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

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

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

Amen.

THE PRESIDENT: The chair now hands down a message from the State Board of Elections, 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 yet taken their oaths of office.

(No response.)

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

THE SECRETARY: Senator Alesi.

(No response.)

THE SECRETARY: Senator Andrews.

(No response.)

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.
(No response.)
THE SECRETARY: Senator Bruno.
SENATOR BRUNO: Here.
THE SECRETARY: Senator Connor.
(No response.)
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: Here.
THE SECRETARY: Senator Diaz.
SENATOR DIAZ: Presente.
THE SECRETARY: Senator Dilan.
SENATOR DILAN: Here.
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: Here.
THE SECRETARY: Senator Golden.
SENATOR GOLDEN: Here.

THE SECRETARY: Senator Gonzalez.
(No response.)
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Here.
THE SECRETARY: Senator Hassell-Thompson.
SENATOR HASSELL-THOMPSON: Here.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Here.
THE SECRETARY: Senator Klein.
SENATOR KLEIN: Here.
THE SECRETARY: Senator L. Krueger.
SENATOR LIZ KRUEGER: Here.
THE SECRETARY: Senator C. Kruger.
SENATOR KRUGER: Here.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Here.
THE SECRETARY: Senator LaValle.
(No response.)
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: Still here.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Present.
THE SECRETARY: Senator Maziarz.
SENATOR MAZIARZ: Here.
THE SECRETARY: Senator McGee.
(No response.)
THE SECRETARY: Senator Meier.
SENATOR MEIER: Here.
THE SECRETARY: Senator Montgomery.
(No response.)
THE SECRETARY: Senator Morahan.
(No response.)
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Present.
THE SECRETARY: Senator Onorato.
(No response.)
THE SECRETARY: Senator

Oppenheimer.

SENATOR OPPENHEIMER: Here.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Here.

THE SECRETARY: Senator Parker.

SENATOR PARKER: Present.

THE SECRETARY: Senator Paterson.

(No response.)

THE SECRETARY: Senator Rath.

SENATOR RATH: Here.

THE PRESIDENT: Senator Bruno, a quorum is present.

SENATOR BRUNO: Thank you, Madam President.

May we proceed?

THE PRESIDENT: Yes, Senator Bruno.

I want to welcome everyone. I'd like to welcome everyone back. I see many familiar faces and some new faces. Welcome.

I'm confident that after what I hope has been a wonderful holiday season, you're all ready for a hardworking, productive session.

We are certainly going to face some

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

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

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

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 5, 2005, 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, at this time I hand up the following resolution, ask that the title be read, and move for its immediate adoption.

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 2005-2006.

THE PRESIDENT: Senator Schneiderman.

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

it be read.

THE PRESIDENT: The Secretary will read the resolution.

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

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

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

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

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

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

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

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

And everyone here knows that if

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

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

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

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

Thank you.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The nays have it. The resolution is defeated.

(Laughter.)

THE PRESIDENT: Moving right along.

Senator Johnson.

SENATOR JOHNSON: Madam President, I rise to nominate Senator Bruno to succeed himself as Senate Majority Leader and President Pro Tem.

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

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

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

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

THE PRESIDENT: The question is now 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.

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

SENATOR BRUNO: Thank you.

(Extended applause; standing ovation.)

THE PRESIDENT: Senator Bruno,

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

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

Senator Paterson.

(Extended applause; standing ovation.)

THE PRESIDENT: Senator Paterson, you have the floor.

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

(Laughter.)

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

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

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

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

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

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

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

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

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

(Extended applause.)

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

Please raise your 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 of the office of --"

SENATOR BRUNO: -- and that I will faithfully discharge the duties of the office of --

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

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

THE PRESIDENT: "-- to the best

of my ability --"

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

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

SENATOR BRUNO: -- so help me God.

(Applause.)

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

(Extended applause.)

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

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

(Laughter.)

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

And for those of you that will

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

(Laughter.)

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

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

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

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

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

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

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

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

And, Senator Winner, it's a pleasure.

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

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

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

(Laughter.)

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

And we welcome Senator Serrano.

(Applause.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And thank you, Madam President.

(Extended applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I believe Senate Resolution Number 3 is 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, 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 2005-2006.

THE PRESIDENT: The question is 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.

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

years 2005 and 2006.

(Applause.)

THE PRESIDENT: If Mr. Boggess will come forward for his swearing 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 of the

office --"

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

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

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

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: Ladies and gentlemen, our Secretary of the New York State Senate, Steven M. Boggess.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I believe Senate Resolution 4 is 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, Senate Resolution Number 4, that Catherine Kirkland be, and she hereby is elected the Official Stenographer of the Senate for the years 2005-2006.

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.

Congratulations, Ms. Kirkland.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I believe Senate Resolution Number 5 is 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, Senate Resolution Number 5, that William C. Martin be, and he hereby is elected Sergeant-at-Arms of the Senate for the years 2005-2006.

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.

Congratulations, Sergeant-at-Arms Martin.

(Applause.)

THE PRESIDENT: Senator Bruno.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno,

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

THE PRESIDENT: The question is on the resolution. All 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 Temporary 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 2005-2006, 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.

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

of Senator Flanagan and Senator Serrano, for the purpose of informing the Governor of the election of Joseph L. Bruno as Temporary President of the Senate for the years 2005-2006, 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. today to receive the Governor's message.

THE PRESIDENT: The question again is 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.

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

The Secretary will continue to read.

THE SECRETARY: By Senator Bruno Senate, Resolution Number 8, resolved that the Temporary 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 2005-2006, 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.

Resolved, that the Temporary President appoint a committee of two comprised of Senator Winner and Senator Valesky, for the purpose of waiting upon the Assembly and informing that body of the election of Joseph L. Bruno as Temporary President of the Senate for the years 2005-2006, 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. today to receive the Governor's message.

THE PRESIDENT: The question again is 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.

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

The Secretary will continue to read.

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

THE PRESIDENT: The question is 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: Madam President.

THE PRESIDENT: Senator Bruno.

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

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

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