NEW YORK STATE SENATE

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12:20 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order, please.

I ask everyone present to again please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: We have the honor of having with us this afternoon the Most Reverend Howard J. Hubbard, Bishop of the Roman Catholic Diocese of Albany, who will now give the invocation.

BISHOP HUBBARD: Let us pray.

Eternal and loving God, as we begin this new year of 2002 facing challenges and infringements upon our homeland that in the past we could not have imagined and have yet to eradicate, we ask Your guidance in our efforts towards securing peace and justice for Your people in our state, nation, and world.

In Your mighty providence, O caring God, You have endowed people representing us in government with varied gifts of resourcefulness, imagination, foresight, and

the need for human solidarity in confronting together how best to meet the needs of these unsettled times, to serve the common good of the people, and to achieve the goals this crucial period mandates.

Pour forth Your blessings upon these, the members of the New York State Senate, as they begin this new legislative session. Enliven them with Your spirit so that they may widen their vision, deepen their insights, and increase their awareness of the crises and drastic needs facing so many of our brothers and sisters in this, our Empire State.

Give them the wisdom, the courage, and the integrity that will be required to address complex problems, fashion constructive solutions, and implement policies and programs that equitably serve the needs of all New Yorkers, especially the poor, vulnerable, and disenfranchised.

For all this we pray, O God, in Your sacred name, You who live and reign both now and forever and ever.

Amen.

THE PRESIDENT: Thank you, Bishop Hubbard.

The Secretary will now call the roll to ascertain a quorum.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Present.

THE SECRETARY: Senator Balboni.

(Senator Balboni was recorded as present.)

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Present.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Here.

THE SECRETARY: Senator Brown.

Senator Bruno.

(Senator Bruno was recorded as present.)

THE SECRETARY: Senator Connor.

(Senator Connor was recorded as present.)

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator Dollinger.

(Senator Dollinger was recorded as present.)

THE SECRETARY: Senator Duane.

SENATOR DUANE: Here.

THE SECRETARY: Senator Espada.

Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Present.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: Present.

THE SECRETARY: Senator Gonzalez.

Senator Goodman.

SENATOR GOODMAN: Here.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Here.

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Here.

THE SECRETARY: Senator Hevesi.

SENATOR HEVESI: Here.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Here.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Here.

THE SECRETARY: Senator Kruger.

Senator Kuhl.

SENATOR KUHL: Present.

THE SECRETARY: Senator Lachman.

Senator Lack.

SENATOR LACK: Present.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Present.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Here.

THE SECRETARY: Senator Leibell.

(Senator Leibell was recorded as present.)

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Present.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Present.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Present.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Here.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator McGee.

SENATOR McGEE: Here.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Here.

THE SECRETARY: Senator Mendez.

(Senator Mendez was recorded as present.)

THE PRESIDENT: Senator Bruno, a quorum is present.

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

THE SECRETARY: "Dear Madam President:

"I would appreciate the privilege of appearing before your honorable bodies in joint session on January 9, 2002, at 1 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.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam

President.

I want to welcome everyone here to this chamber in this year of 2002. And as we open the new session -- and as you heard, we closed last year's session -- we're leaving behind us last year and we are opening a door to a session that is new to all of us in the year 2002.

And as we open the door to this session, I want to acknowledge and recognize that the door is closing for two members here in this chamber, Senator Roy Goodman and Senator Marty Markowitz.

Senator Goodman, starting his 34th year in this chamber, has become in his own lifetime a legend in this chamber. His oratory is second to none, with the possible exception of Senator Marchi with his 46 years. And he will continue.

But Senator Goodman goes on to greater public service in a global environment as the president of the United Nations Development Corporation. We thank him for his public service and wish him well in his new endeavor.

Marty Markowitz was elected president of the Borough of Brooklyn, and he has expanded his constituency and all the good works that he will be doing, and we will commit to him a continuing partnership.

We are here in a historic chamber; we are starting the 225th year. And I want to thank Bishop Hubbard for joining us here and opening this new year and this session with the appropriate blessings and words. Thank you very much, Bishop.

Our lives, we keep hearing, are not the same. When we left here last year, in June, we revisited, and we revisited after the tragic events of September 11th. When we say our lives are not the same, they're not the same. They're not the same. They're not the same for a lot of families, a lot of people in the city, in the state, in the country, throughout the world. There's a fear of evil that befell us and that may be before us.

But we here, we in the city, we in the state, have overcome that fear. We have pulled together as a people like no remembrance in our generation. And maybe

you'll go back to the early years when this country was founded, when people banded together against tyranny, against evil, to go forward in a patriotic way.

So I'm committing here to all of us as partners. We have a limited amount of time, but we are partners. We are partners in government. The people in the armed services and those in government that are now in Afghanistan, in various parts of the country, they're there protecting our freedom and freedom throughout the world. We have an obligation, we are that are elected, to represent people who can't be here in this chamber. And they ask us to represent their interests.

And I'm totally confident, and I am pledging in a nonpartisan way that we'll get through this session -- and we will be out of session on June 20th, by our calendar -- and we will have fulfilled the needs of these people here in New York, where we will go forward, we'll meet the educational needs of the people of this state, we'll meet the health care needs of the people of this state.

We will do a budget to fulfill the needs of the people of this state, and we'll do that together.

We'll do that as a team, both sides of the aisle, with the Assembly, with the Governor, who has been providing the leadership, and we will be hearing his State of the State in a very short period of time.

So I welcome the year 2002 with all of its challenges, and I look forward to all of the great things that we are going to be able to do together on behalf of the people of this state who look to us to provide that leadership.

Thank you, Madam President.

SENATOR CONNOR: Thank you, Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

A Happy New Year to you and to Bishop Hubbard, and my colleagues -- Senator Bruno, colleagues on both sides of the aisle.

Let me say initially I too join and I think I speak for everyone on this side

of the aisle, as I know Senator Bruno speaks for all the members -- in wishing to Senator Goodman what we know will be an interesting and challenging new career and wishing him a fond farewell. We're all going to miss his eloquence, his courage, his commitment, and his command of the English language, let me say, Senator Bruno.

And I agree, he can only compare to Senator Marchi for eloquence. If I were betting on breadth of English vocabulary, I'd give the edge to Senator Goodman. On the other hand, if we're talking about Italian or Latin or other languages, I think Senator Marchi gets the edge on vocabulary. In terms of eloquence, they're both equal.

And we, as we look around the chamber, most all of us -- certainly all of us have spent all of our entire service here with Senator Marchi, and virtually all of us have done so with Senator Goodman.

So I do wish Senator Goodman well. We will miss him. We certainly all enjoyed debating with him, against him, and listening to him debate against others as well.

Senator Markowitz, I bring you greetings from Brooklyn. At midnight in Prospect Park on New Year's Eve, I was privileged to swear him in as borough president of Brooklyn. Told him he owed me big time for that. He reminded me that he owed me for a few other things, including the election, the primary. But he brings that spirit that we all saw, which he brought to his constituents, to the entire borough of Brooklyn.

He asked me to make sure to assure all of you that you are all invited to his concerts. He intends

(Laughter.)

SENATOR CONNOR: The concerts will be bigger and better. The concerts will be bigger and better. They're free. And you will all continue to be invited even though he is not one of our colleagues anymore.

The sergeants-at-arms are relieved; his desk outside and telephone outside the door here are now free for all the members to use. And the concerts will be staged from Brooklyn rather than outside the chamber here.

But we're certainly going to miss Marty. He's served here for the last 23 years. And we know his exuberance, we know his eloquence when he got into debate and certainly his commitment to providing community service.

Yes, Senator Bruno, this is a challenging year, it's a new year. A reporter asked me earlier today something about what kind of year do you think it will be, and I said it will a tough year. And he said, "Really? You mean more bickering and fighting and all?" And I said, "Whoa, wait a minute. You've all come to think a tough, difficult legislative session is about partisan fighting, standoffs, charges and countercharges. I think we're now in a new era."

When I say it could be a difficult session, I mean there are important, sometimes difficult decisions that we're going to have to make, given the challenges we're confronted with.

That said, I think the politics won't be so difficult. I certainly assure all

the members, the members on this side of the aisle want to reach across the aisle. That's not to say there won't be times we disagree. I mean, that's what democracy is. Some vigorous debate, some airing of differences is how we resolve things.

But on the other hand, some of the more -- as Senator Bruno alluded, everyone has changed. Everyone has changed. The people are changed. The public has changed. Our constituents are changed. In some respects, the appearances are they've changed for the better. Their courage, the courage -- and I, representing Lower Manhattan along with Senator Duane, we see constituents who are still out of their homes, still out of their homes.

And I say to my upstate colleagues, I know you all know better. When Senator Lott was there and Senator Clinton pointed out to him that we have 20,000 people out of their homes there, he looked around and said, "Homes? Where are the homes?"

No, they're not houses with a back yard and a front yard. They're high rises.

And if your home, where you live with your spouse and pet and children or partner and whatever, in a two- or three-bedroom apartment on the 20-something floor, that's your home. You have nowhere else to go.

And we still have people who are staying either in hotels or month-to-month leases in other parts of the city, and they're out of their home and their neighborhood isn't what it used to be even when they get to move back in. So these are challenges.

But my point is the courage of such people. They go on. They're dealing with it. They haven't given up, by and large. That courage just amazes me.

The courage of the small business people that you see in Lower Manhattan who had their shops closed for six or eight weeks, couldn't even get into them. When they got into them, they were a mess and needed not just, you know, a broom cleanup, needed a rather sophisticated environmental cleaning. In many cases these people didn't have insurance or were underinsured, given the risk.

To see them reopen and not have many customers week after week after week. And, you know, you go into those shops and you talk to them: How's it going? "It's tough, but we'll come back," they say. They don't know I'm a state senator. I go in to buy something, you know, and they say, "Tough, business is still slow, but we're going to come back."

We have to respect that kind of courage by our constituents. And I think we have to lead -- we have to help them with solutions, we have to lead by example. If everyone has changed, if people are changed, then I suggest, my colleagues, our politics has and must change. The way we do the people's business has to reassure the people that we have their interests at heart and not partisan artifices. Because that's what it is.

I think we are all united in our goals. We may differ on some of the paths we would take to those goals. I think we can work those out. I think we will work those out. It will be a tough session because we

will have to make some important, difficult choices.

I think the way we do that, the spirit of cooperation we bring to this Capitol in doing that, will go a long way toward reassuring our constituents and recognizing that they are deserving of that kind of approach by us.

So, Madam President, it's going to be an exciting session. I hope not a long session. We can work together and get it all done on schedule, Senator Bruno, and we certainly will cooperate in doing that.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator.

Senator Bruno.

SENATOR BRUNO: Madam President, there are a number of members in this chamber that would like to make some observations and comments about the legislative lives of Senator Goodman and Senator Markowitz. Time does not permit, because we have to leave here in probably 10, 15 minutes to get to the State of the State.

There will be a time set aside for anyone that would like to comment, make observations, sometime in the near future. And we'll invite the senators today to come back and visit with us, and we'll look forward to that.

Senator Goodman I know would like to give a response presently, but I'm going to ask him in his good grace to defer and leave today with our very, very best wishes. And we will see you again in this chamber very soon and shortly, when everybody will be saying the very nicest and best appropriate things about our senators.

Can we hear it for Senator Goodman and for Senator Markowitz.

(Standing ovation.)

THE PRESIDENT: Thank you, Senator Bruno and Senator Connor.

It is indeed a sad day as we bid farewell to two of our esteemed colleagues. We wish Senator Markowitz the very best in his new endeavor. And it is particularly sad for me as a friend and colleague of Senator Goodman to bid him farewell and best wishes.

Our loss is certainly the Bush administration's gain and success.

You have been a source of great advice, both to me and to the rest of the Senate, for so many years, Roy. Your wit, your spirit, your savvy, your intelligence will be tremendously missed. And I daresay that no one would disagree that you will never be replaced. Good luck to you.

As both Senator Bruno and Senator Connor mentioned, we are without question living in a drastically changed world. Since September 11th all of our jobs have changed dramatically. We're living with an open wound, and we don't know when that wound will close, if ever.

But out of that dark cloud that descended on our state on September 11th has now shone a light, and that light is an outgrowth of the spirit of nonpartisan cooperation that we have evinced particularly in recent months.

Let us resolve now, members and colleagues, to continue that spirit of cooperation on behalf of the people of

New York State. They deserve no less, and they need this spirit of nonpartisan cooperation now more than ever before in the history of our state and country.

Best wishes to all of you as we begin this new year and session.

Assemblymen Flanagan and Farrell.

ASSEMBLYMAN FLANAGAN: Good afternoon, Madam President, Senator Bruno, and Senator Connor.

I am here with my friend and colleague Assemblyman Farrell to tell you that -- and I say this with a straight face that we are duly organized in the Assembly.

(Laughter.)

ASSEMBLYMAN FLANAGAN: That we have been called to session, and that we come to ask to have you join us to hear our Governor's State of the State message.

THE PRESIDENT: Thank you, Assemblyman.

Senator Bruno.

SENATOR BRUNO: Madam President, I have a concurrent resolution at the desk. I ask that the title be read and move for its

immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: The Assembly sends for concurrence Assembly Concurrent Resolution Number 1576.

Senator Bruno moves to substitute Senate Concurrent Resolution Number 3571 for Assembly Concurrent Resolution Number 1576.

THE PRESIDENT: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Assembly Concurrent Resolution Number 1576, of the Senate and Assembly, providing for a joint Assembly for the purpose of receiving a message from the Governor.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, I have another resolution at the desk. I ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 3572, notifying the Governor of a joint session with the Assembly to receive the Governor's message.

THE PRESIDENT: All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Senators Marchi and Brown will carry out those duties at this time. Thank you.

THE PRESIDENT: Senator Bruno appoints Senators Marchi and Brown to wait upon the Governor.

Senator Bruno.

SENATOR BRUNO: And, Madam President, I have another resolution at the desk. I ask that its title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 3573, notifying the Assembly of a joint session with the Assembly to receive the Governor's message.

THE PRESIDENT: All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Senator Hassell-Thompson and Senator Goodman will carry out those duties.

THE PRESIDENT: Senator Bruno has hereby appointed Senators Goodman and Hassell-Thompson to wait upon the Assembly.

Senator Bruno.

SENATOR BRUNO: And, Madam President, we have been joined by one of our recent minority leaders, Senator Ohrenstein. And we certainly add our welcome to Senator Ohrenstein in this chamber and wish him well.

(Applause.)

SENATOR BRUNO: And at this time I would move that we proceed to the Assembly chamber to hear the Governor's State of the State.

And that there being no further business to come before the Senate, we stand adjourned until Monday at 3:00 p.m., intervening days to be legislative days.

THE PRESIDENT: On motion, the Senate stands adjourned now until Monday, January 14th, at 3:00 p.m., intervening days being legislative days.

The Senate is hereby adjourned.

(Whereupon, at 12:45 p.m., the Senate adjourned.)