NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 3, 2007

12:21 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: (Banging gavel.)

(Standing ovation.)

THE PRESIDENT: The Senate will please come to order.

Please rise with me and honor our flag by reciting the Pledge of Allegiance.

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

THE PRESIDENT: For those of you who are joining us for the first time, we open our sessions daily with prayer. And our invocation today will be delivered by the Right Reverend Daniel W. Herzog, of the Albany Episcopal Diocese.

BISHOP HERZOG: Let us pray.

Eternal Father, we ask Your blessing upon all the members of this house, upon their families and upon their households. We ask that You direct them in their deliberations by Your holy spirit, that You protect them from all evil and preserve them in all goodness.

We commend to Your mercy all those who have served in past years in this house

who have gone into Your kingdom. We ask You to bless this whole state, and especially to bless those men and women who stand in preservation of our liberties.

And we ask all this for Your tender mercy's sake. Amen.

THE PRESIDENT: Thank you, Bishop.

The bishop is located at the Albany Episcopal Diocese in Albany, New York. He has joined us before. We are very thankful to have his words with us today.

The chair hands down a communication from the Board of Elections, that being the official certification of the duly election of the members of the Senate.

If there are any of you who have not taken your oath of office, if you would please come to the front, we will swear you in.

The certificate will be filed in the Senate Journal.

All of you have been sworn in? Not sworn at, sworn in.

(Laughter.)

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

THE SECRETARY: Senator Adams.

SENATOR ADAMS: Here.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Here.

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Here.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Present.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Here.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Here.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Here.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator Diaz.

(No response.)

THE SECRETARY: Senator Dilan.

SENATOR DILAN: Here.

THE SECRETARY: Senator Duane.

SENATOR DUANE: Here.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Here.
THE SECRETARY: Senator Flanagan.
SENATOR FLANAGAN: Here.
THE SECRETARY: Senator Fuschillo.
SENATOR FUSCHILLO: Here.
THE SECRETARY: Senator Golden.
(No response.)
THE SECRETARY: Senator Gonzalez.
SENATOR GONZALEZ: Here.
THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: Here.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Here.
THE SECRETARY: Senator Hassell-Thompson.
SENATOR HASSELL-THOMPSON: Here.
THE SECRETARY: Senator Huntley.
SENATOR HUNTLEY: Here.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Here.
THE SECRETARY: Senator Klein.
SENATOR KLEIN: Here.

THE SECRETARY: Senator L. Krueger.
SENATOR LIZ KRUEGER: Here.
THE SECRETARY: Senator C. Kruger.
SENATOR CARL KRUGER: Here.
THE SECRETARY: Senator Lanza.
SENATOR LANZA: Here.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Here.
THE SECRETARY: Senator LaValle.
SENATOR LaVALLE: Here.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: Here.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: Here.
THE SECRETARY: Senator Little.
SENATOR LITTLE: Present.
THE SECRETARY: Senator Maltese.
SENATOR MALTESE: Here.
THE SECRETARY: Senator Marcellino.
SENATOR MARCELLINO: Still here.
THE SECRETARY: Senator Maziarz.
SENATOR MAZIARZ: Here.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Here.

THE PRESIDENT: Senator Bruno, we have a quorum present.

I'd like to wish everyone a happy new year, welcome all the Senators back to the Senate chamber.

I'm sure most of you saw on the front pages of almost all the newspapers this morning the gripping story of how a 50-year-old construction worker in the New York City subway system, at 137th Street and Broadway, went down on the tracks to try to save the life of a 20-year-old student at the New York Film School.

Because the student was in convulsion, he wasn't able to pick him up. And as the train was onrushing, and in an event that must be described as a miracle, he pinned the student to the floor of the tracks and put his body over him, with the train rushing right over his head so close that it left grease on his hat. And somehow this individual survived, as did the victim of

convulsions.

When asked why did he risk his career, his family, his two daughters -- who were standing right on the catwalk overhead -- he said, "I did what anyone would have done."

And yet as we sit here this morning, we wonder if we would have done what he had done. There is a great essay from the 17th-century writer Abelard that talks about moments of crisis, moments of extreme tension that drive people to an inner resource, which is that oneness with nature and other human beings.

Perhaps that's what this gentleman experienced yesterday. Perhaps that's what a firefighter experienced on August 8th of 1997 when he jumped off the Brooklyn Bridge to try to prevent a suicide. Perhaps that's what firefighters, police, EMS workers and transit workers and private citizens experienced on September 11th, a kind of embolic connection described by Pope Gregory in the twentieth century as that moment of that oneness with nature.

In the Christian religion, we talk

about that moment when Jesus said "Love your neighbors as you would love yourself." It was often recalibrated by Abelard in the essay when he suggested that we should love our neighbors because they are ourselves.

I would close by telling you that rabbinical students answering a question one day in class were asked, "If you pray at daybreak, how do you know when daybreak occurs?"

One of the students said, "It is when from a distance in the wilderness you can discern the difference between a lamb and a dog." The Rabbi shook his head. Another student said that "Daybreak occurs when you can see the outline of your own hand in the beginning sunlight." The Rabbi similarly admonished.

A third student said that daybreak occurs at the point not of sight but of hearing the sounds of the birds. But the Rabbi admonished again.

And after each student had had an opportunity to define daybreak, the rabbi said: "Dawn occurs when you look in the faces

of those around you and recognize that they are your brothers and your sisters. Until that time, it is always night."

Senators, in this session of heightened tension, of taxes and property taxes, of debt and deficit and despair, we will all be called upon by our constituents to eradicate problems of poor housing, substance abuse, crime, unemployment and underemployment, poor, inadequate healthcare facilities, and an education system that we feel can perform better.

But in that discovery we must understand that in each other we cannot be derived from the acrimony of antagonism but recognize that we have unity even if we don't have uniformity, and that our different ideas, when coalesced, can help this state.

And I wish you all well. Thank you.

(Standing ovation.)

THE PRESIDENT: The chair hands down a communication from the Governor of the State of New York.

The Secretary will read.

THE SECRETARY: "Dear Mr. President,

"I would appreciate the privilege of appearing before your honorable bodies in joint session on January 3, 2007, at 1 p.m., or as soon thereafter as may be convenient, to personally deliver my annual message to the Legislature.

"Very truly yours, Eliot Spitzer."

THE PRESIDENT: To be filed in the Journal.

The chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. President, there's a Resolution Number 1 at the desk. I ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Johnson, Senate Resolution Number 1, providing for the election of Joseph L. Bruno as Temporary President of the Senate for the years 2007-2008.

THE PRESIDENT: Would any member

like to speak on the resolution?

The chair recognizes Senator Sampson.

SENATOR SAMPSON: Mr. President, thank you.

I have a privileged resolution, Number 2, at the desk. I would like it read, Your Honor.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Sampson, Senate Resolution Number 2, providing for the election of Malcolm Smith as Temporary President of the Senate for the years 2007-2008.

THE PRESIDENT: You may be heard on the resolution, Senator Sampson.

SENATOR SAMPSON: Thank you, Mr. President.

I rise in support of Senate Resolution Number 2 nominating Senator Malcolm A. Smith as the Temporary President of the New York State Senate.

In November 2006 the American people sent a message that resounded through

every chamber, meeting room, floor and edifice. Their hearts were heard. They spoke as one clear, uncompromising voice: The time has come for new possibilities, enlarged horizons, and great hope. Their message was one of reform, revitalization, responsibility, and results -- the four R's.

Today I present change for the New York State Senate, and that is Senator Malcolm A. Smith. He embodies the spirit of reconstruction, improvement, accountability, and effectiveness. His vision enables him to see the invisible and preventing the perishing of the people. He hears the cries and speaks for the disenfranchised and is a voice for the voiceless.

Indeed, nothing great was ever achieved without enthusiasm. And Senator Smith's enthusiasm and goals will enhance this wonderful state. We're talking about cutting taxes, prescription and other healthcare costs, creating jobs, providing more aid for schools, and making New York a safer place so we all can live.

This is a minute part of his dream.

He has not gone where the path has led him. He instead has created his own path and left a trail for others to follow. His outstanding qualities and strong character have not only carved him into a courageous leader but into a man of great value.

Fellow members, I strongly recommend that you join me in voting in favor of Malcolm A. Smith for the Temporary President of the State Senate.

And always remember the four R's -- reform, revitalization, responsibility, and results -- because all our constituents are watching.

Thank you very much, Mr. President.

(Applause.)

THE PRESIDENT: Thank you, Senator.

On the question of the substitute resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Those opposed, please indicate so by saying nay.

(Response of "Nay.")

THE PRESIDENT: The nays have it. The resolution is defeated.

Did I say that?

(Laughter.)

THE PRESIDENT: The Chair recognizes Senator Johnson.

SENATOR JOHNSON: I would like to speak on behalf of this body concerning the man who has been our leader, Majority Leader and President Pro Tem, for the past dozen years.

We all know Joe Bruno. He knows you. And he's run this house with some efficiency not formerly seen, starting on time, ending sessions on time, more or less -- no 4 o'clock in the morning sessions. We even start this session at the beginning of the year at the call of the Governor, and we end up on a date set by Joe Bruno together with the majority leader in the other house. So we start and end on time our sessions and our day. That's wonderful.

And we've done a lot of things in the meanwhile. I must say that, yes, I would say I've taken a lot of credit for it, but

really Joe Bruno is the man who led me and pushed me to have two budgets on time as Finance chairman. We've had two budgets done on time for the last two years, which is an accomplishment -- which didn't happen in the first 30 years I served here. So I think it's a wonderful accomplishment; we should take pride in that.

He's not only our leader of the Republicans, he's a leader of the whole house, Democrats and Republicans. He's our leader of all of us. I think he respects and has the respect of the Minority in this house and the Majority for the work he's accomplished over the years.

Now we've got a new Governor and we've got a new era, we say. And I think we can depend upon him now, as we did in the past, to deal with the programs which come from the Governor and the things which we'd like to accomplish together, collectively. And he will be leading us in the right direction for the next several years.

And I'm happy to say that Joe Bruno is the man, and I'd like to move that we all

vote in his favor.

THE PRESIDENT: Thank you, Senator Johnson.

The question is on Resolution Number 1. All those in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: All those opposed?

(Response of "Nay.")

THE PRESIDENT: The resolution is adopted.

Congratulations, Senator Bruno.

(Standing ovation.)

THE PRESIDENT: Senator Bruno has served with distinction as the Temporary President of the Senate for the last 12 years. We wish the Senator well for the next two years.

The chair states for the record that Senator Joseph L. Bruno has been elected by the Senate to be its Temporary President for the years 2007-2008.

Senator Bruno, if you will come forward -- and I don't kill myself coming

down -- I will swear you in.

(Laughter.)

THE PRESIDENT: Joe, I told you this day would come.

(Laughter.)

THE PRESIDENT: Place your left hand on the Bible; please raise your right hand. Repeat after me: I --

SENATOR BRUNO: I --

THE PRESIDENT: -- Joseph L. Bruno --

SENATOR BRUNO: Joseph L. Bruno --

THE PRESIDENT: -- do solemnly swear --

SENATOR BRUNO: -- do solemnly swear --

THE PRESIDENT: -- to uphold --

SENATOR BRUNO: -- to uphold --

THE PRESIDENT: -- the Constitution of the United States --

SENATOR BRUNO: -- the Constitution of the United States --

THE PRESIDENT: -- and the Constitution of the State of New York --

SENATOR BRUNO: -- and the Constitution of the State of New York --

THE PRESIDENT: -- and that I will discharge my duties --

SENATOR BRUNO: -- and that I will discharge my duties --

THE PRESIDENT: -- as Temporary President of the Senate --

SENATOR BRUNO: -- as Temporary President of the Senate --

THE PRESIDENT: -- to the best of my ability --

SENATOR BRUNO: -- to the best of my ability --

THE PRESIDENT: -- so help me God.

SENATOR BRUNO: -- so help me God.

THE PRESIDENT: Congratulations.

SENATOR BRUNO: Thank you.

(Standing ovation.)

THE PRESIDENT: We now recognize the Majority Leader, Senator Bruno, for remarks.

SENATOR BRUNO: Thank you,

Mr. President. And colleagues, thank you.

I want to thank those that have been there, being supportive, being partners, being there throughout these past years and presently.

And it really is a pleasure -- and our business is one of bittersweet; happy, sad -- but it's a pleasure to see our former colleague here as the leader on the floor now as the presiding officer --

(Applause.)

SENATOR BRUNO: -- our Lieutenant Governor, David Paterson.

(Applause.)

SENATOR BRUNO: I marvel at the training that our Lieutenant Governor had as he spent his years on the floor of the Senate. I never heard him more articulate or better than you were today, David. And you will just grow and grow and grow.

And please forgive me if on some occasion I say "Madam President" instead of "Mr. President."

(Laughter.)

SENATOR BRUNO: David, truly,

it's a pleasure to be here.

And to Malcolm, Malcolm Smith, you know what? This race gets closer than I'd like to see it.

(Laughter.)

SENATOR BRUNO: And Senator Sampson said all of the right things. Malcolm Smith is a great man, a great leader.

And I look forward to partnering, because the campaigns are over, the politics are over, the Lieutenant Governor presides as the presiding officer, Malcolm serves. We're here thanks to the good offices of all of you who are my colleagues and my friends, my family -- Sue is here, and my son, Ken.

Betty Little's son David, lieutenant commander, jet pilot --

(Applause.)

SENATOR BRUNO: We are going to hear the State of the State from our new Governor, and that will set the tone for our togetherness.

And Bishop Herzog, thank you very much for your kind words and your prayer, which all of us need.

These are challenging times. These are days that are problematic; more problematic for some than for others. There are crises that are out there that we must face and we will overcome.

And I'm here now, and I can tell you we will overcome whatever challenges are out there. And we will do it singularly, if that applies, and collectively when it's a challenge before this house, because we are partners as we go forward.

The people of this state need leadership. They deserve the best of everything that we can do for them collectively. Not in a partisanship way, because that is behind us.

And we talk about reforms in every way. We talk about support for jobs and economic development in every way, we talk about the critically important parts of education, healthcare, and you name it. We are here to be of service to our mutual constituency.

We have seven new members here in this chamber. And our Senators, Lanza and

Griffo on this side, and the Minority Leader I'm sure will address the five on this side.

We are together, and from this day forward we are going to go forward together to do the best things that all of us can do for the people of this state, with the Executive, with the Legislative, in a partnership.

So thank you all for the great, great support. Thank you for the confidence. Thank you for the friendship and for the prayers.

And let me assure you on this, our day one, this is going to be the best years of our life. Thank you, Mr. President.

(Applause.)

THE PRESIDENT: Thank you, Senator Bruno.

We have received communication from the Senate Democratic Conference that Malcolm A. Smith, of Queens County, has been elected Minority Leader of the New York State Senate for the years 2007-2008.

Congratulations, Senator Smith. At this time the floor is yours.

SENATOR SMITH: Thank you very

much, Mr. President. Thank you very much Mr. President, David Paterson. Thank you very much, Mr. President, David Paterson, my friend. And thank you very much, Mr. David Paterson, someone who I believe we all recognize not only has a breadth of intellect but I don't know anybody that can recite and memorize numbers and figures like the new Lieutenant Governor.

Congratulations to you, Lieutenant Governor Paterson. You are obviously in the right place at the right time.

(Applause.)

SENATOR SMITH: However, perhaps, Joe, my first order of business is to call for a recount. That voice sounded a little bit low on that side, wouldn't you say?

(Laughter.)

SENATOR SMITH: First of all, let me thank God for giving me what I consider to be an awesome responsibility at this time in my life.

Let me thank my colleagues, who have entrusted me to do what we think is right and who have entrusted me with also the future

of this conference and where we are headed.

And I do not take that for granted. I want you to know that each and every time I make a decision, I make a decision that is one that we will agree upon, one that we will all have an opportunity to have input on. And at the end of the day, I'll make the decision.

(Laughter.)

SENATOR SMITH: And also to my family, who's here -- my wife of 20 years, Michele.

(Applause.)

SENATOR SMITH: And my daughter, who runs my house. Amanda, stand up, please, Amanda.

(Applause.)

SENATOR SMITH: And, Joe, you know I live in your district while I'm up here. And how I live in your district is that my sister-in-law and her husband and her family is here, Mikki Ward-Harper and her husband, Edward Harper. Please stand.

(Applause.)

SENATOR SMITH: I'll tell you, throughout history, there have been many

defining moments for each and every one of us. And I daresay if I asked you to describe one, you could probably talk for the next hour or two about the many defining moments that have happened in your life that have had an impact on where you are in the future.

Today is a defining moment for me, no question about it. But let me share with you one defining moment which I believe placed me where I am here today. I was about 12 years old. I'll never forget this day. I was actually sitting in my kitchen, or my parents' kitchen. It was a spring morning, it was about 8 o'clock in the morning. And I know that it was a spring morning because I remember the warmth coming through the window. And my mother walked into the kitchen.

And one of the things that my mother would normally do in the morning, she would come into the kitchen and she would just do what mothers do, prepare some breakfast for some of her family members and then go about her business. But this morning my mother walked in and she said to me -- she looked at me, and she said, "Malcolm, what do you want

to be when you grow up?"

Twelve years old; what do I know? I just said, "Ma, I don't know, what should I be when I grow up?"

She didn't answer that question. She looked at me and she asked me another question. She said to me, "What will you do if I'm not here anymore?"

And at that moment I said to myself my mother hit me in my center. I'm 12 years old; she's asking me what do I do if she's not here anymore. And I said, "Well, Ma, I tell you, I don't know why you asked me that. But if you're not here anymore, I'm not going to speak to anybody anymore because I'm going to be too hurt inside."

And she said to me, "Malcolm, you can't do that." And I said, "Well, why?"

And she said, "Well, I'm going to share a story with you, and I want you to remember this your entire life." She said -- she was 42 when she had me; she had me at a late age in her life -- she had asked God that "If you give me a son, I will make sure that he maintains his faith in God and that he

serves and helps the people where he lives."

Little did I know when she told me that story that she was writing my destiny. Ergo, that's why I am here today.

(Applause.)

SENATOR SMITH: This is a defining moment for all of us, a defining moment because we need to tell the people of the State of New York that we got the message. We heard what they said when they elected Senator Paterson to Lieutenant Governor and to Eliot Spitzer as the Governor, a 40 percent margin. We got the message.

Today we pledged allegiance to this flag. Today we should pledge allegiance to that flag as well and let people know that on a short order, we are going to respond to the message that they gave us.

Now, you will say to me: Malcolm, but this is the Legislature. We don't do things on a short order.

But we're going to be able to do it on a short order, one, because we know what is important, on a short order because we know what we need to do, and on a short order

because we know what we must do.

And what we must do is reform the rules of this house so that every member has the opportunity to give ideas and to initiate legislation so that the people of this state know that they can get real impact and real legislation that will make their lives better.

Every member on this side of the aisle has the intellectual capacity to get that done. We need to let the people of this state know that we are going to make that happen.

We have to revitalize --

(Applause.)

SENATOR SMITH: We have to revitalize the confidence of the people of this state. Each and every one of you has family members. Each and every one of you I daresay has a family member who's said to you: I don't know if I can work here anymore, I don't know if I can afford to pay the taxes here anymore, I don't know if I can educate my children here.

We have to revitalize the people's energy and the confidence that we can do it

and we've got the answer.

Also, we have to get results. We have to get the results that they've asked for. We need to make sure people can educate their children here. We need to make sure people will be able to have healthcare so that everybody can know that if they have some problem in life, they can go to an appropriate facility and be taken care of. We need to make sure that our children are smart enough to compete. And we need to make sure businesses in this state cannot only do business and grow but do not get taxed out of this particular state.

We need to make sure that we have reform, revitalization and results. And how do we get there, and what do we do? We do it by pledging allegiance to that flag. But today I pledge allegiance to this flag that represents the 62 counties of New York State. And I represent to you that this flag is the flag that we must tell everybody that it is indivisible, it's under God, with liberty and justice for all.

And I tell you --

(Applause.)

SENATOR SMITH: -- that this is, this is the defining moment in our history. Now is the time for us to let the people of this state know that we got it right.

Thank you, and God bless.

(Applause.)

THE PRESIDENT: The chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I have Resolution Number 3 at the desk. I would ask that the title be read, move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 3, that Steven M. Boggess, of Sand Lake, New York, be and he hereby is elected Secretary of the Senate for the years 2007-2008.

THE PRESIDENT: The question is 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.

The chair would like to state for the record that Steven M. Boggess, who has served for the last 11 years with distinction, will now serve as Secretary of the Senate for the years 2007-2008.

Congratulations, Steve. If you'll please come forward, we will administer your oath of office.

(Applause.)

THE PRESIDENT: Please raise your right hand and repeat after me: I --

SECRETARY OF THE SENATE BOGGESS: I --

THE PRESIDENT: -- Steven M. Boggess --

SECRETARY OF THE SENATE BOGGESS: -- Steven M. Boggess --

THE PRESIDENT: -- do solemnly swear --

SECRETARY OF THE SENATE BOGGESS: -- do solemnly swear --

THE PRESIDENT: -- that I will

faithfully discharge the duties --

SECRETARY OF THE SENATE BOGGESS: -- that I will faithfully discharge the duties --

THE PRESIDENT: -- of Secretary of the New York State Senate --

SECRETARY OF THE SENATE BOGGESS: -- of Secretary of the New York State Senate --

THE PRESIDENT: -- and I will uphold the Constitution --

SECRETARY OF THE SENATE BOGGESS: -- and I will uphold the Constitution --

THE PRESIDENT: -- of the United States --

SECRETARY OF THE SENATE BOGGESS: -- of the United States --

THE PRESIDENT: -- and the Constitution of the State of New York --

SECRETARY OF THE SENATE BOGGESS: -- and the constitution of the State of New York --

THE PRESIDENT: -- and any rules that the Senate will discharge --

SECRETARY OF THE SENATE BOGGESS:

-- and any rules that the Senate will discharge --

THE PRESIDENT: -- to the best of my ability --

SECRETARY OF THE SENATE BOGGESS: -- to the best of my ability --

THE PRESIDENT: -- so help me God.

SECRETARY OF THE SENATE BOGGESS: -- so help me God.

THE PRESIDENT: Congratulations.

(Applause.)

THE PRESIDENT: The chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I have Resolution Number 4 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, Senate Resolution Number 4, that Catherine Kirkland be, and she hereby is elected the Official Stenographer of the Senate for the years 2007-2008.

THE PRESIDENT: The question is 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.

The chair will state for the record that Catherine Kirkland, who has served the Senate with distinction as well, will serve in the years 2007-2008 as the Senate Stenographer.

Congratulations, Cathy.

(Applause.)

SENATOR BRUNO: Mr. President, I have Resolution Number 5 at the desk. I ask that the title be read and move for its immediate adoption.

THE PRESIDENT: I'm sure glad the Secretary is going to read, because I can't.

(Laughter.)

THE SECRETARY: By Senator Bruno, Senate Resolution Number 5, that William C. Martin be, and he hereby is elected

Sergeant-at-Arms of the Senate for the years 2007-2008.

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.

And William C. Martin, congratulations. The chair states for the record that you have been elected as the Sergeant-at-Arms for the New York State Senate for the years 2007-2008.

Congratulations, Bill.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: And, Mr. President, I have Resolutions Number 6, 7, and 8 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 Resolutions 6, 7 and 8.

THE SECRETARY: The Assembly sent for concurrence Assembly Concurrent Resolution Number 3. Senator Bruno moved to substitute Senate Concurrent Resolution Number 6.

THE PRESIDENT: Substitution ordered.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution of the Senate and Assembly Number 6, providing for a joint assembly for the purpose of receiving a message from the Governor.

"RESOLVED, That the Senate and Assembly meet in joint assembly in the Assembly Chamber at 1 o'clock p.m. today, 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.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 7, resolved that the Temporary President appoint a Committee of two to inform the Governor of the election of Joseph L. Bruno as Temporary President of the Senate for the years 2007-2008, and that the Senate is organized and ready to proceed with business and will meet with the Assembly in the Assembly Chamber at 1:00 p.m. to receive the Governor's message.

"RESOLVED, That the Temporary President appoint a Committee of two comprised of Senator Robach and Senator Stewart-Cousins for the purpose of informing the Governor of the election of Joseph L. Bruno as Temporary President of the Senate for the years 2007-2008, and that the Senate is organized and ready to proceed with business and will meet with the Assembly in the Assembly Chamber at 1:00 p.m. today to receive the Governor's message."

THE PRESIDENT: On the resolution, all those in favor.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 8, resolved that the Temporary President appoint a Committee of two to wait upon the Assembly and inform that body of the election of Joseph L. Bruno as Temporary President of the Senate for the years 2007-2008, and that the Senate is organized and ready to proceed with business and will meet jointly with the Assembly in the Assembly Chamber at 1:00 p.m. to receive the Governor's message.

"RESOLVED, That the Temporary President appoint a Committee of two comprised of Senator Young and Senator Valesky for the purpose of waiting upon the Assembly and informing that body of the election of Joseph L. Bruno as Temporary President of the Senate for the years 2007-2008."

THE PRESIDENT: The chair appoints Senators Young and Valesky to inform

the Assembly that the Senate is ready for business and will meet them in joint session at 1:00 p.m. today.

The question is 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: Mr. President, I have Resolutions 9 and 10 at the desk. I ask that the titles be read and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 9, providing for the adoption of the Rules of the Senate for a certain period of time.

THE PRESIDENT: The question is 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.

The chair notes the presence of Assembly Members Farrell and Hayes for purposes of a communication.

ASSEMBLYMAN HAYES: Mr. President, Assemblyman Farrell and I are here to advise you of the reelection of Sheldon Silver as Speaker of the Assembly, and to further advise you that the Assembly is organized and ready to conduct business.

ASSEMBLYMAN FARRELL: There's a question about being organized, but we'll accept the --

(Laughter.)

ASSEMBLYMAN FARRELL: And it's a pleasure to be here, Mr. President, speaking to you.

THE PRESIDENT: Thank you, Assembly Members Hayes and Farrell, for that communication.

The chair recognizes Senator Bruno.

SENATOR BRUNO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 10, providing for the hours of meeting by the Senate for the years 2007-2008.

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 for the hours, the daily hours of the Senate for the years 2007 and 2008.

The chair now recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, we are handing up temporary committee assignments. And in consultation with Minority Leader Malcolm Smith, we are handing up the Minority's temporary assignments for chairs.

THE PRESIDENT: Thank you, Senator.

The notice will be filed in the Journal.

The chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, let me just, for the record, again congratulate you and recognize that for the first time in 12 years, we're going to be late for the State of the State.

And, you know, I can only --

(Laughter.)

SENATOR BRUNO: -- I can only deliver a message to our Governor that you are so articulate, Malcolm Smith is so articulate, Senator Sampson is so articulate that you ran the clock.

(Laughter.)

SENATOR BRUNO: Senator Smith is not done. He has some other words to say. I would respectfully recommend that you recognize him so that he is well behaved.

THE PRESIDENT: Senator Smith.

SENATOR SMITH: Thank you very much, Mr. President.

At this time I'd like to recognize our five new members. As Senator Bruno has

said, the numbers are getting close.

First I'd like to recognize Senator Shirley Huntley, from Queens. Shirley Huntley.

(Applause.)

SENATOR SMITH: Senator Bill Perkins, who has now taken your seat in the State Senate from Harlem, New York.

(Applause.)

SENATOR SMITH: Senator Andrea Stewart-Cousins has just left the chamber to do her duty, but we acknowledge her in her absence.

(Applause.)

SENATOR SMITH: Of course we have Senator Eric Adams, from Brooklyn, as well.

(Applause.)

SENATOR SMITH: And of course, last but not least, he hails from Western New York, Senator Antoine Thompson.

(Applause.)

THE PRESIDENT: The chair recognizes Senator Bruno.

SENATOR BRUNO: And, Mr. President, we welcome to our chamber here

also Senator Lanza. And if he would stand up and be recognized.

(Applause.)

SENATOR BRUNO: And Senator Griffo. And, Senator Griffo, welcome.

(Applause.)

SENATOR BRUNO: And, Mr. President, there being no further business to presently come before the Senate, I would recommend that we stand adjourned until 3:00 p.m. on January 8th, Monday, intervening days to be legislative days.

Thank you.

THE PRESIDENT: The Senate will now proceed to the Assembly for purposes of joint session to receive the message from the Governor of the State of New York.

After then, the Senate will be adjourned until Monday, January 8th, at 3 o'clock -- that's 3 o'clock, not 3:25 -- and we will stand adjourned.

(Whereupon, at 1:07 p.m., the Senate adjourned.)