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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 18, 2005

3:16 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 Reverend
Peter G. Young is with us this afternoon to
give the invocation. As I'm sure we all know
now, he's from Blessed Sacrament Church in
Bolton Landing, New York.

REVEREND YOUNG: Thank you.

Dear God, we ask Your presence and
blessings on our time together in this Senate.
We have come to express our concern and
welfare for our community and constituents, to
learn from each other, to grow in spirit and
in character, to find Your will in our lives
and in our neighborhoods.

We thank You for the opportunity of
this Senate to assemble together at any time
and any place to discuss our concerns. We are
mindful that many in our world do not enjoy

1 such freedom.

2 Grant us the wisdom to carry out
3 decisions within Your will. Bless us as we
4 continue to conduct our Senate business with
5 dignity and sensitivity.

6 May we pray too for the repose of
7 the soul of Mary Breslin and Mrs. Ann Bonacic,
8 both of whom have recently died. We ask Your
9 blessing on them.

10 Amen.

11 THE PRESIDENT: Reading of the
12 Journal.

13 THE SECRETARY: In Senate,
14 Sunday, January 16, the Senate met pursuant to
15 adjournment. The Journal of Saturday,
16 January 15, was read and approved. On motion,
17 Senate adjourned.

18 THE PRESIDENT: Without
19 objection, the Journal stands approved as
20 read.

21 Presentation of petitions.

22 Messages from the Assembly.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Skelos.

5 SENATOR SKELOS: Madam President,
6 there's a privileged concurrent resolution,
7 Number 147, by Senator Bruno. Could we have
8 the title read and move for its immediate
9 adoption.

10 THE PRESIDENT: The Secretary
11 will read.

12 THE SECRETARY: By Senator Bruno,
13 Concurrent Resolution Number 147 of the Senate
14 and Assembly, authorizing the Senate and
15 Assembly of New York State to purchase copies
16 of the New York Red Book for 2005-2006.

17 THE PRESIDENT: The question is
18 on the concurrent resolution.

19 Call the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 44.

22 THE PRESIDENT: The concurrent
23 resolution is adopted.

24 Senator Skelos.

25 SENATOR SKELOS: Madam President,

1 there's a Resolution 159 at the desk, by
2 Senator Paterson. If we could have it read in
3 its entirety and move for its immediate
4 adoption.

5 THE PRESIDENT: The Secretary
6 will read.

7 THE SECRETARY: By Senator
8 Paterson, Legislative Resolution Number 159,
9 commemorating the 19th annual celebration of
10 the birth of The Reverend Dr. Martin Luther
11 King, Jr.

12 "WHEREAS, It is the practice of the
13 State of New York to publicly take note of and
14 acknowledge milestone events in our Nation's
15 history; and

16 "WHEREAS, Attendant to such
17 concern, and in full accord with its
18 long-standing traditions, this Legislative
19 Body is justly proud to commemorate the birth
20 of The Reverend Dr. Martin Luther King, Jr. ;
21 and

22 "WHEREAS, 19 years ago, the third
23 Monday in January marked the first observance
24 of the federal legal holiday honoring The
25 Reverend Dr. Martin Luther King, Jr. ; and

1 "WHEREAS, we owe today's
2 celebration to the extraordinary efforts led
3 by one of our own, New York State's
4 groundbreaking Congresswoman, the late Shirley
5 Chisholm, a woman of remarkable character and
6 integrity who passed away on January 1, 2005;
7 and

8 "WHEREAS, As Congresswoman Chisholm
9 and her colleague, Congressman John Conyers,
10 knew, The Reverend Dr. Martin Luther King,
11 Jr., was a man deserving of such recognition;
12 and

13 "WHEREAS, Recitations of his life
14 are oft-noted and well-memorialized. We
15 called him scholar, humanitarian, pastor,
16 father, leader, hero, martyr, and friend; and

17 "WHEREAS, Equal parts presidential
18 advisor, man of God and of the people, an
19 unbridled voice of change, The Reverend
20 Dr. Martin Luther King, Jr., guided an
21 unwilling and distrustful nation along its
22 first few tentative steps toward plurality and
23 democracy. Because of him, a nation was able
24 to realize its true greatness; and

25 "WHEREAS, What makes the legacy of

1 The Reverend Dr. Martin Luther King, Jr., so
2 truly magnificent is its abounding generosity.
3 Not singular, his bequest allows each and
4 every one of us to share in its greatness; and

5 "WHEREAS, The mark this man of God
6 left upon us is firmed and shaped through the
7 day-to-day interactions of diverse people
8 existing together as one nation; and

9 "WHEREAS, When children play and
10 learn together, when neighborhoods join as
11 communities, when those from different
12 backgrounds meet as equals in commerce and
13 industry, when we stand as sisters and
14 brothers under the auspices of one flag and
15 one nation, it is in these ordinary and
16 unremarkable moments that we get to share in
17 the furtherance of his legacy; and

18 "WHEREAS, But as The Reverend
19 Dr. Martin Luther King, Jr., would surely
20 instruct, such a bequest of faith, strength
21 and commitment also brings with it an awesome
22 responsibility; and

23 "WHEREAS, Because, although we have
24 come far, much still remains to be done; and

25 "WHEREAS, Accordingly, let us

1 pledge, on this 19th commemoration of his
2 birth, to remain vigilant in our commitment to
3 uphold the values of diversity and tolerance
4 so astutely taught to us by The Reverend Dr.
5 Martin Luther King, Jr.; and

6 "WHEREAS, In doing so, we are made
7 better people; now, therefore, be it

8 "RESOLVED, That this Legislative
9 Body pause in its deliberations to commemorate
10 the 19th annual celebration of the birth of
11 The Reverend Dr. Martin Luther King, Jr."

12 THE PRESIDENT: The question is
13 on the resolution. All 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 Skelos.

21 SENATOR SKELOS: Madam President,
22 if we could open up the resolution, with the
23 consent of the Minority, to the entire
24 membership.

25 If anybody wishes not to be on the

1 resolution, they should notify the desk.

2 THE PRESIDENT: Any member who
3 does not want to be a sponsor of the last
4 resolution please notify the desk.

5 Senator Skelos.

6 SENATOR SKELOS: If we could
7 stand at ease for one moment, please.

8 THE PRESIDENT: The Senate stands
9 at ease.

10 (Whereupon, the Senate stood at
11 ease at 3:25 p.m.)

12 (Whereupon, the Senate reconvened
13 at 3:26 p.m.)

14 THE PRESIDENT: Senator Skelos.

15 SENATOR SKELOS: Madam President,
16 there's a Resolution Number 96 at the desk, by
17 Senator Little. If we could have it read in
18 its entirety and move for its immediate
19 adoption.

20 THE PRESIDENT: The Secretary
21 will read.

22 THE SECRETARY: By Senator
23 Little, Legislative Resolution Number 96,
24 honoring the heroic actions of four United
25 States Marines which led to the preservation

1 of a life.

2 "WHEREAS, It is the sense of this
3 Assembled Body to recognize and commend the
4 caring concern and heroic acts of individuals
5 who take prompt and appropriate action in
6 emergency situations, nobly risking their own
7 lives in an effort to preserve the life of
8 another; and

9 "WHEREAS, Attendant to such
10 concern, and in full accord with its
11 long-standing traditions, this Assembled Body
12 is justly proud to honor the heroic actions of
13 four United States Marines which led to the
14 preservation of a life; and

15 "WHEREAS, A group of four Marines
16 are being honored for their valiant effort in
17 assisting a trapped motorist. The honored
18 Marines are PFC William W. Patnode, of Peru;
19 PFC Charles J. Meskunas, of Dannemora; PFC
20 Gregory S. LaFountain, of Peru; and Private
21 James A. Stewart, of Plattsburgh; and

22 "WHEREAS, On that particular day,
23 the four Marines were traveling south on
24 Interstate 87 towards Albany for a meeting.
25 They came upon an accident scene where they

1 saw a nearly empty fuel tanker lodged into the
2 back of a tractor-trailer; and

3 "WHEREAS, The driver of the
4 fuel-tanker truck was in critical condition
5 inside the crushed and burning cab. The
6 Marines bravely assisted him to safety and
7 then contacted the State Police; and

8 "WHEREAS, The truck driver was
9 transported to safety and firefighters arrived
10 and contained the blaze; and

11 "WHEREAS, These four brave soldiers
12 risked their lives to save someone who would
13 have perished otherwise; and

14 "WHEREAS, These four men, through
15 their spontaneous and heroic actions,
16 demonstrated their character and their
17 compassion for the welfare of others,
18 personifying, by virtue of their actions, the
19 collective concern of ordinary citizens across
20 the community of the State of New York who
21 voluntarily respond when others are in need of
22 help; now, therefore, be it

23 "RESOLVED, That this Legislative
24 Body pause in its deliberations to honor the
25 heroic actions of four United States Marines

1 which led to the preservation of a life; and
2 be it further

3 "RESOLVED, That copies of this
4 resolution, suitably engrossed, be transmitted
5 to the aforementioned honorees."

6 THE PRESIDENT: Senator Little.

7 SENATOR LITTLE: Thank you, Madam
8 President.

9 They say timing is everything. And
10 unfortunately, our timing this afternoon is
11 not working well, in that our Marines are
12 visiting here in Albany but are in the
13 Assembly, where they are receiving a
14 legislative resolution as well.

15 But this is really a very
16 significant event and action on the part of
17 these young men. The man driving the
18 tractor-trailer, Cornelius Mahar, of
19 Rensselaer, was trailering a tank that wasn't
20 full but was partially full of fuel oil. And
21 he was trapped in his cab.

22 And these four young men, who were
23 on their way to Albany -- they had been
24 recently recruited by the Marines, had
25 attended boot camp, and are in the process of

1 waiting for their assignments -- jumped out of
2 their car, put their lives at stake, pulled
3 the man out of his car, used a sleeping bag as
4 an impromptu stretcher, and carried the man
5 over and started working on him, using all of
6 the things that they had learned in boot camp
7 and first aid and all.

8 The Westport Volunteer Fire
9 Department and Ambulance Squad, when they got
10 there, said that the activities of those four
11 men was absolutely incredible and they truly
12 saved the life of this man.

13 All four of these men are
14 constituents of mine, and their names were
15 mentioned. But it's significant one of them,
16 Private First Class Gregory LaFountain, is the
17 son of New York State Police BCI Captain
18 Robert LaFountain. The LaFountains are here
19 today, as are many of the Marine sergeants in
20 charge of these four men.

21 And Private First Class William
22 Patnode, of Plattsburgh; Private First Class
23 Charles Meskunas, of Saranac; Private James
24 Stewart, of Beekmantown; and Private
25 LaFountain, of Peru, are also here today. So

1 I'm sure if you see them in the hall, you may
2 be able to recognize them at some point.

3 But it's a privilege to have men
4 like this living in my district, but it's more
5 of a privilege to know that we have young men
6 who are willing, who are capable of putting
7 their lives on the line, not only in the
8 service of their country, but in the service
9 of their fellow citizens on a daily basis.

10 And it is with that that I honor
11 them and we all honor them in this legislative
12 resolution today. And I thank you, and I'm
13 sorry that they weren't able to be here for
14 this.

15 Thank you.

16 THE PRESIDENT: All in favor of
17 the resolution please 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 Senator Skelos.

24 SENATOR SKELOS: Is there any
25 housekeeping at the desk?

1 THE PRESIDENT: No, there isn't,
2 Senator.

3 SENATOR SKELOS: Madam President,
4 on behalf of Senator Bruno, I hand up the
5 following committee chair appointments and
6 leadership positions and ask that they be
7 filed in the Journal.

8 THE PRESIDENT: So ordered.
9 Senator Skelos.

10 SENATOR SKELOS: Madam President,
11 there being no further business to come before
12 the Senate, I move we stand adjourned until
13 Wednesday, January 19, at 12:00 p.m.

14 THE PRESIDENT: On motion, the
15 Senate now stands adjourned until Wednesday,
16 January 19th, at 12:00 noon.

17 (Whereupon, at 3:31 p.m., the
18 Senate adjourned.)

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