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

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

such freedom.

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

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

Amen.

THE PRESIDENT: Reading of the Journal.

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

THE PRESIDENT: Without 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 Skelos.

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

THE PRESIDENT: The Secretary will read.

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

THE PRESIDENT: The question is on the concurrent resolution.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The concurrent resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President,

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

THE PRESIDENT: The Secretary will read.

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

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

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

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

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

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

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

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

"WHEREAS, What makes the legacy of

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

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

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

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

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

"WHEREAS, Accordingly, let us

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

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

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

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.

Senator Skelos.

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

If anybody wishes not to be on the

resolution, they should notify the desk.

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

Senator Skelos.

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

THE PRESIDENT: The Senate stands at ease.

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

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

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

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

of a life.

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

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

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

Thank you.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

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

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

THE PRESIDENT: So ordered.

Senator Skelos.

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

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

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