NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 10, 2005

2:59 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

May I ask everyone present to please rise and join me in the Pledge of Allegiance.

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

ACTING PRESIDENT MEIER: In the absence of clergy, may we please each bow our heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 9, the Senate met pursuant to adjournment. The Journal of Saturday, January 8, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that I have a privileged resolution at the desk numbered 72. I would ask at this time that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 72, expressing sincerest, heartfelt condolences to the victims of the devastating natural disaster in Southeast Asia that was caused by a tsunami on Sunday, December 26, 2004.

"WHEREAS, This Legislative Body recognizes the epic devastation that has been and continues to be caused by the natural disaster that has hit Southeast Asia, and the far-reaching loss of life and damage that has

been sustained by the victims of this tragedy and by the entire world; and

"WHEREAS, on Sunday, December 26, 2004, the most powerful earthquake in 40 years shook the island of Sumatra, causing violent tsunamis in the Indian Ocean, which in turn pounded shorelines from Indonesia to Tanzania, leaving over 100,000 dead, thousands more missing or unreachable, and millions more homeless or without food or shelter; and

"WHEREAS, This natural catastrophe is one of the worst the world has ever seen, and the ramifications in terms of loss of life will be long-term; the loss of life will be generational, as whole families have been lost, lifelong injuries sustained, and many children orphaned as a result of the tragedy; and

"WHEREAS, In turn, this Legislative Body also recognizes that our commitment and our compassion as a state must be long-term, in order to ensure that the recovery efforts underway in Southeast Asia continue until the rebuilding of homes and lives takes hold once again in the affected regions; and

"WHEREAS, The giving nature of New Yorkers, and all Americans, is already apparent by the outpouring of sympathy and contributions made on behalf of countless individuals and organizations who have aided in the relief efforts; and

"WHEREAS, This Legislative Body represents a community that possesses the natural inclination to come to those in need, especially in times of the greatest tragedies that have occurred on our own soil as well as abroad; and

"WHEREAS, Above all else, the generous people of the State of New York, as represented by this Legislative Body, will be steadfast in their solidarity with the victims of this natural disaster until stability returns to their countries and hope is restored to their lives; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to express sincerest, heartfelt condolences to the victims of the devastating natural disaster in Southeast Asia that was caused by a tsunami on Sunday, December 26, 2004."

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues.

We've heard a very brief review of one of the greatest tragedies that any of us have ever heard of in, possibly, centuries. And when we talk about and you read about it, that 150,000, approximately, dead, and still counting, million of people displaced, it kind of puts our lives in perspective.

And this is a natural disaster. In no way could it have been avoided. It just happens. I think it's important that we just recognize the suffering that has taken place, when you hear and read about orphans by the thousands that are out there, and no way presently to suitably care for them or to place them.

I think it's just important that we recognize what life is all about and how short life can be and how traumatic life can be and how from day to day you imagine those people the day before -- just think about what their lives were like, and then the day of, and then

the day after and what's going on there now that will last for years and years and years, never a recovery. And that's as sad as it can be.

So I think it's appropriate that while we're here in this chamber contemplating governing -- and we're contemplating how we will govern, how will we be more efficient, more responsive, more open -- we just bear in mind that we shouldn't be conflicted in where we are, but we should just be so mindful that there are people out there in this world who are suffering tragedies that you can't fix with legislation, and suffering that's going to go on and on and on. So all we can do is hope and pray that their lives improve.

And, Mr. President, I would ask my colleagues to just join me in a moment of silence and reflect on our lives and their lives. Thank you.

Can we rise in a moment of silence. And thank you.

(Whereupon, the assemblage rose and respected a moment of silence.)

SENATOR BRUNO: Mr. President, I

ask that any Senator's name be added to the resolution unless they request otherwise.

And thank you.

ACTING PRESIDENT MEIER: According to the practice, those wishing not to be on the resolution, inform the desk.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Senator Gonzalez would like to be recognized.

ACTING PRESIDENT MEIER: Senator Gonzalez.

SENATOR GONZALEZ: Yes, Mr. President. There will be an immediate meeting of the Minority conference in Room 314.

ACTING PRESIDENT MEIER: Immediate meeting of the Minority conference in Room 314.

Senator Bruno.

SENATOR BRUNO: I would ask that we have an immediate meeting of the Majority in the Majority Conference Room. And we're estimating 20 minutes, a half hour.

Thank you.

ACTING PRESIDENT MEIER: Immediate meeting of the Majority conference in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:08 p.m.)

(Whereupon, the Senate reconvened at 4:38 p.m.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to motions and resolutions.

ACTING PRESIDENT MEIER: Motions and resolutions.

SENATOR BRUNO: I believe that Senate Resolution 10 is at the desk. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read Senate Resolution 10.

THE SECRETARY: By the Senate Committee on Rules, Senate Resolution Number 10, providing for the adoption of the Rules of the Senate for a certain period of time.

"RESOLVED, That the Rules of the Senate for the year 2004, as last amended, be adopted as the Rules of the Senate for the period January 10, 2005, through January 24, 2005."

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, we have a resolution before us that extends, as you heard, the Rules of the Senate until January 24th.

In the interim, in conference with our members here, and with Senator Paterson, who has been conferencing with his members, we have come to an agreement that the important thing in this chamber is that we be responsive to the public, that we be open, that the proceedings here be efficient and get our work done to get us a result.

And while debate will be appropriate when we have the Rules in place, open, proper debate, compromise -- that's the art of governing. And that's where we are.

So by agreement, we will be talking with Senator Paterson. We are going to put together a joint committee, a task force between both sides of the aisle, to address the Rules changes to help make this chamber as effective, as efficient, as open as we can all make it. And hopefully sharing our thoughts, working together, which is always better.

There's enough time in our lives when we have to be in different places, and that's known as campaigns. And when the campaigns are over, you govern. And that's what we are doing. We are governing.

So I welcome the opportunity to confer with Senator Paterson and his colleagues and our colleagues as we go forward over these next two weeks to put together new Rules for the Senate, again, to make us open and responsive.

Thank you.

ACTING PRESIDENT MEIER: Senator

Paterson.

SENATOR PATERSON: Mr. President, I think for the past couple of years there has been a growing concern on the part of the public, through good government groups -- and even privately among ourselves -- that we reach our potential in terms of our interaction as a body and our effectiveness as a Legislature.

To that end, there have been a number of proposals designed to revitalize and in many ways reenfranchise government and to give the public, that sends us as their representatives through service, a better product than we have.

It's no secret that twenty years of late budgets and a number of inabilities to reach decisions on the Help America Voting Act and other ways that we would receive money from the federal government have placed us all in the position of further and further scrutiny by the people that we represent.

Today, I think that the Majority conference, through their dialogue with our conference, that we have reached a higher

level of consciousness here and perhaps the dawning of a new era of cooperation, in that we will table the Rules of the Senate for two weeks while we reexamine some of the issues on which we have some vehement disagreement.

The disagreement itself is not a problem. That is something that is historical in our country and in our state. But it's our ability to create a process that brings us closer to something that is really representative, is what we are seeking.

And so I'd like to thank all the members of the Republican conference and their staffs who helped them look over some of our suggestions, and particularly Majority Leader Bruno for talking to us today and being willing to negotiate with us on something that will allow every member of this Senate the capacity to represent our constituencies to the highest level of performance that we can achieve.

So we will take another look at the Rules. We'll try to work it out. And even if we are not in full agreement in the end, it will at least demonstrate that not at the last

minute, but in a way that gives a voice to everyone here, we will seek an end that I think we will all be proud of.

If nothing else, it cannot be said that we haven't consulted with each other, that there are hard feelings on either side, that there are any sort of surprise proposals, some of which may have been the hard and fast feelings of some of us here. We've alleviated that today by creating a coalition of spirit, if not of interest, and will go forward and try to demonstrate to the public we represent that we are reaching our professional capacity.

So I want to thank Senator Bruno again and thank the members of my conference and of the Majority conference for the joint cooperation we've achieved today.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, is there any further business to come before the Senate at this time?

ACTING PRESIDENT MEIER: There is no further business, Senator.

SENATOR BRUNO: Then there being no further business, I would hand up a list of Finance Committee assignments on behalf of the Majority, and, in consultation with Senator Paterson, hand up the members of the Minority on the Finance Committee.

And if you would recognize Senator Gonzalez.

ACTING PRESIDENT MEIER: Senator Gonzalez.

SENATOR GONZALEZ: Mr. President, there will be a meeting of the Minority conference tomorrow, Tuesday, January 11th, 10:30 a.m., Room 314.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: The reports outlined by the Majority Leader will

be received and entered into the Journal.

And the Senate Minority conference will meet tomorrow at 10:30 a.m. in Room 314.

Senator Bruno.

SENATOR BRUNO: And, Mr. President, there being no further business to come before the Senate, I would move that we stand adjourned until 11:15 tomorrow. But at 11:00, there will be a meeting of the Finance Committee in Room 124. 11:00, session at 11:15.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, January 11th, at 11:15 a.m.

(Whereupon, at 4:45 p.m., the Senate adjourned.)