend Senator Dollinger prospectively for the resolutions that we'll be hearing about later, and I urge both sides of the aisle to come across and join with us in keeping the lights on.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Senator Espada, on the resolution.

SENATOR ESPADA: Thank you, Mr. President. I too would like to join the chorus of praise and adulation for Senator Dollinger's resolution.

However, I do have a concern that may keep me from supporting it, and I'd like to ask the sponsor to yield for a question.

SENATOR DOLLINGER: Yes, Mr. President, I'll yield to a question from Senator Espada.

ACTING PRESIDENT KUHL: Senator Dollinger yields to a question.

SENATOR ESPADA: Of concern to me, Senator Dollinger, is the matter of whether the transmissions will be in Spanish simulcast or whether we'll have translations throughout the city and state.

SENATOR DOLLINGER: Through you, Mr. President, I think, the way I understand digital technology, is that that could be one of the tremendous advantages of video broadcasting and of maintaining a videotape collection.

And that advantage is that in order to get to broadcasting, which we'll talk about in a couple of minutes in Rule Change Number 5 -- but with respect to the preservation of the disks, those disks could be preserved in other languages.

They could be interpreted either at the time of recording or at the time of putting them on the permanent disk, when

they're actually put on the disk, and they could be interpreted at the point of memorializing them in the disk. And therefore, you could have a Spanish translation or other language translation at the time of the creation of the disk.

And I also believe it's possible that we will get to a technology, Senator Espada, which in the future will be able to interpret the disk and the audio portion instantaneously when it's played in a DVD player. In other words, you can take an English-speaking disk, put it into a projector, into a machine that will show the image, and at the same time you will have a simultaneous translation occur via the machine.

I don't believe that we are that far away from developing a machine that will be able to interpret the language from a videodisc and will be able to make almost an instantaneous conversion from English to Spanish to French and German and back.

So I would hope that the first step is to preserve it in its English form as we

recite it here, but the other advantage would be it could be simultaneously translated. I would suggest if we're going to really broadcast to the major portion of New Yorkers who are not English-fluent that we should certainly consider doing that.

But I think that it holds other advantages in the long run. Since we're by this rule requiring that the tapes be maintained, we're opening the door to a technology in the future that could do translation to make it available to everyone.

SENATOR ESPADA: Through you, Mr. President, I thank Senator Dollinger for that concise and timely and rather ingenious explanation. I'm a nontechnocrat, but I understood perfectly that this would certainly advance our cause, advance the ability for us to communicate, and, most importantly, for the public at large to have an exchange with us, an exchange that perhaps has been limited today but no doubt, through this kind of creativity, would be expanded in the future.

Therefore, I would support this measure. Thank you.

ACTING PRESIDENT KUHL: Senator Smith, on the resolution.

SENATOR MALCOLM SMITH: Thank you, Mr. President. Would my distinguished colleague from Rochester yield for a question.

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT KUHL: I was looking around to find the distinguished colleague, but -- I know there's more than one person from Rochester here.

But are you asking Senator Dollinger, I guess I probably should say, to yield?

SENATOR MALCOLM SMITH: Yes.

SENATOR DOLLINGER: Yes, Mr. President. Senator Alesi not being available in the chamber, I will yield.

ACTING PRESIDENT KUHL: Senator Dollinger yields.

SENATOR MALCOLM SMITH: Yes, through you, Mr. President, is there a particular amount of time in which this video will be running, or will it run for the entire session?

SENATOR DOLLINGER: Through you, Mr. President, it's my intention -- as I'll explain actually in the next amendment where we talk about the official videographer how it would work.

But this tape would be of from the moment we gavel in during the live debate portions, when there are members in the chamber who are actually speaking and engaged in the debate or the advancement of bills. The times when we're in conference and doing other things would not be part of the video record.

SENATOR MALCOLM SMITH: Through you, Mr. President.

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

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

SENATOR MALCOLM SMITH: Would this document be copyrighted as well? Would this be copyrighted also?

SENATOR DOLLINGER: No, Mr. President, it's my understanding that the proceedings of this chamber are not

copyrighted, they're not owned by the Senate. They are reproduced by the Senate and available to the public for a cost. But I don't believe there's any copyrighting. Certainly the speeches that we all give suddenly become the public's words and can be reproduced without our authority. And oftentimes, at least in the press, may often be.

SENATOR MALCOLM SMITH: Through you, Mr. President.

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

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

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR MALCOLM SMITH: Based on the new rule, this canvassing, would this videotape be running during the canvass?

SENATOR DOLLINGER: Through you, Mr. President, I assume it would be done through the canvassing, but we haven't really probed what canvassing means yet under the rules.

And I know, Senator Smith, like you, I await that day when we figure out what canvassing really is. And I assume Senator Kuhl or whoever is in the chair will describe it for us and we'll figure out what it really is.

But my guess is that the camera is running during the canvassing, whatever that may be.

SENATOR MALCOLM SMITH: On the resolution.

ACTING PRESIDENT KUHL: Senator Smith, on the resolution.

SENATOR MALCOLM SMITH: I'd just like to join all my colleagues as well in commending Senator Dollinger. He has continued, in my eyes, to dazzle me with his verbal and intellectual insight from the day that I was elected.

And I would just want him to know that, in the spirit of cooperation, I would hope that he would continue to formulate his legislative resolution in the same vein.

Thank you very much.

ACTING PRESIDENT KUHL: Senator

Brown.

SENATOR BROWN: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Why do you rise? Do you want to speak on the resolution?

SENATOR BROWN: Through you, Mr. President, I'd like to ask the sponsor to yield for a question.

ACTING PRESIDENT KUHL: Senator Dollinger, do you yield?

SENATOR DOLLINGER: Yes, Mr. President.

SENATOR BROWN: I think, Mr. President, this also raises another point. Could it be possible for there to be some positive fiscal impact of this resolution to the State Senate in that these videotapes or videodiscs might be requested by members of the media, might be requested by movie houses and other agencies that might seek to utilize some of these proceedings in some way that they might pay for the use of such?

SENATOR DOLLINGER: Through you, Mr. President, I think that's entirely

possible.

I think as Senator Brown knows, in an age of exploding video displays and use of videotape, these would be owned by the public, they would be owned by the Senate. If they were going to be reproduced, I'm sure we could charge a fee for the reproduction, much as we charge, I think, for the transcript of proceedings to outsiders from time to time.

So I believe there could be a financial reward at some point. And I would just suggest, Senator Brown, that there was a time in this chamber when, if we'd had the video on, we would have gotten videotapes of two United States presidents that might be priceless. And I would suggest as we look around the room that there may be a United States senator and, who knows, maybe even a future president of the United States for whom videotape at some point may be significantly valuable.

SENATOR BROWN: Through you, Mr. President, would the sponsor continue to yield for a question.

ACTING PRESIDENT KUHL: Senator

Dollinger, do you continue to yield?

SENATOR DOLLINGER: Yes, Mr. President.

SENATOR BROWN: I know that when we discussed the proposed rule changes that previously passed, Senator Markowitz raised the question of the inequity of resources.

And in the case of the ability to sell these videotapes or videodiscs, if those resources were to accrue to the benefit of the Senate, what would you propose for the equitable distribution of these resources so all members could utilize those resources for the benefit of our constituencies?

SENATOR DOLLINGER: Through you, Mr. President. Senator Brown, if you're suggesting that somehow our value or the wisdom and skill of the speaker would have some correlation to how much money we bring in, and therefore it would inure to the side of the house from which that wit and wisdom originates, I think that's a brilliant idea.

That would probably suggest, however, that it dooms the idea, because I think that would suggest that most of the

revenue would actually come to this side of the chamber.

But my sense is that, on a realistic note, that whatever money comes in through the general fund would inure to the benefit of the Senate and perhaps additional resources for staff for all of us, especially those of us who desperately need it and for those of us who, in comparison to some of our colleagues, don't have a sufficient amount.

SENATOR BROWN: On the resolution, Mr. President.

ACTING PRESIDENT KUHL: Senator Brown, on the resolution.

SENATOR BROWN: I too would just like to lend my voice to the chorus of others who have risen to commend Senator Dollinger on this excellent piece of legislation. And certainly I would urge my colleagues on both sides of the aisle to join me in voting for its passage.

ACTING PRESIDENT KUHL: Senator Velella.

SENATOR VELELLA: Mr. President, under Rule IX, subdivision 3(d), the time

allotted to the Minority has expired on this resolution. And I would like the rules to take effect and the matter to proceed to a vote, please.

ACTING PRESIDENT KUHL: The question is on the resolution.

SENATOR PATERSON: Mr. President.

SENATOR HEVESI: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson, first, why do you rise?

SENATOR PATERSON: Mr. President, just a point of order.

Would either you, or perhaps we might be enlightened by the Acting Majority Leader, tell us what the time period was? I'm just not sure.

ACTING PRESIDENT KUHL: Would you like to explain your point of order, Senator Velella?

SENATOR VELELLA: Mr. President, under the Rule IX, subdivision 3(d): Debate on motions or resolutions other than concurrent resolutions shall be limited to one hour, with one half hour allocated to each conference.

In the interests of expediting the matter, we will waive our half hour.

ACTING PRESIDENT KUHL: Is that sufficient an explanation of the point of order that was raised by Senator Velella, Senator Paterson? It just simply requires a yes or no, Senator.

SENATOR HEVESI: Mr. President.

ACTING PRESIDENT KUHL: Why do you rise, Mr. Hevesi?

SENATOR HEVESI: Point of order, Mr. President. I would like to speak on this amendment, and so I would like the chair to rule as to whether or not we have exceeded our allotted time, in accordance with what Senator Velella just -

ACTING PRESIDENT KUHL: You are out of order, Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

SENATOR VELELLA: Party vote in the negative.

THE SECRETARY: Ayes, 25. Nays, 33. Party vote.

ACTING PRESIDENT KUHL: The resolution is lost.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I believe there's an amendment which has been demarcated as Number 3. I would waive its reading and ask to be heard on the amendment to the rules.

ACTING PRESIDENT KUHL: The reading of the proposed amendment to the rules is waived. You are now afforded the opportunity to explain.

SENATOR DOLLINGER: Mr. President, I'll be very brief. I would anticipate some questions from my colleagues to perhaps explain what happens in this proposed amendment.

This is an amendment to create the position of official videographer of the Senate. What I wanted to do was just describe how the videotaping of the Senate could be

done with absolutely no disruption to the chamber and do it exactly the way we do our audio broadcasting currently.

The easiest way to do it is to simply mount a small camera in all four corners of the chamber, probably 15 to 18 feet above the Senate floor. And then what would happen is the official videographer would sit next to the official microphone guy -- I don't know the gentleman's name there, but he's the guy who runs the microphones. He's got a big board, and on that board he's got a bunch of the keys so that he punches it in and this little light goes off when he punches it in.

What would happen is the four cameras would be synchronized to cover a certain number of seats in the chamber. Probably somewhere between a grouping of about eight or ten seats would all be projected from the camera up to the president's left. It would be held up on the wall up there. That camera would then be triggered by the official videographer to focus on the chair of the member who's speaking.

One of the concerns about the

presentation of the Senate on videotape or video broadcasting is that, frankly, the situation we have right now. We're late in session for the day, a lot of the members aren't in their chairs, and there's a concern -- I think it's a legitimate one - that the Senate chamber shouldn't be projected and having -- leading the public to conclude that the other members don't care. There are other issues that take Senators out of the chamber, especially during a long session like this, one that will get longer.

And it seems to me that that's a reasonable thing to do, not to expose members to the potential that there will be videotape pictures of their empty chairs and that somehow someone in a campaign would run that photograph and say "Senator Dollinger is not in his chair during a vital debate."

We don't think that's fair, we think that's an improper use of videotaping. And therefore, the way to do it is to do it exactly the way we do it now, which is to set up a system under which the video cameras from the rear would be projecting to the president

and to the clerks, so that those would all be part of the video broadcast. And the cameras that are both on the front of the chamber would then have the ability to show the members whose seats are in the back portion.

Those on the back corner would be projected across the vision of the chamber and show the members -- Senator Libous, who sits in the front, Senator Duane, who sits in the front. Those would be both subject to projection from the cameras from the rear.

That would be the job of the official videographer. It would be a position appointed by the Senate President. Much as the Democratic Minority in this house does not have much of a role in either the Secretary of the Senate or the other appointments, this would be an appointment for the Senate President. I'm willing to give Senator Bruno the ability to make this appointment. It seems to me that's the right thing to do, he's the right person in the house to do it.

And I would suggest that we appoint an official videographer, we put him right next to the guy who runs the microphones. He

can sit there with his little videotape, monitor the tape, we can set up a little projection screen which will show what is being video broadcast to the people in this state.

And I would conclude with one other notion. If we can audio broadcast by computer, we can clearly video broadcast as well. Those who would suggest to you that the only way we can do this is through some massive television network, they're absolutely incorrect. Those who are telling you that we need to spend $30 million are absolutely incorrect. We need to simply wire this chamber so, as Senator Bruno told us two and a half hours ago, it's ready to welcome the 21st century.

I would say one of the reasons that we've argued so loudly for sunshine today is because we want the chamber to be bright enough so that they can see every smiling face when we video broadcast. Let's amend the rules to create the position of a videographer, an official videographer for the Senate, as the next step in bringing that

process to reality right here in this chamber.

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

SENATOR PATERSON: Mr. President, I rise in support of Senator Dollinger's motion.

And as you all know, in the last two days New York lost its opportunity to be the home of the world champions of baseball and football. And the most significant play in the game that caused New York to lose was the interception run-back for a touchdown that was called back because of a holding penalty. Nowhere in the rest of the broadcast, in spite of all of this publicity about how CBS had these ways of covering the Superbowl, did they show the holding penalty. They showed the interception, but if you think about it, they never showed the holding penalty.

Now we know that if Senator Dollinger were there, we would have had that situation addressed.

So perhaps we should use his camera angles and his thoughts and implement them. There are many other reasons, but at this hour

this was the one I wanted to cite to you.

I'm in favor of it, Mr. President.

ACTING PRESIDENT KUHL: Senator Velmanette Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes, Mr. President, I would just like to rise to support Senator Dollinger's amendment.

And I think it's more than even having sunshine and having the public view what we do. I think it's also an opportunity for our citizens to understand a little bit more in depth what the legislative process is. It's an opportunity to educate the public, to educate young people, to hopefully engage them more in wanting to be part of their own government and to really being more involved citizens as it relates to the democratic process with a small D.

So I thank you, Senator Dollinger. I think this is an excellent proposal. And we certainly should be considering it, because it's so important to maintaining a foundation of our democracy.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator

Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I too would like to congratulate my colleague. I am always fascinated by people who are truly creative, but not only in government but in the other areas of their lives. And when they can translate those two and put them together, I'm awed. And very few things awe me.

One of the things that I like about Senator Dollinger, just in the short time that I've been here, is that when he begins to speak on issues, no matter what questions you ask him, he is very fluent. And I always have a sense of comfort when he proposes something, as I do now, that the idea here is a good one. No matter which questions he's been asked, he's been able to, at a moment's notice, be able to draw on tremendous experience.

And I think that we would do ourselves a disservice to lose the advantage of the opportunity that he offers us to enlighten our public and certainly to review ourselves in retrospectiveness.

And I think that perhaps in that perspective, it will teach us something about our behavior here. When we talk about how we behave, we're not always as conscious of ourselves through the eyes of someone else. But I have found that through videography, when you see yourself, it has to give you pause. And I think that that is something that we should always consider.

Again, as we stand here and as we present things, my concern is that we always provide the kind of leadership as we go forward that allows the people who elect us to know that we're doing the very best we can, even if it doesn't always translate into the things that they want to see happen.

So I am in total support and I continue to applaud my colleague, Senator Dollinger.

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

SENATOR SCHNEIDERMAN: Yes, Mr. President. I want to ask, through you, if the sponsor will yield.

I do hope that recognition is taken

in terms of your own position and compensation for the newly difficult role you will be playing in the weeks to come, Mr. President. But I would like to ask for the sponsor to yield.

SENATOR DOLLINGER: Yes, I will, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Senator, my question to you is, American history is full of examples of the creation of a position, as you seek to do here, that's had a tremendous impact on politics and public policy.

Certainly at the outset of this great venture in democracy, which has taken some hits today but moves forward nonetheless, the creation of the offices of attorney general, secretary of the treasury, things like that, great innovations that were made, had a great impact.

In your effort to create the position of official videographer, I'm wondering if it has occurred to you or if

you've had any thoughts about how this fits in with the tradition set down by the founding fathers.

SENATOR DOLLINGER: Through you, Mr. President. That strikes an interesting chord, given my particular interest in the history of technology, its interaction with government, its interaction with society generally.

You may recall that one of the first positions created in the new government of the United States was the position of postmaster, because of the complete dependence of the government on the transportation of the mail, which at that time was done almost exclusively by horse.

Subsequent to that, of course, in the midpart of the last century -- and a fascinating book, if you get a chance to read it, is Steven Ambrose's recent book about the building of the intercontinental railroad, which gave birth to the ICC and the Federal Railroad Commission. These were all things created by government to recognize the advance of technology, the rapid growth of the

railroads in the United States and really between 1825 and 1865, the end of the Civil War. And then of course the explosive growth that's occasioned with the merger of the Central Pacific and Union Pacific Railroad. In addition to that, the Internet itself has been created by government, largely for military purposes.

And so what's happened is the government has always been, I think, a step behind the technology. But while they're a step behind, they're also an important ingredient in driving the technology forward. Because it's the government's recognition of the capabilities that technology offers that oftentimes triggers an increased utilization and a blossoming of the technology.

Which is why our creation of the position of official videographer, it seems to me, would be the step that says this is the new technology, the New York State Senate is accepting that technology and we're prepared to drive this technological vehicle forward - all in the interests, I would suggest, of achieving the goal of the founding fathers,

which was to get people more involved in their government and make sure, as Abraham Lincoln said, this is a government of the people, by the people, and for the people.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. On the resolution.

I cannot state more strongly than my colleagues have already my appreciation for Senator Dollinger. My appreciation for the Senator is second to none in this house.

I think that it is incumbent upon us to adopt this resolution and to move forward to implement something that our own Majority Leader said he favored some years ago. And I think by failing to adopt these resolutions we're really standing in the way of opening the Senate up to televised proceedings, which I know Senator Bruno has publicly stated he supports. Our leader of our conference supports it. So I think we should get to it.

Technology is changing. Technology is requiring us to move with the times. And I also think that, as Senator Connor stated, this is something that can benefit people in

this state tremendously and can benefit us. Someday after, you know, one or another of us has left the hot kitchen, we may want to tune in and see our other colleagues. And I know that, you know, if one of us had to go away, they would like to watch what's going on.

It's a natural. It's easy to do, it's done everywhere else. It's done in the New York City Council. We don't want to be behind the New York City Council, for goodness' sake, since we had to miss their lunch today.

SENATOR DUANE: Brunch. It's brunch.

SENATOR SCHNEIDERMAN: But I urge everyone to vote for this and support this resolution, and that we move forward to endorse all the other resolutions on the issue of -- I'm sorry.

SENATOR DUANE: It's brunch.

SENATOR SCHNEIDERMAN: Do you want to -

SENATOR DUANE: Would you yield?

SENATOR SCHNEIDERMAN: I would yield. Senator Duane is correcting me, it was

brunch. I apologize, Senator. No point of order required.

But I urge a yes vote on this and the other parallel resolutions.

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

SENATOR MALCOLM SMITH: Well, I will yield to Senator Stavisky.

ACTING PRESIDENT KUHL: Senator Smith, did you wish to be recognized on the resolution? I guess not.

SENATOR STAVISKY: I'm Stavisky, that's Smith.

ACTING PRESIDENT KUHL: I understand that. I was addressing Senator Smith as to whether he wished to be talking on the resolution.

SENATOR MALCOLM SMITH: Yes.

ACTING PRESIDENT KUHL: You do.

SENATOR MALCOLM SMITH: Yes, but I would yield to -

ACTING PRESIDENT KUHL: Okay, you were next on the list.

So, Senator Smith, I recognize you for discussion on the resolution.

SENATOR MALCOLM SMITH: Okay. Through you, Mr. President, would my distinguished colleague from Rochester, Senator Dollinger, yield for a question.

SENATOR DOLLINGER: Yes, Mr. President.

SENATOR MALCOLM SMITH: Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger, do you yield?

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

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR MALCOLM SMITH: Has my distinguished colleague given some thought to the cost or the salary for this particular individual?

SENATOR DOLLINGER: Through you, Mr. President, I assume that the official videographer would be compensated comparable to the official stenographer. I don't know what that cost is. It may be done on a basis of hourly rate or per page or per disk or some rate. I'm sure, Senator, that we could

clearly establish an acceptable rate for the official videographer.

And through you, Mr. President, can I call for a quorum?

ACTING PRESIDENT KUHL: I've never had a quorum called.

SENATOR CONNOR: Page 23.

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

SENATOR PATERSON: Mr. President, I thought maybe I could be of help.

ACTING PRESIDENT KUHL: Senator, this has been such a taxing moment that I had to get some nourishment to make it through the next speaker.

But I'm more than happy to entertain your conversation at this point before we move to the request that was made just previously by Senator Connor.

SENATOR PATERSON: Well, on page 23, Mr. President, I think it states pretty clearly -- and this is not a rule we adopted today, this has been in the rules for a number of years -- that every hour there's an opportunity for a quorum call.

And I just thought that I would enlighten the chair of that so that perhaps we could ring the bells and see if any of our colleagues care to join us. So I thought you might wish to hear some advice about the rules.

ACTING PRESIDENT KUHL: I appreciate that. And I found that section in the rules, Senator. And I never did take that speed-reading course that I should have, and so it takes me little while to work through each one of these sections.

And this is -- unfortunately, I don't have the distinguishedness of a senator in this chamber from Rochester, nor the ability to be honored and recognized by all my colleagues as he has been done so well today, so it does take me a little longer to work through these things. And if you'll just have some patience, I will be more than -

Senator Velella, why do you rise?

SENATOR VELELLA: Mr. President, after reviewing the rules and in order that we be fair with everybody, I would just like the chair to note that 15 minutes expired on

Senator Dollinger's third proposed amendment. So that that will be of record in the event we see that proposal again.

And at this time, on behalf of the Majority Leader, I move to adjourn.

SENATOR CONNOR: Mr. President, may I ask Senator Velella a question.

ACTING PRESIDENT KUHL: If the Senator wishes to entertain that.

SENATOR VELELLA: I move to adjourn until Monday, February 5th, at 3:00 p.m., intervening days being legislative days.

SENATOR CONNOR: Objection. Objection, Mr. President.

ACTING PRESIDENT KUHL: Senator Connor, the motion to adjourn, as I have been reviewing the rules here, does take precedence over everything at this point.

So the motion to adjourn is before the house. It takes precedence over an order or a call of the Senate for a quorum. So we will have a roll call on that motion at this moment.

The Secretary will call the roll.

SENATOR VELELLA: Mr. President, under the new rules, party vote in the affirmative to adjourn.

SENATOR CONNOR: Well, we'd like a fast roll call, Mr. President.

SENATOR VELELLA: Party vote, Mr. President.

SENATOR CONNOR: Point of inquiry, Mr. President.

ACTING PRESIDENT KUHL: Senator Connor?

SENATOR CONNOR: Point of inquiry.

ACTING PRESIDENT KUHL: Point of inquiry.

SENATOR CONNOR: Senator Velella very fairly noted for the record that only 15 minutes had elapsed on Senator Dollinger's -

ACTING PRESIDENT KUHL: Excuse me just one moment. Give me just one moment.

Senator Connor, thank you for that indulgence. I had a phone call. It's one of those from home that you never want to get, you know, that you always answer. So thank you for that.

We are on a roll call.

SENATOR VELELLA: Mr. President, I would move to suspend that briefly so that we may recognize the fact -- the Minority Leader has asked that we put on the record the fact that 15 minutes has elapsed on Senator Donovan's -- I'm sorry, Senator Dollinger's resolution, and that we will take that up again in the future. The 15 minutes will be deducted from it and there will no need to serve further notice, they'll be carried over.

SENATOR CONNOR: On that and his other ones that are pending.

SENATOR VELELLA: On the other ones which we have a record of at the desk. Any which we just have a notice of will have to be filed.

ACTING PRESIDENT KUHL: With that acknowledgment, then we're moving to a slow roll call -- a fast roll call, I meant to say, a roll call on the resolution.

SENATOR VELELLA: Party vote in the affirmative to adjourn. Party vote to adjourn.

SENATOR CONNOR: Party vote in

the negative.

ACTING PRESIDENT KUHL: The Secretary will record the party line votes and announce the results on the motion to adjourn.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 33. Nays, 25. Party vote.

ACTING PRESIDENT KUHL: The Senate stands adjourned until Monday, at 3:00 p.m., with intervening days to be legislative days.

(Whereupon, at 4:55 p.m., the Senate adjourned.)