

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.

1 Messages from the Governor.  
2 Reports of standing committees.  
3 Reports of select committees.  
4 Communications and reports from  
5 state officers.

6 Motions and resolutions.

7 Senator Bruno.

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

13 ACTING PRESIDENT MEIER: The  
14 Secretary will read.

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

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

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

3               "WHEREAS, on Sunday, December 26,  
4       2004, the most powerful earthquake in 40 years  
5       shook the island of Sumatra, causing violent  
6       tsunamis in the Indian Ocean, which in turn  
7       pounded shorelines from Indonesia to Tanzania,  
8       leaving over 100,000 dead, thousands more  
9       missing or unreachable, and millions more  
10      homeless or without food or shelter; and

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

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

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

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

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

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

1                   ACTING PRESIDENT MEIER:     Senator  
2     Bruno.

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

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

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

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

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

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

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

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

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

25 SENATOR BRUNO: Mr. President, I

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

3 And thank you.

4 ACTING PRESIDENT MEIER:

5 According to the practice, those wishing not  
6 to be on the resolution, inform the desk.

7 The question is on the resolution.

8 All those in favor signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT MEIER: Those  
11 opposed, nay.

12 (No response.)

13 ACTING PRESIDENT MEIER: The  
14 resolution is adopted.

15 Senator Bruno.

16 SENATOR BRUNO: Senator Gonzalez  
17 would like to be recognized.

18 ACTING PRESIDENT MEIER: Senator  
19 Gonzalez.

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

23 ACTING PRESIDENT MEIER:

24 Immediate meeting of the Minority conference  
25 in Room 314.

1 Senator Bruno.

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

6 Thank you.

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

10 The Senate will stand at ease.

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

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

15 ACTING PRESIDENT MEIER: Senator  
16 Bruno.

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

20 ACTING PRESIDENT MEIER: Motions  
21 and resolutions.

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

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

3                   THE SECRETARY:     By the Senate  
4     Committee on Rules, Senate Resolution Number  
5     10, providing for the adoption of the Rules of  
6     the Senate for a certain period of time.

7                   "RESOLVED, That the Rules of the  
8     Senate for the year 2004, as last amended, be  
9     adopted as the Rules of the Senate for the  
10    period January 10, 2005, through January 24,  
11    2005."

12                  ACTING PRESIDENT MEIER:     Senator  
13     Bruno.

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

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

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

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

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

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

24                   Thank you.

25                   ACTING PRESIDENT MEIER:        Senator

1 Paterson.

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

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

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

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

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

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

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

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

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

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

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

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

22 (Response of "Aye.")

23 ACTING PRESIDENT MEIER: Those  
24 opposed, nay.

25 (Response of "Nay.")

1                   ACTING PRESIDENT MEIER:     The  
2     resolution is adopted.

3                   Senator Bruno.

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

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

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

15                  And if you would recognize Senator  
16    Gonzalez.

17                  ACTING PRESIDENT MEIER:     Senator  
18    Gonzalez.

19                  SENATOR GONZALEZ:     Mr. President,  
20    there will be a meeting of the Minority  
21    conference tomorrow, Tuesday, January 11th,  
22    10:30 a.m., Room 314.

23                  Thank you, Mr. President.

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

1 be received and entered into the Journal.

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

4 Senator Bruno.

5 SENATOR BRUNO: And, Mr.  
6 President, there being no further business to  
7 come before the Senate, I would move that we  
8 stand adjourned until 11:15 tomorrow. But at  
9 11:00, there will be a meeting of the Finance  
10 Committee in Room 124. 11:00, session at  
11 11:15.

12 Thank you, Mr. President.

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

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

18

19

20

21

22

23

24

25