NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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12:05 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 please come to order.

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

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

THE PRESIDENT: It is our honor to have with us this afternoon to give the invocation the Most Reverend Howard J. Hubbard, Bishop of the Roman Catholic Diocese of Albany.

BISHOP HUBBARD: Let us pray.

O faithful and eternal God, we come to the beginning of another year. As we do so, we pray that within this new year, Your guidance will assist all gathered here for the 2003 opening session of the New York State Senate.

In our world today, torn by conflict, terrorism and the threat of war, as well as by a nagging recession, rising unemployment, staggering budget deficits and the frustration of dealing with difficulties

that seem unsolvable, together we seek Your guidance and insight on how best to meet the needs of these unsettled times.

Enable our Senators, O God, to carry out their mission, using their talents and diverse gifts towards securing peace and justice for all people in our state, nation, and world.

In today's world where tensions between nations, religious traditions, and ideologies threaten to unleash wholesale tragedy on our planet, we need the courage and compassion to right these wrongs and to alleviate the sufferings of those oppressed and burdened by the depravity and indignities that prejudice, greed, inequality and war can engender.

In a society of limited resources to address the education, health, human service, and public safety needs of our citizens, we need the vision and wisdom to develop policies and to set budgetary priorities which are in accord with the principles of distributive justice, and ensure that the needs of the most vulnerable,

powerless, and voiceless are met.

You have promised that if we seek You with faith and a sincere desire to improve the human condition, Your strength and divine guidance will enlighten us and thus enable us in the end to prevail over evil and injustice.

So for all this we pray with confidence, O faithful God, in Your sacred name, You who live and reign both now and forever and ever.

Amen.

THE PRESIDENT: The chair now hands down a message from the State Board of Elections, being the official certification -- can we please have order. Thank you -- being the official certification of the duly elected members of the Senate, and directs that the same be filed. So ordered.

I'd like to ask if there are any Senators present who have not taken their oaths of office.

(No response.)

THE PRESIDENT: The Secretary will call the roll to ascertain a quorum.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Present.

THE SECRETARY: Senator Andrews.

SENATOR ANDREWS: Present.

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Present.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Here.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Here.

THE SECRETARY: Senator Brown.

SENATOR BROWN: Here.

THE SECRETARY: Senator Bruno.

(Senator Bruno was indicated as present.)

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Here.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: Present, and mucho gusto.

THE SECRETARY: Senator Dilán.

SENATOR DILAN: Present.

THE SECRETARY: Senator Duane.

SENATOR DUANE: Here.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: Here.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Present.

THE SECRETARY: Senator Golden.

(No response.)

THE SECRETARY: Senator González.

SENATOR GONZALEZ: Present.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Here.

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Here.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Present.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Present.

THE SECRETARY: Senator L. Krueger.

SENATOR LIZ KRUEGER: Yes.

THE SECRETARY: Senator C.

Kruger.

(No response.)

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Present.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: Present.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Present.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Here.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Here.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Present.

THE SECRETARY: Senator Little.

SENATOR LITTLE: Present.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Present.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Present.

THE SECRETARY: Senator Marchi.

(No response.)

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Present.

THE SECRETARY: Senator McGee.

SENATOR McGEE: Here.

THE PRESIDENT: Senator Bruno, a quorum is present.

SENATOR BRUNO: Thank you, Madam President. May we proceed?

THE PRESIDENT: We may.

First of all, I want to welcome everyone back. I hope that you and your families had a wonderful holiday season, and Happy New Year to your and yours.

Most of all, I want to welcome our new Senators.

And now we begin. We're facing a year of many challenges -- in the words of our bishop, perhaps more challenges than our state has ever faced. But we are ready to meet those challenges, and invigorated and committed to do so. I know that because I've been working with you as a group for a few years now.

But I'm going to ask that each of us at this time commit to be united, to go past any partisan interests and individual interests, to keep in mind, first and

foremost, the good, the welfare, and the will of the people.

I believe that's the best manner for us to meet -- not only meet, but overcome all of the challenges that are ahead of us, and to enjoy the triumphs that will go along with that unity among us, for the benefit of our great State of New York.

Thank you and best wishes for a successful session.

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 8, 2003, 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.

Senator Johnson.

SENATOR JOHNSON: Madam President, I hand up this privileged resolution and ask that the title be read.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Johnson, Senate Resolution Number 1, providing for the election of Joseph L. Bruno as Temporary President of the Senate for the years 2003-2004.

THE PRESIDENT: Senator Smith.

SENATOR MALCOLM SMITH: Yes, Madam President. I believe there's an alternative Resolution Number 2 at the desk nominating David A. Paterson as the Temporary President of the New York State Senate.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator M. Smith, Senate Resolution Number 2, providing for the election of David A. Paterson as Temporary President of the Senate for the years 2003-2004.

THE PRESIDENT: Senator Smith, on the resolution.

SENATOR MALCOLM SMITH: Yes, Madam President, on the resolution.

Madam President, it gives me great honor and pleasure to stand here in front of my colleagues, to stand here in front of you, to stand here in front of the former Secretary of State, Basil Paterson, and also in front of Senator David A. Paterson's -- his wife, who is also here. And it gives me great pleasure to nominate Senator David A. Paterson as the Temporary President for the Senate in the State of New York.

Madam President, as I stand here before you on January 8, 2003, a day in which we have never seen before, a day in which we will never see again, I believe this is going to be a very memorable and historical year for the Senate.

I will tell you, Madam President, I am one who firmly believes that God places an individual in different places at different times for different reasons. And I will tell you, I had the pleasure last night of getting home a little early and I managed to see a show, or a movie, called "A Beautiful Mind."

And that particular show, at the end there was Russell Crowe, who wanted to describe -- and he did describe -- all the reasons for his existence as he accepted the Nobel Peace Prize.

This morning, Madam President, I woke up and for those of the old school I happened to listen to a song by a group called Earth, Wind and Fire. And the song was called "Reasons." And as I was thinking to myself, Madam President, what I was going to offer in terms of all the justifications why I know Senator Paterson would be the right individual to be the Temporary President of the Senate for this year, I could come back with nothing else other than to say I need to offer several reasons.

And those reasons are very historical in nature. They're historical for Senator Paterson, because he is now the leader of the Democratic Conference for the Senate, and this is the first time in the history of the State of New York that an African-American has ever held that position.

It is very historical and very

moving for me, because at this moment in time I am allowed to nominate someone who not only dresses very well --

(Laughter.)

SENATOR MALCOLM SMITH: -- but also someone who has extreme, keen intellect, someone who has recall that is second to none, someone who has the ability to not only reason and cast judgment about different concerns but knows how to bring consensus around subject matters that are sensitive in nature. He also carries with him a sense of business acumen that I will tell you very few have the ability to surpass.

Senator Paterson is an individual who I've had a friendship with for many years. He is a God-given talented individual. It is very exciting for me because he is also very good-looking, and I know his wife, who's very proud of his looks, is very happy about this as well.

But it is also, Madam President, extremely important for those of you who sit in this chamber and who are going to vote today. And let me tell you why it is so

significant for each one of these members. You will have an opportunity to make history in the Senate.

Now, I know you will say, many of you will argue, "Well, Malcolm, there's other things we've done that have made history." But what you are about to do today, whether you vote yea or nay, you will go down in history as voting for the first African-American individual in the history of the State of New York to be the Temporary President for the New York State Senate. Never has it happened in the State of New York. So whether your vote is yea or nay, you are going down in history in a very significant way.

Now, Madam President, also we know these are very challenging times. And I think you know, just as you said earlier, that we need an individual who not only thinks out of the box but can also think beyond the walls. And I think Senator Paterson is the individual who not only will understand the importance of making equitable cuts across the board so that all share in whatever little pain there may

be, but he also has the temerity to make equitable distribution of revenue enhancements that we may need to do if in fact they'd come in the sense of tax cuts.

But more importantly, Madam President, Senator Paterson is a person who understands the need to replenish our Superfund. He understands the need for budget reformation. He also understands the need for decent health care and rent regulations.

But most important, Madam President, Senator Paterson is an individual who, while we understand and accept the three beautiful minds that are in the room, he also advocates for five beautiful minds to be in the room during this budgetary process.

Madam President, and those are just some of the reasons why I have the opportunity to stand before you, to stand before my colleagues, to stand before the staff, and to stand before those who are in the gallery and nominate -- and with great honor nominate Senator David A. Paterson to be the Temporary President for the Senate of New York from now, 2002 [sic], until 2004.

Thank you very much.

THE PRESIDENT: On the substitute resolution offered by Senator M. Smith, all those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The nays have it.

(Laughter.)

THE PRESIDENT: Need I say that?

(Laughter.)

THE PRESIDENT: Surprise.

(Laughter.)

THE PRESIDENT: The resolution is defeated.

Senator Johnson, on Resolution Number 1.

SENATOR JOHNSON: Your Excellency Bishop Howard Hubbard, Madam President, and colleagues, I wish you all a happy new year.

It's my great honor to speak on this resolution to elect our colleague and friend and our current Majority Leader, Senator Joseph L. Bruno, Temporary President of the Senate.

Having served in this chamber alongside Senator Bruno since he was elected to the Senate in 1976, I know of no one who has a greater respect for this institution or the individual members who comprise it.

Senator Bruno has led the chamber since 1995. When Senator Bruno became our leader, we were confronted with many challenges. We had a multi-billion-dollar deficit, a crime wave of epic proportions, and businesses and young families were leaving the state in droves.

Under Senator Bruno's vigorous leadership, we overcame these challenges. We cut taxes, we cut the red tape, and our economy came roaring back. Under Senator Bruno's leadership, we laid a foundation to develop the state's high-tech economy for generations to come, and, in doing so, we've become a state that attracts business rather than driving it away.

Today in some ways we face similar challenges. In the post-9/11 world, New Yorkers feel more threatened, not only for their personal security but for their

financial security. Again we face a major deficit that is due to circumstances which were, in many ways, beyond our control.

Now more than ever we need a proven leader like Senator Bruno to guide this august body. Therefore, it is my honor to move this resolution to elect Senator Joseph L. Bruno Temporary President of the Senate.

Thank you.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The resolution is adopted.

(Laughter; extended applause.)

THE PRESIDENT: The chair states now for the record that Senator Joseph L. Bruno has been elected Temporary President of the New York State Senate for the years 2003 and 2004.

The chair will acknowledge that we have also received a communication from the

Senate Democratic Conference that Senator David Paterson was elected as the Minority Leader of the New York State Senate.

Senator Paterson.

(Extended applause.)

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, it's well known in this chamber that I have a rather severe visual problem, but I have very acute hearing. And I don't know if I agree about whether the ayes or the nays won. But --

THE PRESIDENT: I beg your pardon, Senator?

(Laughter.)

SENATOR PATERSON: But I would say that if I couldn't be the Temporary President, there's no better person to serve us than the Honorable Joseph L. Bruno, who is our Temporary President --

(Applause.)

SENATOR PATERSON: -- nominated by someone I'd also like to congratulate, Senator Owen Johnson, who is an alumni of Hofstra, as I am. And once I saw I hadn't had

his vote, I knew that the die was cast. But congratulations to Senator Johnson.

Senator Bruno has been our Temporary President for the last eight years. One of the things I remember very early on in his service was the tragedy on April 19th of 1995, which was Senator Bruno's first year. And the next week, on April 26th, when the president asked all of us to observe a moment of silence at 9:02 a.m. after the tragic bombing in Oklahoma City, President -- Senator Bruno brought us in here at 9:00 a.m. for a session so that we could observe the moment of silence.

I thought it was a very distinguished and honorable thing to do, and something that was quite innovative, and I knew then that we were serving under a very great leader.

I want to thank Senator Martin Connor, who was the previous leader of the Senate Democrats, who appointed me to be his deputy in 1995 -- which is one of the moments that I will never forget -- and has led us well through the past few years.

I want to thank all of those who have helped me here on the floor: Senator Stachowski; my partner here in floor leadership, Senator Dean Skelos; and Senator Dale Volker and Senator Ken LaValle, who sit behind me and always let me know what I did was wrong.

(Laughter.)

SENATOR PATERSON: I know that in just a few minutes we're going to be going to attend the State of the State message that will be offered to us by the Governor, and the Governor is going to ask for a bipartisan support for what is going to be a very difficult year during some rather lugubrious times that our budget faces in fiscal year 2003-2004.

And yet when I have heard press reports about the bipartisanship that's being requested, and I saw a television show where New York Times reporters actually laughed at the concept, and in radio interviews at the weekly programs that cover Albany, that almost a spirit of mirth exists that we cannot have a bipartisan leadership and cannot address the

problems of New York at the same time.

I suggest that that's probably a reaction to the fact that it will be very difficult for us to work together if we have trouble working with each other. And I think that what we need to look at is this whole culture of Albany and the whole system in which we create leadership. I think we have to understand the distinction between discipline and obedience.

Discipline is what Senator Bruno established in this chamber when he became the leader in 1995, when he insisted that when we schedule a session for noon that we start at noon. And in a very short period of time, we actually got this Legislature, which often started things an hour and a half to two hours after they were scheduled, on time.

Obedience is something a little different. It's the ability to try to make your reality someone else's reality. It's measuring your adversary not by their beliefs, but by their compliance with your beliefs.

I think that we have to work to get rid of that in this particular chamber. Even

though that might come across as seeming a little antagonistic, it's the spirit on which this country was founded. This country was founded on the basis of individualism, where people were encouraged to be independent, not repressed; where people were encouraged to prosper, not to plunder; where people were encouraged to adventure, not to hide.

And I think that is what we have to bring back to Albany, that feeling that every member, regardless of title or rank, may have an idea that may help us at this difficult time, and that we'll listen to those ideas because that is really the nature of leadership.

Ayn Rand, in "The Fountainhead," wrote that leaders stand on their own judgment, nonleaders follow the opinions of others. Leaders think, parasites copy. Leaders produce, hacks loot.

The basis of leadership is the ability to bring people to a consensus based on persuasion in a free and open exchange of ideas. The basis of bossism is to deny people opportunity based on power and coercion.

It's important for us to look at this at this moment in time because it's leadership and democracy which is what got our country attacked just 16 months ago and got those of us in New York State in this difficult fiscal crisis that we're in right now. But it is really the spirit of the democracy that we've enjoyed for 225 years.

Look at history. Everything we have gained, everything we have has come from the independent work of independent minds. Every horror and destruction has come from attempts to robotize people, denying right, denying independence, denying exchanges of ideas.

On the lower frequencies, right here in Albany, I think we need to heed that. Whereas we may differ and we may debate, but we understand that we're part of a great democracy.

On this side of the aisle, we are going to challenge those of you who are in the Majority on the issues of establishing quality and affordable health care even during a fiscal crisis. We are going to fight to make

sure that every child gets an equal dollar for their education wherever they live in this state. We think that the threat of terrorism should not minimize the values of constitutional rights of citizens.

Where we think that the budget is being balanced disproportionately on the backs of those who can least resist it, we're going to fight it. Where we think that there are inequitable tax policies that may come into effect during these times, we're going to fight that too. And we feel that the public will hear and understand us.

We're going to work, we're going to fight, we're going to struggle. But in the end, we're going to accept the ruling of this body in a disciplined way. We are going to understand that we may not all agree, but we come together and vote and that will be the decision that this body renders.

I just want to say that this is a difficult time for all of us. We have a $10 billion budget [sic]. Anywhere from 40 to 55 percent of it probably came directly from the actions of September 11th. We're not

going to be able to solely make cuts and make that a reality. I'll use the "T" word: We may have to tax in a special manner to try to get rid of a burden that was brought on us not because of Republicans or Democrats but because of terrorists who attacked our country. But we're going to have to take a real strong look at this.

And as we go forward, I certainly hope and pray that we understand that we don't have all the answers. Only our Lord, who we worship in different ways, has the answer. But we're going to work very hard in this chamber like we can find the answer.

There is a parable from The Prophet that I think serves us individually but also collectively: To each is given a bag of tools, a shapeless mass, and a book of rules. And each of us, before life has flown, will become a stumbling block or a stepping stone.

If you want the key to that place beyond which all the riches and accolades desire, begin by trusting and working with people. It's frightfully difficult, but richly rewarding.

(Extended applause.)

THE PRESIDENT: Senator Bruno, would you please come forward to be sworn in as Temporary President of the Senate.

Please raise your right hand and repeat after me: "I, Joseph L. Bruno" --

SENATOR BRUNO: I, Joseph L. Bruno --

THE PRESIDENT: -- "do solemnly swear" --

SENATOR BRUNO: -- do solemnly swear --

THE PRESIDENT: -- "that I will uphold the Constitution of the United States" --

SENATOR BRUNO: -- that I will uphold the Constitution of the United States --

THE PRESIDENT: -- "and the Constitution of the State of New York" --

SENATOR BRUNO: -- and the Constitution of the State of New York --

THE PRESIDENT: -- "and that I will faithfully discharge the duties" --

SENATOR BRUNO: -- and that I

will faithfully discharge the duties --

THE PRESIDENT: -- "of the office of Temporary President of the Senate of the State of New York" --

SENATOR BRUNO: -- of the office of Temporary President of the State of New York --

THE PRESIDENT: Of the Senate of the State of New York, Senator.

(Laughter.)

SENATOR BRUNO: -- of the Senate of the State of New York --

THE PRESIDENT: -- "to the best of my ability" --

SENATOR BRUNO: -- to the very best of my ability --

THE PRESIDENT: -- "so help me God."

SENATOR BRUNO: -- so help me God.

(Applause.)

THE PRESIDENT: Ladies and gentlemen, I present to you the Temporary President of the New York State Senate, Joseph L. Bruno.

(Extended applause.)

SENATOR BRUNO: Thank you very much, Madam President, and my colleagues here in the chamber.

And thank you to my family -- Susan, Ken, daughter and son, and my family that's been so supportive.

And thank you to the members of my conference, who speak so loudly and act so boldly. And I very much appreciate the support you've given me over the years, not just today but over the years.

And I congratulate the Lieutenant Governor on her keen sense of hearing.

(Laughter.)

THE PRESIDENT: No comment.

SENATOR BRUNO: And I congratulate Senator David Paterson. And this has got to be, David --

(Applause.)

SENATOR BRUNO: This has got to be a proud moment for the other Senator Paterson, his dad, who's here, former Secretary of State, who has already distinguished himself and continues to

distinguish himself in public service.

I see Freddy Ohrenstein, Senator Ohrenstein, Senator Markowitz, that are here. Senator Goodman is here, and others.

And it is a proud moment. It is a proud moment for all of us. It certainly is for me that you in this chamber continue me in my leadership position. And that makes me as proud as I can be.

But I am very, very conscious -- and, David, I was listening very closely to you. I also listened to Malcolm Smith. And you have wise words and the right message.

And the message for all of us -- and in a few minutes we'll go over and listen to our great governor for the last eight years, Governor George Pataki. And I trust that the Governor will lead us in a message of hope and moving forward and we will all recognize, as the Governor does, as we do in this chamber, that we have challenges before us. We're facing adversity; Bishop Hubbard said it right.

And thank you, Bishop, for your prayers and for your presence here. And

that's what we're going to need, that vision, those prayers.

This message -- David, Malcolm, Owen, thank you for the message that you deliver, which really is a message of togetherness.

And it's been said over and over, from the time this country was formed, through the years, that we here in the United States, we in New York, we live in hope. And we live in hope this year. And whatever adversity is there, whatever challenges are there, the one message that will ring through for all of us: United we stand. And it's in unity that we have strength.

And we are one chamber here in the Senate, and the Assembly has one chamber, and we are a branch of government together. But this is one Senate, it's one Assembly. With the challenges that we have before us this year, we are going to need the best of all that is in us, each and every one of us here, together -- not as adversaries, but as partners, to solve the problems that the people out there entrust us to solve.

We are here elected by our respective constituencies -- a statewide constituency, with the 62 members that are in these seats in this chamber. And they depend on us to help them with the challenges, with the adversities, with the problems, so that they can lead a quality of life that people here in this state and in this country deserve.

So by putting our hearts together, putting our heads together, putting our spirits together -- and I mean together -- we will overcome, we'll get it done.

And, David, David -- maybe it was wishful thinking -- talked about a $10 billion budget.

(Laughter.)

SENATOR BRUNO: Now, see, David, you were so caught in that moment that he overcame that $10 billion deficit in a word.

And we will do that, David, together. We'll overcome that deficit. We've overcome other problems, other situations. Eight years ago we faced a $5 billion deficit. It's a matter of numbers.

But together, by getting our heads together and our hearts together, we'll go forward here in this state. We will provide the leadership, each and every one of us, collectively and together, so that we go forward.

And I welcome and congratulate those new members that joined this great institution of the New York State Senate. We're here with Senator Flanagan, Senator Robach, Senator Little, Senator Marty Golden from Brooklyn, and Senator Olga Mendez, who continues to make history here in New York State and in the United States.

(Applause.)

SENATOR BRUNO: And I also want to welcome other new Senators -- Reverend Senator Diaz and Senator Dilán, Senator Parker, and Senator Sabini.

(Applause.)

SENATOR BRUNO: So there are eight new people added to this chamber that will help us in the work that we have to do. We welcome you, we need your help, and we will go forward together.

And that is going to be the byword. When we have our differences in this chamber, we'll discuss them openly, we will challenge each other, we'll challenge ourselves, but we'll join and we'll go forward together.

Thank you, colleagues, for your support, and thank you, Madam President.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, we're handing up Resolution Number 3. 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 3, that Steven M. Boggess, of Sand Lake, New York, be, and he hereby is elected Secretary of the Senate for the years 2003-2004.

(Applause.)

THE PRESIDENT: The question is 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.

And the chair states for the record that Steven M. Boggess has been elected Secretary of the Senate of the State of New York for the years 2003 and 2004.

(Applause.)

THE PRESIDENT: Secretary Boggess, if you will come forward to be sworn in.

Please raise your right hand and repeat after me: "I, Steven M. Boggess" --

SECRETARY OF THE SENATE BOGGESS: I, Steven M. Boggess --

THE PRESIDENT: -- "do solemnly swear" --

SECRETARY OF THE SENATE BOGGESS: -- do solemnly swear --

THE PRESIDENT: -- "that I will uphold the Constitution of the United States" --

SECRETARY OF THE SENATE BOGGESS: -- that I will uphold the Constitution of the

United States --

THE PRESIDENT: -- "and the Constitution of the State of New York" --

SECRETARY OF THE SENATE BOGGESS: -- and the Constitution of the State of New York --

THE PRESIDENT: -- "and that I will faithfully discharge the duties" --

SECRETARY OF THE SENATE BOGGESS: -- and that I will faithfully discharge the duties --

THE PRESIDENT: -- "of the office of Secretary of the Senate of the State of New York" --

SECRETARY OF THE SENATE BOGGESS: -- of the office of Secretary of the Senate of the State of New York --

THE PRESIDENT: -- "to the best of my ability" --

SECRETARY OF THE SENATE BOGGESS: -- to the best of my ability --

THE PRESIDENT: -- "so help me God."

SECRETARY OF THE SENATE BOGGESS: -- so help me God.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I believe there are still resolutions numbered 4 through 10 at the desk. I would ask that their titles be read and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 4, that Catherine Kirkland be, and she hereby is elected the Official Stenographer of the Senate for the years 2003-2004.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Congratulations, Ms. Kirkland.

(Applause.)

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 5, that William C. Martin be, and he hereby is elected Sergeant-at-Arms of the Senate for the years 2003-2004.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Congratulations, Mr. Martin.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: The Assembly sent for concurrence Assembly Concurrent Resolution Number 6. Senator Bruno moved to substitute Assembly Concurrent Resolution Number 6 for Senate Concurrent Resolution Number 6.

THE PRESIDENT: Substitution ordered.

The Secretary will read.

THE SECRETARY: Assembly Concurrent Resolution Number 6, by Member of the Assembly Silver, providing for a joint assembly for the purpose of receiving a message from the Governor.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The concurrent resolution is adopted.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 7, resolved that the President appoint a Committee of two to inform the Governor of the election of Joseph L. Bruno as Temporary President of the Senate for the years 2003-2004, and that the Senate is organized and ready to proceed with business and will meet with the Assembly in the Assembly Chamber at 1:00 p.m. to receive the Governor's message.

THE PRESIDENT: The question is 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.

The chair appoints Senators Rath and Diván to wait upon the Governor that the Senate is ready to proceed here.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 8, resolved that the President appoint a Committee of two to wait upon the Assembly and inform that body of the election of Joseph L. Bruno as Temporary President of the Senate for the years 2003-2004, and that the Senate is organized and ready to proceed with business and will meet jointly with the Assembly in the Assembly Chamber at 1:00 p.m. to receive the Governor's message.

THE PRESIDENT: The question is 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.

The chair hereby appoints Senators Robach and Sabini to wait upon the Assembly that the Senate is ready to proceed.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 9, providing that the Rules of the Senate for the year 2002, as last amended, be adopted as the Rules of the Senate for the years 2003-2004.

THE PRESIDENT: The question is 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 Paterson.

SENATOR PATERSON: Madam

President, on behalf of the Minority, we would like to formally inform the desk that we reserve the right to attempt to change the rules at a later date.

THE PRESIDENT: So noted, Senator Paterson.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 10, providing for the hours of meeting by the Senate for the years 2003-2004.

THE PRESIDENT: The question is 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, we are waiting for the representatives from the Assembly to deliver their message that they are organized and ready to proceed. It takes them a little longer than it does us.

So if we will be patient for just a few moments. And if they don't physically deliver the message, we know they will spiritually.

And we are now told that they are on the way. So please, members, don't leave your seats. They will deliver their message, and then we will go join our colleagues in the Assembly and the Governor.

THE PRESIDENT: Thank you, Senator Bruno.

The Senate will come to order again. The chair recognizes Assemblymen Farrell and Barraga.

ASSEMBLYMAN BARRAGA: Madam President, the Assembly is organized, and we wait upon the members of the Senate for the purpose of receiving the Governor's State of the State message.

THE PRESIDENT: Thank you, Assemblyman.

Senator Bruno.

SENATOR BRUNO: Madam President, there being no further business to come before the Senate, we will now proceed to the

Assembly chamber to hear the Governor's message.

And we will stand adjourned until January 13th at 3:00 p.m., intervening days to be legislative days.

THE PRESIDENT: The Senate will now proceed to the Assembly chamber for the Governor's message, after which the Senate stands adjourned until Monday, January 13th, intervening days being legislative days.

The Senate is adjourned.

(Whereupon, at 12:50 p.m., the Senate adjourned.)