NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

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3:17 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: In the absence of clergy, may we bow our heads in a moment of silence, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Friday, January 28, the Senate met pursuant to adjournment. The Journal of Thursday, January 27, 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 Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Maltese, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print 574.

THE PRESIDENT: So ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, can we have the title read on Resolution 292, by Senator Morahan, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Morahan, Legislative Resolution Number 292, honoring Sister Marie Callahan for her 75

years of service as a Dominican Sister.

THE PRESIDENT: 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, there's a privileged resolution, 293, by Senator Balboni. Could we have the resolution read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Balboni, Legislative Resolution Number 293, honoring the members of the New York State National Guard who provided security during the elections in Iraq on Sunday, January 30, 2005.

"WHEREAS, Members of the Armed Services from the State of New York who have served so faithfully and courageously in wars

in which our nation's freedom was at stake, as well as in the preservation of peace during peacetime, deserve a special salute from this Legislative Body; and

"WHEREAS, The dedication and sacrifice of our military personnel ensure our continued role as a nation which embodies the ideals of democracy and is a defender of liberty for peoples throughout the world; and

"WHEREAS, This Legislative Body is justly proud to honor the members of the New York State National Guard who provided security during the elections in Iraq on Sunday, January 30, 2005; and

"WHEREAS, There are 5,135 members of New York State's National Guard who have been called to serve in Iraq; and

"WHEREAS, Approximately 4,000 of those New York National Guard members are providing protection to Iraqi civilians in their communities; and

"WHEREAS, On January 30, 2005, those brave New York National Guard members helped to keep order during the first truly free election in Iraq in half a century; and

"WHEREAS, It is estimated that 60 percent of the 14 million eligible Iraqis voted in those elections, and the commanding presence of those New York National Guard members minimized the number of casualties in this region torn by daily violence; and

"WHEREAS, Those New York National Guard members also provide training to Iraqi security forces dedicated to a peaceful and free Iraq; and

"WHEREAS, All New York National Guard members who served or are serving in Iraq contribute to the ongoing quest for stability; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the members of the New York State National Guard who provided security during the elections in Iraq on Sunday, January 30, 2005, and to commend those individuals from New York for their role in promoting worldwide democracy; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Major General Thomas P. Maguire, Jr.,

Adjutant General of New York."

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Madam President, in America we search for things that we can agree with, and -- at least we ought to be. And so oftentimes we talk about democracy, but only in this country.

Today is a very historic day, following one of the most historic days in the history of the Middle East. America has met its promise of taking its resources, its most valuable and precious resources, and using them to bring democracy -- not just in word, but in deed -- to the Middle East.

Free elections were held yesterday in Iraq for the first time in 50 years. Fifty years. And the reason why they occurred -- obviously because of the Iraqi people, but because 4,000 of our fellow residents of this state put their life in harm's way to provide security for that election.

The numbers that are coming in are still a little sketchy, but it's estimated to be close to 60 percent of the country's eligible population voted. That is

extraordinary. And particularly when you consider the run-up to the election, everybody saying this was going to be a disaster, you ought to delay it, you ought to postpone it, there can't be security, we ought to bow to the terrorists. After all, we know what they want. They don't really want freedom. They can't understand freedom.

Of course they understand freedom. And what we've seen is they understand freedom perhaps as passionately or more passionately than we do. How would Americans react if we had to go to the polls under the gun, with the threat of violence and death? Would we go in 60 percent numbers? But in part that happened because of the men and women who are serving in the volunteer armed forces today, making that sacrifice.

As chair of the Military Affairs Committee, I've never been more proud, because this is something you can't argue with. Whether you believe Iraq was right or Iraq was wrong, what you can say is giving people the right to vote and providing them with the security necessary to exercise that franchise

is the greatest gift we can give as a democracy. And it is because of the blood, sweat, and tears of our neighbors and our constituents that we are able to do this.

Thank you, Madam President.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President. Please excuse my voice.

You know, Senator Balboni said it very clearly. New Yorkers have over 4,000 troops in Iraq. Probably, since the beginning of the event, closer to 6,000. We talk about the opportunity to vote for the first time in 50 years. We talk about a constitution. I think we ought to take a moment and go back in history.

In May of 1945, the Germans surrendered in Europe. It took us 4½ years to get a constitution and an organized body in Germany. On September 2, 1945, on the U.S. Missouri, the Japanese surrendered. It took us four years to get the Japanese government in place.

Now, we talk about all of the insurgents that went on. I don't know about

anybody else in this room, but I know I went from the Pacific to Japan, and while in Japan our units were bombarded many, many nights, many, many days. Our losses were minimal, but our property losses were great.

We are very fortunate; the people that are in Iraq are all volunteers. Now, I've heard people say they didn't volunteer to go there or volunteer to do this, that or the other. You know, last week I talked to two Army colonels back from Iraq. It's very clear that reenlistments are in the 90s, very clear that these servicemen and women asked to be part of the armed forces. And being part of the armed services is serving where your country sends you.

It's a proud profession. I'm very proud. And we ought to be very proud of what they've accomplished. Yesterday, that vote, they did everything.

All the external people did everything they could to tear that vote down. And what happened? We were successful. We were successful because the Iraqi people, not only in Iraq, but in other parts of the world,

wanted to show that they wanted freedom.

You know, if we don't have freedom there, we won't have freedom here. I've said it time and time again, I'd rather fight in Baghdad than in New York.

And when I hear people talk about combat, what bothers me the most is those who talk about it have never been in combat. Our Majority Leader, Senator Bruno, fought in the 35th Infantry Regiment in Korea. John Marchi was in it. Cesar Trunzo. And I'm very proud that I was.

But we should be very proud of what our men and women did, because they stood up. They were a part of the new generation to embrace the world with freedom.

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

I'd like to associate myself with the comments made by the previous two speakers and thank Senator Balboni for introducing this resolution. However, I would add something to it.

Along with the National Guard,

there are thousands of Army Reservists stationed in units throughout New York State who have been activated and are now in Iraq. I've attended various ceremonies of these units as they were leaving at Fort Totten, as an example, the headquarters of the 77th Reserve Command. And I stood there and watched them say goodbye to their families, their children, their parents, others that they knew as they left, departed for Iraq.

Among those who were activated is a unit that I served in and commanded many years ago, the 411th Engineer Brigade. And that's the second time for them, because they were also activated during the Gulf War.

And you probably don't remember, but Senator Bonacic introduced a resolution here last session, late last session, on behalf of one of the members of that unit who lost his life there.

So in addition to the National Guard, whom we can be very proud of, we should also be aware that there are equal numbers of federal Army Reservists serving in Iraq doing a fantastic job -- medical units, supply

units, transportation units, engineering units of all kinds are doing what they were trained to do. And in thinking about our Guard, we should also think about them.

THE PRESIDENT: 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 Skelos.

SENATOR SKELOS: Madam President, I believe Senator Balboni wants to open it for cosponsorship. If anybody wishes not to sponsor it, they should notify the desk.

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

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 4, by Senator Skelos, Senate Print 85 --

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MORAHAN: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 7, by Senator McGee, Senate Print 752, an act to amend the Tax Law.

ACTING PRESIDENT MORAHAN: There is a local fiscal impact note at the desk.

The Secretary will read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator, that completes the reading

of the noncontroversial calendar.

SENATOR SKELOS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT MORAHAN: No further business at the desk.

SENATOR SKELOS: Then on behalf of Senator Bruno, in consultation with Minority Leader Paterson, I hand up the following Minority committee assignments and ask that they be filed at the desk with the Clerk.

ACTING PRESIDENT MORAHAN: They will be received and filed in the Journal, Senator.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Tuesday, February 1st, at 3:00 p.m.

Before we adjourn, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT MORAHAN: Okay, first there's going to be an immediate meeting of the Rules Committee in the Majority Conference Room.

On motion, the Senate stands adjourned until Tuesday, February 1st, 3:00 p.m.

(Whereupon, at 3:33 p.m., the Senate adjourned.)