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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 5, 2005

12:07 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

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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
this afternoon will be given by The Right
Reverend Daniel W. Herzog, Bishop of the
Episcopal Diocese of Albany.

BISHOP HERZOG: Let us pray.
Holy and gracious Father, we
commend to Your love and Your mercy the people
of this whole state, and particularly the
members of the Senate.

We ask You in this session to
direct them, by Your holy spirit, that they
whom You have appointed leaders of Your
people, they have their lives so formed and
reformed and transformed that they may be
suitable role models for all of us.

We ask You to bless their families
and their constituencies and to let their

1 lives so glorify You that justice and peace
2 may be done and that this state will continue,
3 by Your mercy, free and independent.

4 Amen.

5 THE PRESIDENT: The chair now
6 hands down a message from the State Board of
7 Elections, being the official certification of
8 the duly elected members of the Senate, and
9 directs that the same be filed.

10 So ordered.

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

14 (No response.)

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

17 THE SECRETARY: Senator Alesi.

18 (No response.)

19 THE SECRETARY: Senator Andrews.

20 (No response.)

21 THE SECRETARY: Senator Balboni.

22 SENATOR BALBONI: Here.

23 THE SECRETARY: Senator Bonacic.

24 SENATOR BONACIC: Here.

25 THE SECRETARY: Senator Breslin.

1 SENATOR BRESLIN: Here.
2 THE SECRETARY: Senator Brown.
3 (No response.)
4 THE SECRETARY: Senator Bruno.
5 SENATOR BRUNO: Here.
6 THE SECRETARY: Senator Connor.
7 (No response.)
8 THE SECRETARY: Senator
9 DeFrancisco.
10 SENATOR DeFRANCISCO: Here.
11 THE SECRETARY: Senator Diaz.
12 SENATOR DIAZ: Presente.
13 THE SECRETARY: Senator Dilan.
14 SENATOR DILAN: Here.
15 THE SECRETARY: Senator Duane.
16 SENATOR DUANE: Here.
17 THE SECRETARY: Senator Farley.
18 SENATOR FARLEY: Here.
19 THE SECRETARY: Senator Flanagan.
20 SENATOR FLANAGAN: Here.
21 THE SECRETARY: Senator
22 Fuschillo.
23 SENATOR FUSCHILLO: Here.
24 THE SECRETARY: Senator Golden.
25 SENATOR GOLDEN: Here.

1 THE SECRETARY: Senator Gonzalez.
2 (No response.)
3 THE SECRETARY: Senator Hannon.
4 SENATOR HANNON: Here.
5 THE SECRETARY: Senator
6 Hassell-Thompson.
7 SENATOR HASSELL-THOMPSON: Here.
8 THE SECRETARY: Senator Johnson.
9 SENATOR JOHNSON: Here.
10 THE SECRETARY: Senator Klein.
11 SENATOR KLEIN: Here.
12 THE SECRETARY: Senator L.
13 Krueger.
14 SENATOR LIZ KRUEGER: Here.
15 THE SECRETARY: Senator C.
16 Kruger.
17 SENATOR KRUGER: Here.
18 THE SECRETARY: Senator Larkin.
19 SENATOR LARKIN: Here.
20 THE SECRETARY: Senator LaValle.
21 (No response.)
22 THE SECRETARY: Senator Leibell.
23 SENATOR LEIBELL: Here.
24 THE SECRETARY: Senator Libous.
25 SENATOR LIBOUS: Here.

1 THE SECRETARY: Senator Little.
2 SENATOR LITTLE: Here.
3 THE SECRETARY: Senator Maltese.
4 SENATOR MALTESE: Here.
5 THE SECRETARY: Senator
6 Marcellino.
7 SENATOR MARCELLINO: Still here.
8 THE SECRETARY: Senator Marchi.
9 SENATOR MARCHI: Present.
10 THE SECRETARY: Senator Maziarz.
11 SENATOR MAZIARZ: Here.
12 THE SECRETARY: Senator McGee.
13 (No response.)
14 THE SECRETARY: Senator Meier.
15 SENATOR MEIER: Here.
16 THE SECRETARY: Senator
17 Montgomery.
18 (No response.)
19 THE SECRETARY: Senator Morahan.
20 (No response.)
21 THE SECRETARY: Senator Nozzolio.
22 SENATOR NOZZOLIO: Present.
23 THE SECRETARY: Senator Onorato.
24 (No response.)
25 THE SECRETARY: Senator

1 Oppenheimer.

2 SENATOR OPPENHEIMER: Here.

3 THE SECRETARY: Senator Padavan.

4 SENATOR PADAVAN: Here.

5 THE SECRETARY: Senator Parker.

6 SENATOR PARKER: Present.

7 THE SECRETARY: Senator Paterson.

8 (No response.)

9 THE SECRETARY: Senator Rath.

10 SENATOR RATH: Here.

11 THE PRESIDENT: Senator Bruno, a

12 quorum is present.

13 SENATOR BRUNO: Thank you, Madam

14 President.

15 May we proceed?

16 THE PRESIDENT: Yes, Senator

17 Bruno.

18 I want to welcome everyone. I'd

19 like to welcome everyone back. I see many

20 familiar faces and some new faces. Welcome.

21 I'm confident that after what I

22 hope has been a wonderful holiday season,

23 you're all ready for a hardworking, productive

24 session.

25 We are certainly going to face some

1 new challenges this year, as well as some
2 continuing challenges. But I know, based on
3 my past experience in working with this group,
4 that you are ready, you are willing,
5 definitely able, and we will have a productive
6 session. I know from my past experience with
7 you that no challenge is too great, and we
8 will overcome them this year.

9 I want to thank all of you for your
10 cooperation, and I want to ask all of you, as
11 we have in the past, to unite -- not for our
12 own empowerment, but for the good of the
13 people of the State of New York, our
14 constituents.

15 Thank you for your support, for
16 your willingness to work with us in the coming
17 session, and best wishes for a successful
18 session and for a happy, healthy, and safe new
19 year.

20 The chair now hands down a
21 communication from the Governor.

22 The Secretary will read.

23 THE SECRETARY: "Dear Madam
24 President:

25 "I would appreciate the privilege

1 of appearing before your honorable bodies in
2 joint session on January 5, 2005, at 1:00 p.m.
3 or as soon thereafter as may be convenient, to
4 personally deliver my annual message to the
5 Legislature.

6 "Sincerely, George E. Pataki."

7 THE PRESIDENT: To be filed in
8 the Journal.

9 Senator Johnson.

10 SENATOR JOHNSON: Madam
11 President, at this time I hand up the
12 following resolution, ask that the title be
13 read, and move for its immediate adoption.

14 THE PRESIDENT: The Secretary
15 will read.

16 THE SECRETARY: By Senator
17 Johnson, Senate Resolution Number 1, providing
18 for the election of Joseph L. Bruno as
19 Temporary President of the Senate for the
20 years 2005-2006.

21 THE PRESIDENT: Senator
22 Schneiderman.

23 SENATOR SCHNEIDERMAN: Madam
24 President, I offer Senate Resolution Number 2,
25 which I believe is at the desk, and I ask that

1 it be read.

2 THE PRESIDENT: The Secretary
3 will read the resolution.

4 THE SECRETARY: By Senator
5 Schneiderman, Senate Resolution Number 2,
6 providing for the election of David Paterson
7 as Temporary President of the Senate for the
8 years 2005-2006.

9 THE PRESIDENT: Senator
10 Schneiderman.

11 SENATOR SCHNEIDERMAN: Thank you,
12 Madam President.

13 I rise to speak in support of
14 Resolution Number 2. And I know that there is
15 widespread support for this resolution to
16 nominate Senator David Paterson to be the
17 Temporary President of the Senate.

18 And I know -- and I see the smiles
19 on Senator Bruno's face and those of others,
20 and I know of the high regard and affection
21 that they hold for Senator Paterson.

22 But let me urge all of you that he
23 has always had a strong voice, but he has
24 emerged in the last two years since he's
25 become Minority Leader as more than a voice,

1 as a force within this body, a force in
2 cooperation with our colleagues on the other
3 side of the aisle and at times a force to
4 challenge them.

5 And I would submit to you that the
6 strongest evidence I can muster in support of
7 his candidacy today is what he has done for us
8 in our conference. He's made all of us
9 better. Because the sign of a great leader is
10 not just to be a great individual voice, but
11 to make all of us better.

12 And you look at the issues that
13 have been raised here, from the great work
14 coming up with innovative budget proposals
15 Senator Breslin and our Finance staff did; the
16 Minority report on Medicaid which he was able
17 to do, in cooperation with Senator Bruno, who
18 appointed him to the task force; the
19 extraordinary work reviving the Rockefeller
20 Drug issue, which was DOA when he became
21 leader, done by our counsel staff and the
22 force chaired by Senator Duane and Senator
23 Montgomery; the task force on reform chaired
24 by Senator Krueger.

25 And everyone here knows that if

1 there was a copyright action brought against
2 the Brennan Center report by Senator Krueger
3 and her task force, she would clearly prevail
4 as far as the substance of that matter.

5 Look, look at what Senator Paterson
6 has done to me since he's been leader. I've
7 been accused of bipartisanship, I've been
8 accused of statesmanship, my anarchist
9 socialist base has evaporated completely. He
10 has made all of us better.

11 And I urge all of you, if you
12 provide your support for him today and then we
13 have an amazing send-off party for our current
14 leader, which we were prepared to plan, he
15 would do the same for you.

16 So I don't know that he will win,
17 but I encourage all of you to provide support
18 for a truly great leader as we seek to move up
19 and improve the quality of government in this
20 state, Senator David Paterson.

21 Thank you.

22 THE PRESIDENT: On the substitute
23 resolution offered by Senator Schneiderman,
24 all those in favor please signify by saying
25 aye.

1 (Response of "Aye.")

2 THE PRESIDENT: Opposed, nay.

3 (Response of "Nay.")

4 THE PRESIDENT: The nays have it.

5 The resolution is defeated.

6 (Laughter.)

7 THE PRESIDENT: Moving right

8 along.

9 Senator Johnson.

10 SENATOR JOHNSON: Madam

11 President, I rise to nominate Senator Bruno to

12 succeed himself as Senate Majority Leader and

13 President Pro Tem.

14 Joe Bruno's succession to the
15 Senate leadership ten years ago came as a
16 breath of fresh air to the Senate. His new
17 regimen of on-time sessions and openness to
18 all members has expedited the work of the
19 Senate as a body and helped all members serve
20 their constituents more effectively.

21 Under his leadership, New York
22 State has made tremendous progress in
23 expanding economic opportunities, protecting
24 our environment, and improving the health and
25 safety of the citizens of the Empire State.

1 Members on both sides of the aisle who have
2 served under previous majority leaders agree
3 that Joe Bruno's accomplishments surpass those
4 of other leaders under whom they have served.

5 For these and many other reasons,
6 I'm proud to nominate my good friend and
7 colleague, Joe Bruno, to serve as Majority
8 Leader and Senate President Pro Tem for the
9 ensuing term.

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

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed, nay.

15 (Response of "Nay.")

16 THE PRESIDENT: The resolution is
17 adopted.

18 And the chair states for the record
19 that Senator Joseph L. Bruno has been elected
20 Temporary President of the New York State
21 Senate for the years 2005 and 2006.

22 SENATOR BRUNO: Thank you.

23 (Extended applause; standing
24 ovation.)

25 THE PRESIDENT: Senator Bruno,

1 will you please come forward and be sworn in
2 as Temporary President of the Senate.

3 The chair will now acknowledge,
4 prior to Senator Bruno's swearing in, that we
5 have now also received a communication from
6 the Senate Democratic Conference that Senator
7 David Paterson was elected as the Minority
8 Leader of the State Senate.

9 Senator Paterson.

10 (Extended applause; standing
11 ovation.)

12 THE PRESIDENT: Senator Paterson,
13 you have the floor.

14 SENATOR PATERSON: Just think
15 what might have happened if I had gotten here
16 on time.

17 (Laughter.)

18 SENATOR PATERSON: Madam
19 President, I would like to wish you a happy
20 new year and thank you for your continued
21 service to the state.

22 To my colleagues in the Democratic
23 Senate Conference, I'd like to acknowledge my
24 own honor and feeling of privilege to serve as
25 your leader for two more years.

1 To the members of the Majority, I'd
2 like to thank you for assisting them in making
3 me the Minority Leader for another two years.

4 And just to say that this has been
5 the end of, well, a political process, and as
6 professionals and as people who believe in
7 public service, we have to understand that we
8 come back here now with some great issues that
9 we have to address -- skyrocketing Medicaid
10 costs, we're the highest-taxed state in the
11 union, issues relating to the opportunities of
12 children to get their education all around the
13 state and in every venue around the state,
14 poor housing, substance abuse, crime,
15 unemployment and underemployment, poor,
16 inadequate health care facilities, and the
17 ability of people in the state to live with
18 each other in peace and harmony.

19 Those, I think, are our goals and
20 those, I think, are our principles, and I pray
21 that we'll never stray from them.

22 And let it not be confused that
23 while there are some changes that we feel we
24 need to make in terms of reforming our process
25 and our procedures, that the view that we all

1 set out with, what we signed up to do when we
2 ran for public office, can at times be
3 obfuscated, but I think that within us we
4 still have that drive. We may disagree on
5 some of the solutions, but I think we all want
6 to dedicate ourselves to finding ways to
7 improve the quality of life around the state.

8 So it will be my pleasure to work
9 with the Majority Leader, Senator Bruno, who
10 has been outstanding to this conference and
11 has been fair and has talked about changing
12 the procedures before it was politically
13 expedient. And so it will be my pleasure to
14 work with him for two more years, and all of
15 you.

16 So it is in that spirit that I
17 thank you for acknowledging me at this time.

18 (Extended applause.)

19 THE PRESIDENT: Senator Bruno,
20 will you now come forward to be sworn in as
21 Temporary President of the Senate.

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

24 SENATOR BRUNO: I, Joseph L.
25 Bruno --

1 THE PRESIDENT: "-- do solemnly
2 swear --"
3 SENATOR BRUNO: -- do solemnly
4 swear --
5 THE PRESIDENT: "-- that I will
6 uphold the Constitution of the United
7 States --"
8 SENATOR BRUNO: -- that I will
9 uphold the Constitution of the United
10 States --
11 THE PRESIDENT: "-- and the
12 Constitution of the State of New York --"
13 SENATOR BRUNO: -- and the
14 Constitution of the State of New York --
15 THE PRESIDENT: "-- and that I
16 will faithfully discharge the duties of the
17 office of --"
18 SENATOR BRUNO: -- and that I
19 will faithfully discharge the duties of the
20 office of --
21 THE PRESIDENT: "-- Temporary
22 President of the New York State Senate --"
23 SENATOR BRUNO: -- Temporary
24 President of the New York State Senate --
25 THE PRESIDENT: "-- to the best

1 of my ability --"

2 SENATOR BRUNO: -- to the best of
3 my ability --

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

6 SENATOR BRUNO: -- so help me
7 God.

8 (Applause.)

9 THE PRESIDENT: Ladies and
10 gentlemen, our Temporary President of the
11 New York State Senate, Joseph L. Bruno.

12 (Extended applause.)

13 SENATOR BRUNO: Thank you. I
14 sincerely thank my colleagues for their
15 confidence, for their support, which is
16 continuing.

17 And I acknowledge the unanimous
18 support here, and I thank you for that. And I
19 do recognize that the vote was closer than it
20 should be.

21 (Laughter.)

22 SENATOR BRUNO: But we are where
23 we are as we start a brand-new legislative
24 session.

25 And for those of you that will

1 recall, 228 years ago, in 1777, the Senate
2 convened for the first time in Kingston. I
3 believe Senator Marchi was there.

4 (Laughter.)

5 SENATOR BRUNO: People came
6 together then, and they've come together
7 throughout the years to govern.

8 Now, there are 61 of us presently
9 in this chamber -- there will be 62 -- and
10 we're all sent here by our constituencies
11 respectively to govern. And governing these
12 days is quite a challenge. It's a challenge
13 for all of us. It's a challenge for you in
14 your constituencies. It's a challenge to get
15 here. These are very difficult times.

16 And the people that elect you
17 individually elect you to public service to
18 come here and to work collectively in a
19 partnership to improve the quality of their
20 lives. And, Senator Paterson, you said it,
21 and Senator Schneiderman said it, and Senator
22 Johnson, in talking about some of our lives.

23 There's a lot to be done, a lot to
24 be done. But think about the world that we're
25 living in today and how different it is. A

1 lot of the issues will be the same, but so
2 many are different. You think about what's
3 going on in Indonesia, Malaysia, 150,000 plus
4 people not on this earth any longer. What
5 happened since 9/11 here in this state.

6 So those are the challenges that
7 people face in lives. So when we take a look
8 at what has to happen here, we have, and
9 you're right, a lot of things that have to
10 happen to improve the quality of life for this
11 great Empire State.

12 But there's one message that I want
13 to deliver as we all make New Year resolutions
14 for this session, and that's a recognition
15 that all of us have that we are sent here
16 individually but to work collectively, as
17 partners, here in this house, both sides of
18 the aisle.

19 And I welcome the new members that
20 are here. On this side of the aisle, Senator
21 George Winner, who has 26 years of experience
22 in the Legislature, and he finally saw the
23 light and joins us here.

24 And, Senator Winner, it's a
25 pleasure.

1 And Senator Jeff Klein, we welcome
2 you. And David -- Senator Valesky, we welcome
3 you here. And Diane Savino, we welcome you.

4 And there is Jose, who is my --
5 Jose Serrano. His dad, Congressman Serrano,
6 who is here, was my counterpart in the
7 Assembly when I chaired Consumer Protection
8 and Congressman Serrano chaired Consumer
9 Protection in the Assembly. We were
10 reminiscing about some of the great, great
11 things that we did together.

12 And Senator Fuschillo, who
13 presently chairs Consumer Protection, was
14 eating his heart out.

15 (Laughter.)

16 SENATOR BRUNO: But when you're
17 great, you're great.

18 And we welcome Senator Serrano.

19 (Applause.)

20 SENATOR BRUNO: But what do we
21 have? We have to do something about
22 education, because the people that send us
23 here, they want to educate their children,
24 they want to educate themselves. Why? So
25 they can have a better life.

1 We need to stimulate our economy
2 and continue to invest in job creation,
3 because that's how you broaden your tax base.
4 And we're going to have to do that together.

5 And we need a quality of health
6 care. Every individual in this state has a
7 right to health care and the best health care
8 that can be delivered through any system. And
9 we have that, and we have an obligation to
10 continue that.

11 We need an infrastructure in mass
12 transit, roads and bridges.

13 And, yes, we have to relieve the
14 tax burden on the taxpayers here in this
15 state, in the counties, continuing Medicaid
16 reform.

17 But I'm asking you to partner, all
18 of my colleagues here and those in the other
19 house and the Governor. And we'll be hearing
20 his message shortly. And I'm sure it will be
21 a message of hope, of optimism. And that's
22 the message that we should take from here
23 today, is one of hope and of optimism.

24 By working together collectively,
25 we'll help resolve these problems that face us

1 here. They're resolvable. And we'll do it
2 partnering.

3 But one of the things that none of
4 us want to lose sight of is that the people
5 that send us here are asking us and demanding
6 that we reform the process by which we govern
7 in this state. And we're committed to
8 reforming that process, all of us
9 individually.

10 And the mother of all and the
11 father of all reforms is budget reform.
12 Budget reform. Ten years in a row, budget
13 reform has been Senate 1. It will be again,
14 because we still, together, have to get it
15 done. The people demand that we get it done.
16 And we're hopeful that the Assembly will
17 partner with us and get it done this year.

18 The bill that we will have before
19 us is the bill that the Governor had vetoed,
20 and that relates to '06. We need to get it
21 done for '05.

22 And I want to thank you, my
23 colleagues, for unanimously supporting a
24 budget reform package just a couple of weeks
25 ago in this chamber, unanimously, that would

1 change the budget process this year and in the
2 years to come in a very positive way.

3 And there are other reforms. And
4 I'm happy when I look around and see the
5 chamber with very few empty seats. Because I
6 read in here that we shouldn't have empty
7 seats in this chamber when we vote. And I
8 applaud that, and I support that.

9 And, Madam President, when you
10 banged the gavel, I was observing all the
11 empty seats on the left side of the aisle.
12 And I'm happy to see that they followed their
13 leader and are now here, because it's
14 important that we be here to be
15 representative, to vote and take some of these
16 difficult votes.

17 When it's all done, the message is
18 that we are here to govern. Campaigns are
19 over -- they'll be facing us soon enough, soon
20 enough -- but we're here to govern. And in
21 this state, we govern together. We govern
22 together.

23 I think it was Abraham Lincoln --
24 and I don't want to get too philosophical, but
25 Abraham Lincoln, in times of great, great

1 strife, said, I believe, when he addressed
2 Congress: "A house divided against itself
3 cannot stand."

4 With the things that we have to do,
5 we can't be divided among ourselves here and
6 we can't be divided with the Assembly, which
7 we need to govern, and we can't be divided
8 with the Governor. We have to stand together
9 and govern. The people need it, they want it,
10 they demand it. And we're elected here to be
11 responsive. And I am very optimistic that we,
12 we who represent the Empire State, will make
13 this a united state.

14 So I want to thank you again, thank
15 you for the support. Senator Skelos, my
16 deputy, and Senator Johnson, who chairs
17 Finance, and all of the others that play major
18 roles. Each and every of you are important to
19 our process, and I want to thank you. Thank
20 you for your support, thank you for your
21 partnership, and thank you for your goodwill
22 as we open what will be a very challenging but
23 uplifting, rewarding session in the year 2005.

24 So thank you for the honor that you
25 bestow upon me.

1 And thank you, Madam President.

2 (Extended applause.)

3 THE PRESIDENT: Senator Bruno.

4 SENATOR BRUNO: Madam President,
5 I believe Senate Resolution Number 3 is at the
6 desk. I would ask that the title be read and
7 move for its immediate adoption.

8 THE PRESIDENT: The Secretary
9 will read.

10 THE SECRETARY: By Senator Bruno,
11 Senate Resolution Number 3, that Steven M.
12 Boggess of Sand Lake, New York, be, and he
13 hereby is elected Secretary of the Senate for
14 the years 2005-2006.

15 THE PRESIDENT: The question is
16 on the resolution. All in favor please
17 signify by saying aye.

18 (Response of "Aye.")

19 THE PRESIDENT: Opposed, nay.

20 (No response.)

21 THE PRESIDENT: The resolution is
22 adopted.

23 And the chair states for the record
24 that Steven M. Boggess has been duly elected
25 Secretary of the New York State Senate for the

1 years 2005 and 2006.

2 (Applause.)

3 THE PRESIDENT: If Mr. Boggess
4 will come forward for his swearing in.

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

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

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

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

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

16 SECRETARY OF THE SENATE BOGGESS:
17 "-- that I will uphold the Constitution of the
18 United States --"

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

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

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

1 office --"

2 SECRETARY OF THE SENATE BOGGESS:

3 -- and that I will faithfully discharge the
4 duties of the office --

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

7 SECRETARY OF THE SENATE BOGGESS:

8 -- of Secretary of the New York State
9 Senate --

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

12 SECRETARY OF THE SENATE BOGGESS:

13 -- to the best of my ability --

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

16 SECRETARY OF THE SENATE BOGGESS:

17 -- so help me God.

18 (Applause.)

19 THE PRESIDENT: Ladies and
20 gentlemen, our Secretary of the New York State
21 Senate, Steven M. Boggess.

22 (Applause.)

23 THE PRESIDENT: Senator Bruno.

24 SENATOR BRUNO: Madam President,
25 I believe Senate Resolution 4 is at the desk.

1 I would ask that the title be read and move
2 for its immediate adoption.

3 THE PRESIDENT: The Secretary
4 will read.

5 THE SECRETARY: By Senator Bruno,
6 Senate Resolution Number 4, that Catherine
7 Kirkland be, and she hereby is elected the
8 Official Stenographer of the Senate for the
9 years 2005-2006.

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

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed, nay.

15 (No response.)

16 THE PRESIDENT: The resolution is
17 adopted.

18 Congratulations, Ms. Kirkland.

19 (Applause.)

20 THE PRESIDENT: Senator Bruno.

21 SENATOR BRUNO: Madam President,
22 I believe Senate Resolution Number 5 is at the
23 desk. I would ask that the title be read and
24 move for its immediate adoption.

25 THE PRESIDENT: The Secretary

1 will read.

2 THE SECRETARY: By Senator Bruno,
3 Senate Resolution Number 5, that William C.
4 Martin be, and he hereby is elected
5 Sergeant-at-Arms of the Senate for the years
6 2005-2006.

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

10 (Response of "Aye.")

11 THE PRESIDENT: Opposed, nay.

12 (No response.)

13 THE PRESIDENT: The resolution is
14 adopted.

15 Congratulations, Sergeant-at-Arms
16 Martin.

17 (Applause.)

18 THE PRESIDENT: Senator Bruno.

19 SENATOR BRUNO: Madam President,
20 I believe Resolutions Number 6 through 9 are
21 at the desk. I ask that the titles be read
22 and move for their immediate adoption.

23 THE PRESIDENT: The Secretary
24 will read.

25 THE SECRETARY: By Senator Bruno,

1 Concurrent Resolution Number 6 of the Senate
2 and Assembly, providing for a joint assembly
3 for the purpose of receiving a message from
4 the Governor.

5 THE PRESIDENT: The question is
6 on the resolution. All in favor please
7 signify by saying aye.

8 (Response of "Aye.")

9 THE PRESIDENT: Opposed, nay.

10 (No response.)

11 THE PRESIDENT: The concurrent
12 resolution is adopted.

13 The Secretary will read.

14 THE SECRETARY: By Senator Bruno,
15 Senate Resolution Number 7, resolved that the
16 Temporary President appoint a committee of two
17 to inform the Governor of the election of
18 Joseph L. Bruno as Temporary President of the
19 Senate for the years 2005-2006, and that the
20 Senate is organized and ready to proceed with
21 business and will meet with the Assembly in
22 the Assembly Chamber at 1:00 p.m. to receive
23 the Governor's message.

24 Resolved, that the Temporary
25 President appoint a committee of two comprised

1 of Senator Flanagan and Senator Serrano, for
2 the purpose of informing the Governor of the
3 election of Joseph L. Bruno as Temporary
4 President of the Senate for the years
5 2005-2006, and that the Senate is organized
6 and ready to proceed with business and will
7 meet with the Assembly in the Assembly Chamber
8 at 1:00 p.m. today to receive the Governor's
9 message.

10 THE PRESIDENT: The question
11 again is on the resolution. All in favor
12 please signify by saying aye.

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed, nay.

15 (No response.)

16 THE PRESIDENT: The resolution is
17 adopted.

18 And Senator Bruno appoints Senators
19 Flanagan and Serrano to wait upon the Governor
20 that the Senate is ready to proceed.

21 The Secretary will continue to
22 read.

23 THE SECRETARY: By Senator Bruno
24 Senate, Resolution Number 8, resolved that the
25 Temporary President appoint a committee of two

1 to wait upon the Assembly and inform that body
2 of the election of Joseph L. Bruno as
3 Temporary President of the Senate for the
4 years 2005-2006, and that the Senate is
5 organized and ready to proceed with business
6 and will meet jointly with the Assembly in the
7 Assembly Chamber at 1:00 p.m. to receive the
8 Governor's message.

9 Resolved, that the Temporary
10 President appoint a committee of two comprised
11 of Senator Winner and Senator Valesky, for the
12 purpose of waiting upon the Assembly and
13 informing that body of the election of Joseph
14 L. Bruno as Temporary President of the Senate
15 for the years 2005-2006, and that the Senate
16 is organized and ready to proceed with
17 business and will meet jointly with the
18 Assembly in the Assembly Chamber at 1:00 p.m.
19 today to receive the Governor's message.

20 THE PRESIDENT: The question
21 again is on the resolution. All those in
22 favor please signify by saying aye.

23 (Response of "Aye.")

24 THE PRESIDENT: Opposed, nay.

25 (No response.)

1 THE PRESIDENT: The resolution is
2 adopted.

3 And Senator Bruno appoints Senators
4 Winner and Valesky to wait upon the Assembly
5 that the Senate is ready to proceed.

6 The Secretary will continue to
7 read.

8 THE SECRETARY: By Senator Bruno,
9 Senate Resolution Number 9, providing for the
10 hours of meeting by the Senate for the years
11 2005-2006.

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

15 (Response of "Aye.")

16 THE PRESIDENT: Opposed, nay.

17 (No response.)

18 THE PRESIDENT: The resolution is
19 adopted.

20 SENATOR BRUNO: Madam President.

21 THE PRESIDENT: Senator Bruno.

22 SENATOR BRUNO: There being no
23 further business to presently come before the
24 Senate, I would move that we stand adjourned
25 and that we all move to the Assembly chamber,

1 where we will hear the State of the State
2 message by the Governor, our great Governor
3 George Pataki, and that we stand adjourned
4 until January 10, Monday, at 1:00 p.m., and
5 intervening days to be legislative days.

6 THE PRESIDENT: The Senate will
7 now proceed to the Assembly chamber for the
8 Governor's message, after which the Senate
9 stands adjourned until Monday, January 10th,
10 at 1:00 p.m., intervening days being
11 legislative days.

12 (Whereupon, at 12:42 p.m., the
13 Senate adjourned.)

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