

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

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 4, 2006

12:10 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, 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

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

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

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

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

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

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

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

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

11 Amen.

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

14 THE SECRETARY: Senator Alesi.
15 (No response.)

16 THE SECRETARY: Senator Andrews.
17 (No response.)

18 THE SECRETARY: Senator Balboni.

19 SENATOR BALBONI: Here.

20 THE SECRETARY: Senator Bonacic.
21 (No response.)

22 THE SECRETARY: Senator Breslin.

23 SENATOR BRESLIN: Here.

24 THE SECRETARY: Senator Bruno.
25 (Senator Bruno was marked as

1 present.)

2 THE SECRETARY: Senator Connor.

3 (No response.)

4 THE SECRETARY: Senator

5 DeFrancisco.

6 SENATOR DeFRANCISCO: Here.

7 THE SECRETARY: Senator Diaz.

8 SENATOR DIAZ: Aqui.

9 THE SECRETARY: Senator Dilan,

10 excused.

11 Senator Duane, excused.

12 Senator Farley.

13 SENATOR FARLEY: Here.

14 THE SECRETARY: Senator Flanagan.

15 SENATOR FLANAGAN: Here.

16 THE SECRETARY: Senator

17 Fuschillo.

18 SENATOR FUSCHILLO: Here.

19 THE SECRETARY: Senator Golden.

20 SENATOR GOLDEN: Here.

21 THE SECRETARY: Senator Gonzalez.

22 SENATOR GONZALEZ: Here.

23 THE SECRETARY: Senator Hannon.

24 SENATOR HANNON: Here.

25 THE SECRETARY: Senator

1 Hassell-Thompson.
2 SENATOR HASSELL-THOMPSON: Here.
3 THE SECRETARY: Senator Johnson.
4 SENATOR JOHNSON: Here.
5 THE SECRETARY: Senator Klein.
6 (No response.)
7 THE SECRETARY: Senator L.
8 Krueger.
9 SENATOR LIZ KRUEGER: Here.
10 THE SECRETARY: Senator C.
11 Kruger.
12 SENATOR C. KRUGER: Present.
13 THE SECRETARY: Senator Larkin.
14 SENATOR LARKIN: Here.
15 THE SECRETARY: Senator LaValle.
16 SENATOR LaVALLE: Present.
17 THE SECRETARY: Senator Leibell.
18 SENATOR LEIBELL: Here.
19 THE SECRETARY: Senator Libous.
20 SENATOR LIBOUS: Here.
21 THE SECRETARY: Senator Little.
22 SENATOR LITTLE: Here.
23 THE SECRETARY: Senator Maltese.
24 SENATOR MALTESE: Present.
25 THE SECRETARY: Senator

1 Marcellino.
2 SENATOR MARCELLINO: Here.
3 THE SECRETARY: Senator Marchi.
4 SENATOR MARCHI: Here.
5 THE SECRETARY: Senator Maziarz.
6 SENATOR MAZIARZ: Here.
7 THE SECRETARY: Senator Meier.
8 SENATOR MEIER: Here.
9 THE SECRETARY: Senator
10 Montgomery.
11 (No response.)
12 THE SECRETARY: Senator Morahan.
13 SENATOR MORAHAN: Here.
14 THE SECRETARY: Senator Nozzolio.
15 SENATOR NOZZOLIO: Present.
16 THE SECRETARY: Senator Onorato,
17 excused.
18 Senator Oppenheimer.
19 SENATOR OPPENHEIMER: Here.
20 THE SECRETARY: Senator Padavan.
21 SENATOR PADAVAN: Here.
22 THE SECRETARY: Senator Parker.
23 SENATOR PARKER: Present.
24 THE SECRETARY: Senator Paterson.
25 SENATOR PATERSON: Here.

1 THE PRESIDENT: Senator Bruno, a
2 quorum is present.

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

5 THE PRESIDENT: Presentation of
6 petitions.

7 Messages from the Assembly.

8 Messages from the Governor.

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

12 THE SECRETARY: "Dear Madam
13 President:

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

20 "Sincerely, George E. Pataki."

21 THE PRESIDENT: To be filed in
22 the Journal.

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

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

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

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

21 Senator Paterson.

22 SENATOR PATERSON: Thank you,
23 Madam President.

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

1 hear us.

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

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

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

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

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

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

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

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

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

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

15 Thank you, Madam President.

16 THE PRESIDENT: Senator Bruno.

17 SENATOR BRUNO: Thank you, Madam
18 President.

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

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

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

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

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

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

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

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

14 But recognize, David, that
15 \$2 billion -- and, yes, we have a debt out
16 here, but that \$2 billion that represents a
17 surplus was raised not by printing money but
18 by collecting taxes in all forms: corporate,
19 personal income tax, sales taxes, fees, you
20 name it. That's where the money came from.

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

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

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

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

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

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

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

25 So I look forward to this

1 partnership, and I look forward to this year,
2 '06, being one of the most constructive,
3 productive years in public service for each
4 and every one of us here. And the
5 beneficiaries of that will be the people of
6 this state. And we will all be doing the best
7 that we can be doing this year.

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

11 (Laughter.)

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

15 (Laughter.)

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

19 Thank you.

20 THE PRESIDENT: Thank you,
21 Senator Bruno.

22 Reports of standing committees.

23 Reports of select committees.

24 Communications and reports from
25 state officers.

1 Motions and resolutions.

2 Senator Bruno.

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

7 THE PRESIDENT: The Secretary
8 will read.

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

14 THE PRESIDENT: On the
15 resolution, all those in favor please signify
16 by saying aye.

17 (Response of "Aye.")

18 THE PRESIDENT: Opposed, nay.

19 (No response.)

20 THE PRESIDENT: The resolution is
21 adopted.

22 Senator Bruno.

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

1 move for their immediate adoption.

2 THE PRESIDENT: The Secretary
3 will read.

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

8 "RESOLVED, That a committee of two
9 be appointed by Senator Bruno to inform the
10 Governor that the Senate has adjourned its
11 228th Session sine die and has again convened
12 and is organized and ready to proceed to
13 business, and will meet with the Assembly in
14 Joint Session in the Assembly Chamber at
15 one o'clock p.m., today, to receive the
16 Governor's message.

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

20 THE PRESIDENT: On the
21 resolution, all in favor please signify by
22 saying aye.

23 (Response of "Aye.")

24 THE PRESIDENT: Opposed, nay.

25 (No response.)

1 THE PRESIDENT: The resolution is
2 adopted.

3 Senator Bruno appoints Senators
4 Morahan and Klein to wait upon the Governor.
5 Senator Bruno.

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

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

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

15 "RESOLVED, That a committee of two
16 be appointed by Senator Bruno to inform the
17 assembly that the Senate has adjourned its
18 228th Session sine die and has again convened
19 and is organized and ready to proceed to
20 business, and will meet with the Assembly in
21 Joint Session in the Assembly Chamber at
22 one o'clock p.m., today, to receive the
23 Governor's message.

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

1 Senator Savino."

2 THE PRESIDENT: On the
3 resolution, all in favor please signify by
4 saying aye.

5 (Response of "Aye.")

6 THE PRESIDENT: Opposed, nay.

7 (No response.)

8 THE PRESIDENT: The resolution is
9 adopted.

10 Senator Bruno appoints Senators
11 Leibell and Savino to wait upon the Assembly.

12 Senator Bruno.

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

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

18 SENATOR BRUNO: There being no
19 further business to come before the Senate, I
20 would move that we stand adjourned until
21 3:30 p.m. January 9th, intervening days to be
22 legislative days.

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

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

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