ALBANY, NEW YORK

January 7, 1998

12:15 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Would you please rise and join with me again in pledging allegiance.

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

RIGHT REVEREND DAVID S. BALL: Let us pray.

Almighty God, You will that we live together in justice, compassion and peace. Bless the people of this state of New York in our common life together. We pray for legislative session. Give them wisdom, courage and integrity of purpose. May they remember that they are Your servants and the servants of the people.

We pray for Your healing gifts on John Marchi, his wife and driver. Bless

them, God, and bless us all in Your mercy. In Your holy name, we pray. Amen.

THE PRESIDENT: Amen.

The Secretary will call the roll to ascertain a quorum.

THE SECRETARY: Senator Abate.

(There was no audible response.)

Senator Alesi.

(There was no audible response.)

Senator Balboni.

SENATOR BALBONI: Here.

THE SECRETARY: Senator Breslin.

(There was no audible response.)

Senator Bruno.

(There was no audible response.)

Senator Connor.

SENATOR CONNOR: Here.

THE SECRETARY: Senator Cook.

SENATOR COOK: Here.

THE SECRETARY: Senator

DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Here.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: Here.

THE SECRETARY: Senator Gold.

(There was no audible response.)

Senator Gonzalez.

SENATOR GONZALEZ: Here.

THE SECRETARY: Senator Goodman.

(There was no audible response. )

Senator Hannon.

(There was no audible response. )

Senator Hoffmann.

(There was no response. )

Senator Holland.

SENATOR HOLLAND: Here.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Here.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: Here.

THE SECRETARY: Senator Kuhl.

(There was no audible response.)

Senator Lachman.

SENATOR LACHMAN: Present.

THE SECRETARY: Senator Lack.

SENATOR LACK: Here.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Here.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Here.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Here.

THE SECRETARY: Senator Leichter.

(There was no audible

response. )

Senator Levy.

(There was no audible response.)

Senator Libous.

SENATOR LIBOUS: Here.

THE SECRETARY: Senator Maltese.

(There was no audible response.)

Senator Marcellino.

SENATOR MARCELLINO: Here.

THE SECRETARY: Senator Marchi.

(There was no response.)

Senator Markowitz.

SENATOR MARKOWITZ: Here.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Here.

THE SECRETARY: Senator Mendez, here.

Senator Montgomery.

SENATOR MONTGOMERY: Here.

THE SECRETARY: Senator Nanula.

(There was no audible response.)

Senator Nozzolio.

SENATOR NOZZOLIO: Here.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Here.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Here.

THE PRESIDENT: Senator Bruno, a quorum is present.

The Chair hands down a communication from the Governor. The Secretary will read.

THE SECRETARY: Dear Ms. President: I would appreciate the privilege of appearing before your honorable bodies in joint session on January 7, 1998 at 1:00 p.m., or as soon thereafter as may be convenient, to personally deliver my annual Message to the Legislature.

Sincerely, George E. Pataki.

THE PRESIDENT: To be filed in the Journal.

The Chair recognizes Assemblymen Farrell and Faso.

ASSEMBLYMAN FASO: Madam President, Mr. Farrell and I have come from the Assembly to inform you that the Assembly is organized and ready to meet in joint session with the Senate today.

THE PRESIDENT: Thank you.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up Resolution Number 2247, read its title and move for its immediate passage.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution, that Steven M. Boggess of Sand Lake, New York, be and he hereby is elected Secretary of the Senate for the year 1998.

THE PRESIDENT: The question is on the resolution. All in favor please

signify by saying aye.

(Response of "Aye.")

Opposed nay.

SENATOR CONNOR: Excuse me, Madam President.

SENATOR BRUNO: Mr. Boggess.

THE PRESIDENT: Very good, Senator Connor.

The resolution is adopted, and Steven M. Boggess has been elected Secretary of the Senate for the year 1998.

Senator Bruno.

(Applause)

Senator Bruno will administer the oath of office.

SENATOR BRUNO: Madam President, thank you, and it is my pleasure to administer the oath to my friend and to a lot of you, and we had indicated for everyone in the chamber that we will not make any speeches today because we're not here for that purpose.

If you would repeat after me. I, Steven M. Boggess, do solemnly swear that I will support the Constitution of the United

States, the Constitution of the state of New York, and that I will faithfully discharge the duties of the office of the Secretary of the Senate, according to the best of my ability, so help me God.

Congratulations, and may I introduce the Secretary of the Senate.

(Standing applause)

THE PRESIDENT: Ladies and gentlemen, the Secretary of the Senate.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up Resolution Number 2209, read its title and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution of the Senate and Assembly: Resolved that the Senate and Assembly meet in joint assembly in the Assembly Chamber at 1:00 p.m. today for the purpose of receiving a message of the Governor.

The Assembly sends for

concurrence the identical Resolution Number 1397.

THE PRESIDENT: The Assembly resolution will be substituted.

On the resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time, take Resolution Number 2210, read its title and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution: Resolved that a committee of two be appointed by Senator Bruno to inform the Governor that the Senate has adjourned its 220th session sine die and has again convened and is organized and ready to proceed to business and will meet with the Assembly in joint session in the Assembly

Chamber at 1:00 o'clock p.m. today to receive the Governor's message.

THE PRESIDENT: On the resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

Senator Bruno appoints Senator Velella and Senator Gentile to wait upon the Governor.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up Resolution Number 2211, read its title and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution: Resolved that a committee of two be appointed by Senator Bruno to inform the Assembly that the Senate has adjourned its 220th session sine die and is again convened and is organized and ready to proceed to business and will meet with the

Assembly in joint session in the Assembly Chamber at 1:00 o'clock p.m. today to receive the Governor's message.

THE PRESIDENT: On the resolution, all in favor please signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

Senator Bruno appoints Senator Balboni and Senator Breslin to wait upon the Assembly.

Senator Bruno.

SENATOR BRUNO: Madam President, having concluded our business for this day in this chamber, I would now suggest that we move to the Assembly Chamber where we will hear the Governor's State of the State message which will officially open our session; and there being no further business at this time to come before the Senate, I would wish you all a very Happy New Year and adjourn until January 12th, Monday, at 3:00 p.m.

THE PRESIDENT: On motion

SENATOR BRUNO: Intervening days to be legislative days.

THE PRESIDENT: On motion, the Senate stands adjourned until Monday, January 12th at 3:00 p.m., the intervening days to be legislative days.

SENATOR BRUNO: Thank you, Madam President.

(Whereupon at 12:25 p.m., the Senate adjourned.)