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12:10 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 come to order.

I ask everyone present to please rise and repeat with me, once again, the Pledge of Allegiance.

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

THE PRESIDENT: We are privileged to have with us today, to give the invocation, Bishop Howard Hubbard.

BISHOP HUBBARD: Let us pray.

O faithful and eternal God, at the beginning of another year we pray that in this new year Your guidance will assist all gathered here for the 2006 opening session of the New York State Senate.

In our world today, torn by conflict, terrorism, the threat of war, rising unemployment, staggering budget deficits, and the frustrations of dealing with difficulties that need Your wisdom to solve, together we seek Your guidance and insight on how best to meet the needs of these unsettled times.

Enable our Senators, O God, to

carry out their solemn responsibilities using their talents and diverse gifts towards securing peace and justice for all people in our Empire State.

In today's world, where tension between nations, religious traditions, and ideologies threaten to unleash wholesale tragedy on our planet, we need the courage and compassion to right these wrongs and to alleviate the sufferings of those oppressed and burdened by the depravity and indignities that prejudice, greed, and inequality can engender.

In a society of limited resources, to address the education, health, human service and public safety needs of our citizens we need the vision and wisdom to develop policies and to set budgetary priorities which are in accord with the principles of distributive justice and which ensure that the needs of the most vulnerable, powerless and voiceless are met.

You have promised that if we seek You, O Lord, with a sincere conscience and firm desire to improve the human condition,

Your strength and divine guidance will enlighten and thus enable us, in the end, to prevail over evil and injustice.

We trust in Your promise, O God, and ask You to strengthen the members of the New York State Senate to help bring Your divine plan to its fulfillment.

And for all this we pray, as always, in Your sacred name, You who live and reign both now and forever and ever.

Amen.

THE PRESIDENT: The Secretary will call the roll to ascertain a quorum.

THE SECRETARY: Senator Alesi.

(No response.)

THE SECRETARY: Senator Andrews.

(No response.)

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Here.

THE SECRETARY: Senator Bonacic.

(No response.)

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Here.

THE SECRETARY: Senator Bruno.

(Senator Bruno was marked as

present.)

THE SECRETARY: Senator Connor.

(No response.)

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: Aqui.

THE SECRETARY: Senator Dilan, excused.

Senator Duane, excused.

Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: Here.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Here.

THE SECRETARY: Senator Golden.

SENATOR GOLDEN: Here.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Here.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Here.

THE SECRETARY: Senator

Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Here.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Here.

THE SECRETARY: Senator Klein.

(No response.)

THE SECRETARY: Senator L. Krueger.

SENATOR LIZ KRUEGER: Here.

THE SECRETARY: Senator C. Kruger.

SENATOR C. KRUGER: Present.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Here.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: Present.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Here.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Here.

THE SECRETARY: Senator Little.

SENATOR LITTLE: Here.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Present.

THE SECRETARY: Senator

Marcellino.

SENATOR MARCELLINO: Here.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Here.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Here.

THE SECRETARY: Senator Montgomery.

(No response.)

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: Here.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Present.

THE SECRETARY: Senator Onorato, excused.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Here.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Here.

THE SECRETARY: Senator Parker.

SENATOR PARKER: Present.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: Here.

THE PRESIDENT: Senator Bruno, a quorum is present.

SENATOR BRUNO: Thank you, Madam President. Can we proceed with the calendar.

THE PRESIDENT: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

The chair hands down a communication from Governor. The Secretary will read.

THE SECRETARY: "Dear Madam President:

"I would appreciate the privilege of appearing before your Honorable Bodies in Joint Session on January 4, 2006 at 1:00 p.m. or as soon thereafter as may be convenient to personally deliver my Annual Message to the Legislature.

"Sincerely, George E. Pataki."

THE PRESIDENT: To be filed in the Journal.

I want to welcome everyone back to Albany. I hope that all of you and your families had a wonderful holiday season.

During the past seven years, it's been my great pleasure to get to know all of you and to work with you. Thanks to the tremendous leadership of the Majority Leader, Senator Bruno, and the cooperation of Senator Paterson and, before him, Senator Connor, I've seen how well we work together as a group through the sessions, and I'm confident that we will continue that spirit of bipartisan cooperation during this session.

We have many challenges ahead. And I know that we can meet those challenges and will meet those challenges and have a very productive, successful session that will make us all proud to live in the greatest state in the nation.

Thank you for your cooperation with me as President of the Senate, and I wish all of you and your families a very happy and safe new year.

Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

And a very happy new year to you and to all who are here in the chamber and can

hear us.

I just wanted to welcome everyone back to Albany. I don't know what we're welcoming each other back for; we were here two weeks ago, we were here four weeks before that. But maybe we'll just pretend that we had a longer time off than we actually did.

During that time, I noticed that Senator Bruno came out with an interesting proposal to enhance the STAR program by what would be 75 percent for individuals who are eligible and are suffering, really, from the high property taxes that contribute to education.

Also, I understand that Senator Bonacic is talking about a proposal perhaps to replace what would be the property tax with a certain form of income tax in order to accomplish that.

On this side of the aisle, we want to advise that the $2 billion surplus that we're hearing discussed really is something that, when factored into our current debt, would be applied directly -- should be applied directly to the debt and really is not

something that can be used for any major funding. If there is any funding, we would suggest that it be in education.

And we want to, in order to make it more feasible for small businesses to survive, to create a health insurance pool that would be directed by the state and would certainly give the owners of small businesses and the employees a greater opportunity to receive health care insurance and not to have it become an overwhelming part of their budgets.

The reason that I focus on some of the proposals that have come from both sides of the aisle, just briefly, is that when you walk around the halls of the Legislature today, you hear great speculation about an open seat in the Governor's mansion, an open seat in the Attorney General's office, obviously candidacies for Lieutenant Governor and other offices, and a lot of political discussion.

But I think the proposals that have been put forth by both sides of the house here in the Senate demonstrate our understanding that before we get to all of the

extracurricular activities, that we are mandated by our election to come here for the next presumably six months and act as public servants, to cooperate with each other and to focus on what are the myriad issues that we confront to try to improve the quality of life for all New Yorkers.

So I'm just happy to see that amid all of the rumoring and speculation about politics that the individuals in this chamber, on both sides of the aisle, recognize that responsibility and will try to perform to our best what is our service to our public that elected us.

Thank you, Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

Bishop Hubbard, colleagues and friends, welcome back. And David is right; it seems that we were here just yesterday.

But our lives, we in elective office, are challenging and more challenging maybe than usual these days. We are on 24/7, and our lives continue; as was represented,

last year we did what we had to do on behalf of a constituency.

Today is an occasion to sort of set an agenda. The Governor will do that in his remarkable, outstanding way. And, Madam President, it has been a pleasure having you presiding here in the chamber. And we're all mindful of the fact that this will be the last of the opening days for this administration. But it has been an administration, with your partnering with us and with the Governor, that has served the people of this state extremely well and will continue to serve over these next 11 months, almost 12.

We are in an even year. And in even years, as Senator Paterson is recognizing, the dynamics of our lives are a little different. Because we can't help but recognize that the political environment is more charged while each of us are out there being as representative as we can be of our respective constituencies.

And in a state like this, as complex as it is, as varied as it is, when you look around this chamber, on both sides of the

aisle, we have people who look to us. They look to us to be representative of their needs -- in education, in health care, in the infrastructure of this state, in the energy costs that relate to their existing, to prescription drug costs. It goes on and on and on. And yes, to the tax ramifications that affect the quality of their lives.

And yes, we in this conference are leading with property tax cuts that will become part of a budget as we negotiate. And we'll negotiate in good faith, and we will be mindful of everyone's consideration.

But recognize, David, that $2 billion -- and, yes, we have a debt out here, but that $2 billion that represents a surplus was raised not by printing money but by collecting taxes in all forms: corporate, personal income tax, sales taxes, fees, you name it. That's where the money came from.

When people are out there struggling with the increased energy costs, struggling with the costs of health insurance, we think it's appropriate that we recognize the pain that's out there for people on fixed

incomes, for people on moderate and low incomes, and that we be responsive to their needs.

Now, we're going to be together, we're going to get together, we're going to do an on-time budget, we're going to do it publicly. And our debate, which may start in a good-natured way today, is going to get more and more public and vocal. And there's going to be plenty of time this year for us to air what we see as the needs of our constituency publicly.

And we'll get together, because the people of this state need us to govern. They don't need us to be overtly political from January until November. They need us to govern. We are elected to govern. We are paid to govern. And I don't say that in any lecturing way, I say that because all of you, on both sides of the aisle and in the Assembly, understand that we are here and we are here for a term. And whether or not we elect to continue and our constituency elects us to continues, that remains to be seen this year.

And I hope and I trust that while we're out there, our constituency, each of us respectively, is critically aware of everything that we're doing, what we mean, what we stand for, what we represent. And then they will make their choices, so that when we reconvene back here we will be back together governing, those that choose to be here and those that are chosen by the majority in their districts.

We have joined the Governor for his State of the State, and we look forward to that. And I can tell you, on behalf of our conference here, Senator Paterson and our colleagues here, that we look forward to togetherness, to partnering -- with a recognition that partnering doesn't mean holding hands and just marching in unison. That's not what partnering is all about.

Partnering is about debate, it's about differing, it's about discussion. Whether it's a domestic partner -- wife, husband -- colleagues here in government, that's what partnering is all about.

So I look forward to this

partnership, and I look forward to this year, '06, being one of the most constructive, productive years in public service for each and every one of us here. And the beneficiaries of that will be the people of this state. And we will all be doing the best that we can be doing this year.

And when we get back together again, I in my prayers will be praying that we look the same, that the numbers are the same.

(Laughter.)

SENATOR BRUNO: And I, you know, believe in resolutions for the new year, and that's my resolution.

(Laughter.)

SENATOR BRUNO: So thank you, Madam President, thank you, colleagues, look forward to a great year in '06.

Thank you.

THE PRESIDENT: Thank you, Senator Bruno.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, there is a concurrent resolution at the desk. I would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution of the Senate and Assembly Number 3063, providing for a joint Assembly for the purpose of receiving a message from the Governor.

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 Bruno.

SENATOR BRUNO: Madam President, I have two resolutions at the desk. I would ask that they be read in their entirety and

move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 3064, notifying the Governor of a joint session with the Assembly to receive the Governor's message.

"RESOLVED, That a committee of two be appointed by Senator Bruno to inform the Governor that the Senate has adjourned its 228th Session sine die and has again convened and is organized and ready to proceed to business, and will meet with the Assembly in Joint Session in the Assembly Chamber at one o'clock p.m., today, to receive the Governor's message.

"RESOLVED, That Senator Bruno appoint such committee, Senator Morahan and Senator Klein."

THE PRESIDENT: 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 Bruno appoints Senators Morahan and Klein to wait upon the Governor.

Senator Bruno.

SENATOR BRUNO: Madam President, can we proceed with the second resolution at this time.

THE PRESIDENT: The Secretary will continue to read to read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 3065, notifying the Assembly of a joint session with the Assembly to receive the Governor's message.

"RESOLVED, That a committee of two be appointed by Senator Bruno to inform the assembly that the Senate has adjourned its 228th Session sine die and has again convened and is organized and ready to proceed to business, and will meet with the Assembly in Joint Session in the Assembly Chamber at one o'clock p.m., today, to receive the Governor's message.

"RESOLVED, That Senator Bruno appoint such committee, Senator Leibell and

Senator Savino."

THE PRESIDENT: 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 Bruno appoints Senators Leibell and Savino to wait upon the Assembly.

Senator Bruno.

SENATOR BRUNO: Madam President, is there any other business at the desk that should come before the Senate at this time?

THE PRESIDENT: No, there is not, Senator Bruno.

SENATOR BRUNO: There being no further business to come before the Senate, I would move that we stand adjourned until 3:30 p.m. January 9th, intervening days to be legislative days.

THE PRESIDENT: On motion, the Senate now stands adjourned until Monday, January 9th, at 3:30 p.m., intervening days

being legislative days.

(Whereupon, at 12:30 p.m., the Senate adjourned.)