NEW YORK STATE SENATE

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12:08 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: The invocation today will be given by The Most Reverend Howard J. Hubbard, Bishop of the Roman Catholic Diocese of Albany.

BISHOP HUBBARD: Let us pray.

Eternal and faithful God, we pray Your blessings upon all who are gathered here for the opening of the 2004 session of the New York State Senate.

In Your mighty providence, O caring God, You have endowed our elected representatives with varied gifts of wisdom, resourcefulness, imagination, and foresight, in confronting together how best to meet the needs of a rugged and challenging period in our State's history and to serve the common good of its people.

In a world torn by violence and conflict and in a society plagued by multiple problems and limited resources, our public servants need a steady hand, an open mind, and a willing spirit in order to pursue with diligence, cooperation, and collaboration the solutions these crucial times require.

Grant them, O God, vision, wisdom, courage, and strength as they begin this new year of 2004, so that they may fashion creative and compassionate responses to the complex problems we face, and so that they may do so in a spirit of civility, harmony, and respectful dialogue.

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

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

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Here.

THE SECRETARY: Senator Andrews.

SENATOR ANDREWS: Present.

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Here.

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: Here.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Here.

THE SECRETARY: Senator DeFrancisco.

SENATOR DEFRANCISCO: Here.

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: Aquí.

THE SECRETARY: Senator Dilán.

SENATOR DILAN: Here.

THE SECRETARY: Senator Duane.

SENATOR DUANE: Here.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: Yes.

THE SECRETARY: Senator

Fuschillo.

SENATOR FUSCHILLO: Here.

THE SECRETARY: Senator Golden.

SENATOR GOLDEN: Here.

THE SECRETARY: Senator González.

(Senator González was recorded as present.)

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Here.

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Here.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Here.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Here.

THE SECRETARY: Senator L. Krueger.

SENATOR L. KRUEGER: Here.

THE SECRETARY: Senator C. Kruger.

(No response.)

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Here.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: Aye.

THE SECRETARY: Senator Larkin.

(Senator Larkin was recorded as present.)

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Here.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Here.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Here.

THE SECRETARY: Senator Little.

SENATOR LITTLE: Here.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Here.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Here.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: 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 Madam

President:

"I would appreciate the privilege of appearing before your honorable bodies in joint session on January 7, 2004, 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.

Happy New Year to everyone. I look forward to a productive, cooperative session.

Senator Bruno.

SENATOR BRUNO: Madam President, could I ask at this time that the chair recognize Senator Paterson.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam Chair.

I wanted to wish you and Senator Bruno and all of my colleagues -- I won't go through the roll, I'll just collectively wish all of you a Happy New Year.

This has been an interesting history of ours for me in my first year as the

Democratic Senate leader in this conference.

And what I learned really is that no matter how hard an individual tries, no matter how much effort they wage, no matter how much integrity they try to demonstrate, that when a person is alone, and particularly a political figure, that they really can accomplish very little.

But when someone has been as fortunate as I have been to benefit from the great assistance of my conference and to be the beneficiary of a great political party and also to have had a cooperative relationship with the Majority in this conference, we can accomplish a great deal.

We achieved some objectives in this session, in the first half of it, 2003, that were unprecedented. We worked together in ways that we never worked before.

This conference was actually invited to be part of the New York State Senate Task Force, and we had a cooperative and effective relationship all the way through. And I'd like to thank Senator Hannon, Senator Meier for their courteous

assistance to all of us.

Now, in 2004, we hope that cooperation will continue, with a little bit of competition. This is the biannual referendum on issues and presumably policy. We often differ in terms of what our means to an end are. But all of us have the same end.

We all envision a state where we would have adequate housing, where we would be rid of substance abuse, where we would be rid of crime, where we would be at full employment and have the full use of our educational facilities and our healthcare system.

It's what we all want. We somehow differ at times as to how to get there. And that competition should not ruin the camaraderie in this chamber, because it is our duty in this democracy to be competitive in those ways and to be competitive at the right times.

We don't have to have a campaign all the way through the year, but we're all recognizing that we would like the public to see things in the way that we would most be comfortable.

And so it is in that spirit that I'm happy to be back, to wish everyone good health, and to wish that we will always maintain that cordiality among ourselves while at the same time recognizing the integrity that we have in our beliefs, even if those beliefs differ.

So I want to thank all of you for your assistance, and particularly Senator Schneiderman, who has run the floor for our conference, and those of you who are also staff members and assist us all to try to recognize that the reason that we've had to increase security, the reason that we have had a higher alert, is because we certainly have a system that, when it works, works better than any other place on this globe.

It at times, we feel, may need change. We're all differing as to how to do that. But we all are in unison that we try to achieve that ideal.

So thank you very much, and it's great to be back. I actually missed a few of you.

(Laughter.)

THE PRESIDENT: Thank you, Senator Paterson.

Did he say a few?

Senator Bruno.

SENATOR BRUNO: Thank you very much, Madam President.

Bishop Hubbard, thank you for your opening prayer and your very appropriate and kind words.

And, Madam President, it is great to be rejoined here with you, our friend and our neighbor, and with my colleagues here in the chamber as we open the 2004 Senate legislative session.

Senator Paterson has been a very worthy partner, with your colleagues here, throughout this past year and previous years. And we appreciate the support on the Medicaid Task Force, some great things that we have accomplished so far together, and your leadership there with us as we have partnered, David. And we will continue to partner this year, because the needs of the public are critical to all of us.

And I can just pledge to you,

Senator Paterson, that we're going to do everything that we can to keep you in your leadership position on that side of the aisle.

(Laughter.)

SENATOR BRUNO: You know, it was, I believe, 227 years ago that the Senate first convened, on September 9th in 1977 [sic] in Kingston, New York.

1777. What did I say?

(Laughter.)

SENATOR BRUNO: Thank you. I mean, I can tell -- you constantly hear from the lawyers. They've got to have the last word.

(Laughter.)

SENATOR BRUNO: But we're here now. And if you think back over our history, that was shortly after the Revolutionary War. We had won our independence here in this state and in this country. And people elected representatives to represent their best interests.

And why did they elect? Because they knew that a crowd can't really govern as a crowd. You need representative government.

And that's what we represent here. And representative government truly is that. It's people coming together, as we do, in the ways that we do, and discuss what is really in the best interests of the people of this state.

And, yes, we have some differences as to how we might get to what is really in the public's best interest. But our hearts and our minds are in the right places at all times. And we will continue to have differences. We will have public debate on those differences. We will differ and agree with the Executive and with the Assembly.

But when it's all said and done, we all recognize and appreciate that we are here with a sacred trust, and that is to represent the hundreds of thousands and the millions of people who are out there who truly look to us to improve the quality of their lives.

And just as over 200 years ago, people asked their representatives to help provide for an equal education for all young people. And we have mandated that in this state. And the courts have held that we must

provide for an equal education for everyone in this state. And we in this house are committed to that in a prioritized way.

And that Medicaid Task Force, critically important. Forty reforms. We are going to prioritize. Because healthcare gets to be one of the most important things in all of our lives. And we have mandated that everyone have equal access and that the taxpayers get their money's worth as we deliver healthcare. So that's our commitment.

You know, we always struggle over a budget. This year will be no different. There are estimates of deficits -- $4 billion to $6 billion is what is reported. We hope that we're in an economic recovery, because we have suffered from a global -- global, truly -- recession. We felt the effects of 9/11 more than any other state in the United States.

The Governor provided great leadership. We were all proud to partner with him in leading this great state, as the Empire State, forward. And we will continue to partner with the Governor.

In a few minutes we're going to go into the Assembly chamber, and we will hear the Governor's State of the State address. And I am positive that the Governor is going to deliver a message of hope, it will be upbeat, it will be creative, and he will address all of the major issues that will be before us that we will look forward to open debate, discussion, and partnering. All in the best interests of our mutual constituency.

You know, it's a new year. We look back over these years; times have changed. And yet they haven't changed that much when you think about what our priorities are and what they should be.

By way of a new year and new life in this session, for those of you that may not be aware, Speaker Silver grandfathered, this past Monday, his tenth child. Think of that. And here's what's very interesting. Five boys and five girls.

Now, I look forward to working with the Speaker to do the same balance with our budget --

(Laughter.)

SENATOR BRUNO: -- as we adopt a budget that will be on time this year, the first time in 18 years.

And we're looking forward to that. The Speaker commits to that. The Governor wants that to happen. We all want that to happen. So that's going to be a priority.

So what you heard as we went through a journey of last year's session and reconvened this year's session -- and we will have all of the things that we'll have to relate to over these coming months. And we're going to do it in a committed way, in a positive way, really in a collegial way.

So that while we differ and while we debate, we all bear in mind that we're in this together and that our objectives are the same, and that's to truly improve the quality of life for everyone that sends you here, that sends the Governor to his office.

So we are committed to that. And we have to be mindful, all of us, and I know we constantly are, that the liberties that we fought for here, our forefathers, are still being fought for in various parts of the

world. And there are over 3,000 New Yorkers now on foreign soil, putting themselves at risk -- life, injury -- leaving their homes, leaving their families to carry on that fight, that we here in New York and in this country can be free and that people throughout the world will enjoy the same freedoms that we enjoy here in this state and in this country.

So we wanted to remember them in our thoughts, in our prayers, and that we wish them godspeed in their work and a safe return home.

So I want to thank all of you for your well intentions and your partnering with us, all of you -- in my conference, both sides of the aisle -- because, truly, this is the year for us to go forward. It's going to be a great year. It's going to be a positive year. It's going to be the year of recovering and going forward as this great Empire State.

So thank you all and thank you, Madam President. God bless you all.

(Applause.)

THE PRESIDENT: Thank you, Senator Bruno.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is a concurrent resolution at the desk. I would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution of the Senate and Assembly Number 2873, 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 resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, I have a privileged resolution at the desk. I would ask that it be read in its entirety and

move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 2874, notifying the Governor of a joint session with the Assembly to receive the Governor's message.

"RESOLVED, That a committee of two be appointed by Senator Bruno to inform the Governor that the Senate has adjourned its 226th 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 o'clock p.m. today, to receive the Governor's message.

"RESOLVED, That Senator Bruno appoints such committee, Senator Golden and Senator Parker."

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 resolution is adopted.

Senator Bruno appoints Senator Golden and Senator Parker to wait upon the Governor.

Senator Bruno.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 2875, notifying the Assembly of a joint session with the Assembly to receive the Governor's message.

"RESOLVED, That a committee of two be appointed by Senator Bruno to inform the Assembly that the Senate has adjourned its 226th 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 o'clock p.m. today, to receive the

Governor's message.

"RESOLVED, That Senator Bruno appoints such committee, Senator Flanagan and Senator Diaz."

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno appoints Senator Flanagan and Senator Diaz to wait upon the Assembly.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

Our work presently being done here today, I would move that we reconvene in the Assembly chamber to receive the Governor's State of the State message, which will be delivered at 1:00 p.m. today.

And we are waiting on the Assembly and checking, as we speak, on whether or not

they are finished with their business. But our delegation will help them understand that we are ready. And I'm not sure that they are underway, so we are not going to wait.

I would move -- do we know? -- that we stand -- there being no further business to come before the Senate, I would move that we stand adjourned until Monday, January 12th, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate now stands adjourned.

SENATOR BRUNO: The Assembly will be here in two minutes, for those of you that count two minutes -- an Assembly two minutes.

(Laughter.)

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

(Whereupon, at 12:30 p.m., the Senate adjourned.)