NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 7, 2009

12:15 p.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

P R O C E E D I N G S

ACTING PRESIDENT BRESLIN: The Senate will please come to order.

I ask everyone to rise for the Pledge of Allegiance.

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

ACTING PRESIDENT BRESLIN: As is the custom of this house of the State Legislature, we open the day with a prayer.

We are pleased to have the Right Reverend William H. Love, Bishop of the Episcopal Diocese of Albany.

BISHOP LOVE: While I come here today as a member of the body of Christ, I recognize and appreciate that there are many faith traditions present. As we pray, I invite and encourage each of us, each of you, to pray as you feel led and in accordance with your faith tradition.

Let us pray.

Eternal and Heavenly Father, we come humbly before You this day giving thanks and praise for all our many blessings and

gifts. We thank You for Your love and mercy and grace and the concern You have for all the people of the world.

We thank You for the people of this nation and this great state of New York, for all our family and friends. We thank You for all those who have been called and elected to leadership positions, remembering especially Governor David Paterson as he presents the State of the State address later today; the State Senate and its leadership; as well as the State Assembly and its leadership.

Lord God, You are the fountain of wisdom Whose will is good and gracious and Whose law is truth. We beseech You as this new legislative session begins to guide and bless the State Senate and all those involved in representing and governing the people of New York.

Give them the courage, wisdom, foresight and grace they need to enact just and upright laws, promoting truth, justice and peace, preserving and protecting the rights and dignity of all people. Help them, Lord,

as they consider and deliberate the budget, to be good stewards of all that which is entrusted to their care, that they might adequately and appropriately help provide for the needs of the people of New York, never forgetting the poor and those less fortunate amongst us.

Lord, we ask that You would bless our state with an abundant harvest from the fields and orchards, with honorable industry, sound learning, and pure manners. Save us from violence, discord and confusion, from pride and arrogance, and from every evil way.

Defend our liberties and fashion into one united people the multitudes from the many kindreds and tongues who make up this state.

In a time of prosperity, fill our hearts with thankfulness. And in a day of trouble, may our trust in You never fail.

In Your most blessed and holy name, in the name of Jesus, I pray. Amen.

ACTING PRESIDENT BRESLIN: Thank you, Bishop.

The chair hands down a communication from the State Board of Elections dated December 4, 2008, that being the official declaration and certification of the results of the general election and the various and several senatorial districts for the office of the State Senate, held in the state on the 4th day of November 2008.

If there are any members who have not yet taken your oath of office, you are invite to come forward at this time to be sworn in.

(No response.)

ACTING PRESIDENT BRESLIN: Seeing none, the Secretary will now call the roll to determine the presence of a quorum.

After your name is called, please note your presence for the record by saying "here."

THE SECRETARY: Senator Adams.

SENATOR ADAMS: Here.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Here.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Here.
THE SECRETARY: Senator Aubertine.
SENATOR AUBERTINE: Here.
THE SECRETARY: Senator Bonacic.
SENATOR BONACIC: Present.
THE SECRETARY: Senator Breslin.
ACTING PRESIDENT BRESLIN: Here.
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: Here.
THE SECRETARY: Senator Diaz.
SENATOR DIAZ: Aqui presente.
THE SECRETARY: Senator Dilan.
SENATOR DILAN: Present.
THE SECRETARY: Senator Duane.
SENATOR DUANE: Here.
THE SECRETARY: Senator Espada.
SENATOR ESPADA: Here.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Here.
THE SECRETARY: Senator Flanagan.
SENATOR FLANAGAN: Here.
THE SECRETARY: Senator Foley.

SENATOR FOLEY: Present.
THE SECRETARY: Senator Fuschillo.
SENATOR FUSCHILLO: Present.
THE SECRETARY: Senator Golden.
SENATOR GOLDEN: 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 C. Johnson.
SENATOR C. JOHNSON: Here.
THE SECRETARY: Senator O. Johnson.
SENATOR O. JOHNSON: Here.
THE SECRETARY: Senator Klein.
SENATOR KLEIN: Here.
THE SECRETARY: Senator

L. Krueger.

SENATOR L. KRUEGER: Present.

THE SECRETARY: Senator C. Kruger.

SENATOR C. KRUGER: Present.

THE SECRETARY: Senator Lanza.

SENATOR LANZA: Here.

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 Marcellino.

SENATOR MARCELLINO: Still here.

(Laughter; applause.)

ACTING PRESIDENT BRESLIN: The Secretary indicates that a quorum is present.

Before we move on, the December 4,

2008, declaration and certificate will be filed in the Senate Journal.

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

The Secretary will read.

THE SECRETARY: "Dear Temporary President, I would appreciate the privilege of appearing before your honorable bodies in joint session on January 7, 2009, at one p.m. or as soon thereafter as may be convenient, to personally deliver my annual message to the Legislature.

"Very truly yours, David A. Paterson, Governor."

ACTING PRESIDENT BRESLIN: This communication will be filed in the Senate Journal.

The chair recognizes Senator Klein.

SENATOR KLEIN: Mr. President, Resolution Number 1 is at the desk. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: The

Secretary will read.

THE SECRETARY: By Senator Klein, Senate Resolution Number 1, providing for the election of Malcolm A. Smith as Temporary President of the Senate for the years 2009-2010.

ACTING PRESIDENT BRESLIN: The chair recognizes Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a substitute resolution at the desk.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: By Senator Libous, Senate Resolution Number 2, providing for the election of Dean G. Skelos as Temporary President of the Senate for the years 2009-2010.

ACTING PRESIDENT BRESLIN: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

We all come together today, the first day of session, knowing that in a few

moments that the Governor is going to share with us where he intends to lead this state. And certainly this chamber is a very important part of where we go.

This resolution would make Dean Skelos the Majority Leader of this chamber, because I believe that Senator Skelos has the skills, the temperament, and the quality of leadership to move this state forward in the coming year.

We have a state that has taxes that are too high, families in need of healthcare, many, many problems that need to be resolved -- a budget deficit of some $15 billion. It's going to take extraordinary leadership in this house to be able to help solve those problems, Mr. President, and that's why I put into nomination Dean Skelos for Majority Leader.

ACTING PRESIDENT BRESLIN: Thank you, Senator.

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Those opposed please indicate by saying nay.

(Response of "Nay.")

ACTING PRESIDENT BRESLIN: Overwhelmingly, the nays have it.

Senator Klein.

SENATOR KLEIN: Mr. President, I'd like to have the opportunity to speak on my resolution.

ACTING PRESIDENT BRESLIN: You may proceed, Senator.

SENATOR KLEIN: Thank you, Mr. President.

Today the Legislature reconvenes for the 2009 legislative session, at the dawn of history. The Senate is ready to hit the ground running as we tackle the major issues facing all New Yorkers in these tough economic times.

We stand here united in our commitment to one New York and pledge to fulfill our constitutional duty and live up to the expectations and responsibilities with

which we have been entrusted by the people of the great State of New York.

Malcolm Smith stands here today as an illustration of what's great about New York -- humble beginnings in Queens, New York, a tireless work ethic, and an everlasting faith in God.

And so I am proud to nominate Senator Malcolm Anthony Smith to the position of Temporary President of the Senate and usher in a new Albany.

ACTING PRESIDENT BRESLIN: Senator Sampson.

SENATOR SAMPSON: I rise to speak on the resolution.

ACTING PRESIDENT BRESLIN: You may proceed, Senator Sampson.

SENATOR SAMPSON: Thank you, Mr. President.

I rise in support of the resolution, Number 1 resolution, nominating my friend, my colleague Senator Malcolm Smith as the Temporary President of the New York State Senate.

In November of 2008, the American people sent a resounding sound throughout every chamber, every edifice, every institution and the world throughout. Their hearts were heard. They spoke as one clear, uncompromising voice. The time had come for new possibilities, enlarged horizons, great hope, and that message was one of change. They spoke of a united nation with unfolding new destinies.

Today I stand a proud American who has seen the future of our forefathers -- prayed about, hoped and longed for. No longer a vision or a dream, we have embraced a prophetic destiny and are standing tall, proud, and strong on the shoulders of those who came before us.

Not only did this nation embrace change, our great state joined the momentum and the ballots reflected the voice of the people, and that voice was for change.

Mr. President, I am honored to join with the constituents of the State of New York to present that change in the form of Senator

Malcolm Smith.

Senator Smith embodies what we call the spirit of reconstruction, improvement, accountability, but most of all effectiveness. His vision enables him to see the invisible, thus preventing the people from perishing. He hears the cries and speaks for the disenfranchised and is the voice for the voiceless.

Indeed, nothing great was ever achieved without enthusiasm, and Senator Smith's enthusiasm and goals will enhance this wonderful state. He has not gone where the path has led him, but instead he 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 individual but a man of great value.

Colleagues, friends, fellow members, I recommend -- I don't recommend, I strongly urge that you join me in ushering in this new era of change by voting for Senator

Malcolm Smith as the Temporary President of the New York State Senate.

Thank you very much, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Sampson.

On the question of Resolution Number 1, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Those opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BRESLIN: Objectively speaking, the ayes have it.

(Extended standing ovation.)

ACTING PRESIDENT BRESLIN: The chair states for the record that Senator Malcolm Smith has been elected by the Senate to be Temporary President for the years 2009-2010.

Senator Smith, I think I speak for everyone in this house: We wish you the best of everything.

(Standing ovation.)

ACTING PRESIDENT BRESLIN: Joining Majority Leader Smith is his wife, Michele, and daughter, Amanda.

(Whereupon, Senator Malcolm Smith was sworn in as Temporary President of the New York State Senate.)

(Extended applause.)

ACTING PRESIDENT BRESLIN: The chair recognizes Senator Skelos.

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

Before I make some comments, I'd like to introduce two of our newest members from the Republican conference.

Senator Mike Ranzenhofer. Mike, welcome.

(Applause.)

SENATOR SKELOS: And former Assemblyman and now Senator Roy McDonald. Roy, welcome.

(Applause.)

SENATOR SKELOS: Let me be among the first -- and I called our leader last night, Malcolm Smith. But I want to be one of

the first to congratulate you, as a friend and a colleague, on being elected Temporary President and Majority Leader of the New York State Senate.

All of us are proud -- this has been a year of incredible change. And whether you're a Republican or a Democrat, we should be proud that many former racial barriers have come down in this country.

Election Eve, when I made my comments, I took great pride, although I didn't support him, that Barack Obama was elected president, because a racial barrier came down in this country. And I think that's something that all of us are proud of.

(Applause.)

SENATOR SKELOS: Malcolm, you should be proud of your accomplishment as being the first African-American Temporary President and Majority Leader of the New York State Senate, and I congratulate you.

(Applause.)

SENATOR SKELOS: Next week, you'll be sitting in this chair at this desk.

(Applause.)

SENATOR SKELOS: You could always move to reconsider the resolution.

(Laughter.)

SENATOR SKELOS: Reverend Diaz?

(Laughter.)

SENATOR SKELOS: You know, being the Majority Leader -- and obviously I was Majority Leader for a very short period of time. Don't applaud.

(Laughter.)

SENATOR SKELOS: -- it really is exhilarating and challenging all at the same time.

Let me just say that our Republican conference -- elections are over -- we wish you good luck, and we're looking forward to partner with you and pledge our support when we feel it's appropriate governmentally and also philosophically.

And I believe that many of the differences that occur, especially after elections, we have to heal the wounds and now come together as one body to move this state

forward.

Shortly we will walk over to the Assembly chamber to hear the Governor's annual State of the State address where he will once again outline the challenges we face as a Senate and as a Legislature -- a budget deficit approaching $15 billion that will require difficult choices, and more and more New Yorkers increasingly worried about keeping their jobs and providing security for their families.

These are the issues that we're going to face. Those New Yorkers are looking for leadership, bipartisan leadership, that is forward-thinking and gets things done. They want us to craft a budget that reduces spending and rejects tax and fee increases, because if we fail to get New York's fiscal house in order, more of our residents will be unable to afford to stay in their homes.

You and I both know that raising taxes and asking New Yorkers to send more of their hard-earned money to Albany is a recipe for fiscal ruin. In 1995, with a new

governor, we had a massive deficit, but we cut spending, cut taxes, grew the economy, created jobs, and unleashed the creativity of the great people of New York.

Let that again be our model for turning New York State around. New Yorkers want us to agree on an economic development plan that gives them more job security, financial security, and retirement security. Let's make it part of this year's budget. They want us to cut property taxes so they have more money to help make ends meet.

Most of all, New Yorkers want us to end the dysfunction that has existed too long in New York State so that they can get results.

When I became leader, I suggested that we open up the Senate and empower rank-and-file lawmakers. I still believe that the Senate must operate and function in the best interests of the people, not narrow political interests.

We need to give Senators equal resources to run their offices and represent

their constituents, provide our committee chairs with more authority and independence, and give individual Senators a greater ability to bring legislation to the floor.

Senator Smith, I know that you believe in those things too and I look forward to working with you to make them happen.

It's a new year and a new era, and we must operate in a new way -- not as Democrats or Republicans, but as New Yorkers, committed to leading the state, solving our budget challenges, and working together to make real and lasting reforms.

Senator Smith, on behalf of myself and all of our colleagues here on the Republican conference, we congratulate you again. This is a historic moment. Let's seize it on behalf of the 19 million New Yorkers we were elected to serve.

Congratulations, Senator Smith.

(Standing ovation.)

ACTING PRESIDENT BRESLIN: Thank you, Senator Skelos.

The chair recognizes Senator Smith.

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

Let me first thank God for the opportunity that He has given me today. I thank Him, I thank my family, my mother and father, who are not here, who instilled in me at a very early age the importance of service, the importance of what you do in life to help improve others' lives.

I also want to thank my wife, Michele.

(Applause.)

SENATOR SMITH: She has been patient. She has been understanding. It takes a lot to be the wife of an elected official, and she is a very special woman. And I think all of you know that of your wives and your husbands and your significant others.

And I love you, and I thank you.

(Applause.)

SENATOR SMITH: My daughter, who I love, she runs the house. That's easy.

(Laughter.)

SENATOR SMITH: To Senator

Skelos, I thank you. I thank you for your leadership, I thank you for your kind words, I thank you for helping make me who I am. Because as we go through our everyday discussions, negotiations, we learn from each other. And I clearly have learned from you what it means to be committed, what it means to be humble, and what it means to want to lead from your heart.

And I will forever keep that with me as I take on this job as Majority Leader. Thank you very much.

(Applause.)

SENATOR SMITH: To all of the public that is here, so many of you played a role in what has happened today, I can't begin to name all of you, but you know who you are. I thank you very much as well.

I have to talk about my colleagues, and not in a partisan way, but they have been working so hard. To the 32. To the 32. To the 32.

(Applause.)

SENATOR SMITH: History will

record -- you can be assured, history will record that there was 32 people, when nobody else believed, you believed. You believed that we could put a plan together if we stuck together. They will believe, they will understand that there was 32 that was daring enough not only to believe in that plan but to try to work that plan.

And more importantly, they will know that there was 32 that was courageous enough to take their time, their effort, their money, to leave themselves from their family, to act this plan out and to come this day, the seventh of 2008 -- 2009 --

(Laughter.)

SENATOR SMITH: -- when the Senate Democrats became the majority in 43 years. God bless you. You deserve everything that you get.

(Applause.)

SENATOR SMITH: To the staff of my district office, to the staff of the Minority office, I know I am not easy to work with. I know that when I say "get no sleep,"

nobody believed me. But you got no sleep. And you worked very hard.

I see a couple of my former chiefs of staff here. They know what that means; they worked very hard. Celeste Morris is here; former chief of staff Pat Rubens; former chief of staff Mortimer Lawrence, who is my counsel. And they all know what it means to work very hard. I thank all of you.

But I must tell you, you still are going to get no sleep.

(Laughter.)

SENATOR SMITH: We have more to do.

And to those who elected me from my district -- which I understand I would not be here if you didn't have the confidence in me to elect me every year. And you had the confidence in me not to even have an opponent for the last six years.

I will never forget that, and I will never forget from where I've come. That's the 14th District in southeast Queens -- St. Albans, Jamaica, Rockaway,

Corona, Elmhurst, Jamaica. Those people need to know, those 300,000, that it's because of them that I am standing here today. And I really, truly appreciate their support of me.

(Applause.)

SENATOR SMITH: I remember when I first got elected in 2000, I was standing in that corner of the room with my family. Some of you may recall that the former Majority Leader, Joe Bruno, walked over to me, stood there, talked to my family. He explained to me all the majesty that is in this room -- the gold-leaf paper, the marble. He told me how people come from around the world to see this chamber.

He told me, "Malcolm, no matter what happens, nobody can change what happens in this chamber because of all the majesty and the effort that went into putting this thing together." And he was right.

But what we can and what we will do is change the way as a legislative body we do business in the State Senate.

(Applause.)

SENATOR SMITH: We are and we will first understand that we work for the people.

This is your day. It's not about Malcolm and it's not about the 62 or the 32. It is about the 19.5 million people in the State of New York that said, you know something, we want change. This is not about us.

The opportunity that we have today, the opportunity that we're going to have going forward in the future is to prove to every one of them that we recognize that we have to change the way we do business in this chamber. Transparency, that has to be real. Accountability, has to be real.

We have been in dialogue with President-elect Barack Obama's information technology person. We want to begin to use MySpace, we want to begin to use Daily Kos, we want to begin to use Facebook. We're going to do real-time communication with the people of the State of New York so they can have real-time input to what we are doing and how

we are doing it. This is a government for the people.

(Applause.)

SENATOR SMITH: We're going to work together. This is about all 62. This is not about Democrat, it's not about Republican. This is truly one New York.

This is going to be the group -- this Senate, this body is going to be the one that allows history to say: They got it right, they understood it was more important that politics, that this is a calling for us, it is not a career.

We're not looking to make names for ourselves here, we're looking to correct the way business is done in this state to improve people's lives. This is a tremendous opportunity.

I never thought in my life when I was born that I would be standing on the floor of the Senate being able to preside over the 232nd session of the Senate of the State of New York. My goodness. A humble boy from Queens who used to ride a bicycle delivering

groceries, and now I'm delivering on a $121 billion budget. This is a great state. This is a great state.

(Applause.)

SENATOR SMITH: But we must also remember, as Senator Skelos said, we have a lot at stake. We are faced with a $15 billion deficit for 2009 and 2010. We still have to cut that $1.7 billion out of this year's budget, we have to do that. We have problems with home foreclosures all around the state. We know that healthcare is out of control. Our spending in this state has to come under control. We are not going to be able to sustain the spending that we have.

We have very much that we have to do, but we also have to recognize that we can't cut ourselves back into prosperity.

One of the things we did early on, we went to Washington, some of my colleagues and I. Senator Serrano. We spoke to a lot of our leadership. We spoke to the president-elect coming in, his team.

We talked about the infrastructure

money that we're going to work with the Governor and Shelly Silver, who has been a tremendous support to me. He's been a tremendous support to this institution. And I look forward to working with them as partners.

We're going to talk about doing projects, not just those that are shovel-ready. We have to do projects that make sense for the State of New York. They can't be about political and special interests. It has to be about projects that will give us a return on investment so that tax dollars are spent right. We have to get high-speed rail on the real track and not on something that's just to be talked about.

In a short period of time, you will see the Senate come out with a 2020 plan about transportation, environment, energy, housing, education. We have to let people know that we are serious about change. This is our time. This is our moment. We have to let them know it's about governing for the people.

We will work together. We will live by a mantra that I have lived by all my

life. There's a quote which I keep very close to me at all times, and it comes out of the Bible, out of Philippians 2, and it reads thusly: "Do nothing from selfishness or empty conceit, but with humility of mind. Regard one another as more important than yourselves. Do not merely look out for your own personal interest, but also look out for the interests of others."

That is what we are here to do. That is what we are elected to do. That is what I expect us to do.

I accept your nomination as the President of the Senate, I accept your nomination to be the Majority Leader, and I accept the awesome responsibility you have given me. But I say this to you, and I say this with all sincerity. We cannot do this by ourselves. Malcolm isn't smart enough, never professed to be.

What I did profess to be was a person who believes in my faith, who trusts God, who will try to do the best that I can -- because I don't know how long I'm going to be

here, Dean. I don't know if I'm going to be here four years, six years or two.

But what I have promised myself and my family and my colleagues is that I will do the best that I can every single day to make it better, to be better. I will pursue the truth, I will pursue what is best for the state.

And we have to do that shoulder to shoulder. There's no more Democrat and Republican in this house. There are members of an august body called the Senate of the State of New York, one of the best institutions in this country. And that is how we are going to function.

We are going to make sure that resources are fair. We are going to make sure that our members, whoever's side of the aisle you sit on, can bring bills to the floor. We are doing to make sure we can discharge motions on this floor. We are going to make sure that people know this is their house, not our house.

So I ask you to join me --

(Applause.)

SENATOR SMITH: So I ask you to join me in that journey.

I ask my new colleagues -- Senator Addabbo, Senator Squadron, Senator Foley, Senator Espada, along with Senator Ranzenhofer, Senator McDonald -- please, you are here as freshmen, but you are here -- and Senator Monserrate -- you are here as colleagues. Whatever you read about, whatever you heard about before you came to this day, wash it away. Today you are sitting in a house of equal partners.

And equal partners means we're going to do good business, because there's intellectual capital around this room that we need to use. It is not on one side, it is in this entire room.

Thank you. God bless you, God bless the Senate, God bless the 19 million people of the State of New York.

(Standing ovation.)

ACTING PRESIDENT BRESLIN: Thank you. Thank you, Senator Smith.

I also note for the record that we have received a communication from the Senate Republican Conference that Dean Skelos of Nassau County has been elected Minority Leader of the New York State Senate for the years 2009-2010.

Congratulations.

(Standing ovation.)

ACTING PRESIDENT BRESLIN: The chair again recognizes Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

Mr. President, I have Resolutions Number 3, 4, and 5 at the desk. I ask that they be read in their entirety and move for immediate adoption.

ACTING PRESIDENT BRESLIN: The Secretary will read Resolutions 3, 4, and 5.

THE SECRETARY: In relation to Concurrent Resolution Number 3, by Senator Smith, the Assembly sent for concurrence Assembly Concurrent Resolution Number 2.

Senator Smith moved to substitute Senate Concurrent Resolution Number 3 for

Assembly Concurrent Resolution Number 2.

ACTING PRESIDENT BRESLIN: Substitution ordered.

The Secretary will read.

THE SECRETARY: Concurrent Resolution of the Senate and Assembly providing for a joint assembly for the purpose of receiving a message from the Governor.

"RESOLVED, That the Senate and Assembly meet in joint session in the Assembly Chamber at one o'clock p.m. today, for the purpose of receiving a message from the Governor."

ACTING PRESIDENT BRESLIN: On the resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

The Secretary will read.

THE SECRETARY: By Senator Smith,

Senate Resolution Number 4, resolved that the Temporary President appoint a committee of two to inform the Governor of the election of Malcolm A. Smith as Temporary President of the Senate for the years 2009-2010, 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 Addabbo and Senator Ranzenhofer, for the purpose of informing the Governor of the election of Malcolm A. Smith as Temporary President of the Senate for the years 2009-2010, and that the Senate is organized and ready to proceed with business and will meet with the Assembly in the Assembly Chamber at 1 o'clock p.m. today, to receive the Governor's message."

ACTING PRESIDENT BRESLIN: On the resolution, all those in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN:

Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

The chair appoints Senators Addabbo and Ranzenhofer to inform the Governor of the election of Malcolm A. Smith as Temporary President of the Senate for the years 2009-2010, that the Senate is organized and ready to proceed with business and will meet with the Assembly in joint session in the Assembly chamber at 1:00 p.m. to receive the Governor's annual message.

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

ASSEMBLYMAN HAYES: Mr. Farrell and I are here to inform the Senate that the Assembly is organized in session and ready to receive the Senate in joint session.

ACTING PRESIDENT BRESLIN: Thank you, Assemblymembers Farrell and Hayes.

The Secretary will read.

THE SECRETARY: By Senator Smith,

Senate Resolution Number 5, resolved that the Temporary President appoint a committee of two to wait upon the Assembly and inform that body of the election of Malcolm A. Smith as Temporary President of the Senate for the years 2009-2010, 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 Foley and Senator Lanza, for the purpose of waiting upon the Assembly and informing that body of the election of Malcolm A. Smith as Temporary President of the Senate for the years 2009-2010, 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 o'clock p.m. today, to receive the Governor's message."

ACTING PRESIDENT BRESLIN: The question is on the resolution. All in favor

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

The chair appoints Senators Foley and Lanza to inform the Assembly that the Senate is ready for business and will meet them in joint session at 1:00 p.m. today to receive the Governor's annual message.

Senator Smith.

SENATOR SMITH: Yes, Mr. President, I have Resolution Number 6 at the desk. I ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: By Senator Smith, Senate Resolution Number 6, providing for the hours of meeting by the Senate for the years 2009-2010.

"RESOLVED, That unless otherwise

ordered, the hours of meeting of the Senate shall be as follows: Mondays and Tuesdays at 3:00 p.m., Wednesdays and all other days at 11:00 a.m."

ACTING PRESIDENT BRESLIN: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

As we begin to close this afternoon's session, please give your attention to Rabbi Chanina Sperlin, of Crown Heights, who will deliver the benediction.

RABBI SPERLIN: Thank you.

Permit me to begin with a hearty mazel tov to the members of the New York State Senate. Mazel tov and good luck.

Congratulations to the new Majority Leader and my good friend Malcolm Smith, and to my good friends the secretary of the

Democratic Conference, Senator John Sampson, and my Senator, Eric Adams.

Please join me in prayer.

Father of heaven and earth, bless these humble men and women who serve the people of this great State of New York, their wisdom and strength to be led by You to lead others. Bless them so that they can serve with joy and happiness.

Please join me in prayer for those brave men and women who fighting to protect our freedom and democracy in Iraq and Israel, and may all return safely to their loved ones. Amen.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Rabbi.

Senator Smith.

SENATOR SMITH: Mr. President, there being no further business to presently come before the Senate, I move that we stand adjourned until 3:00 p.m. on January 12th, Monday, intervening days to be legislative days.

Thank you and God bless you all.

ACTING PRESIDENT BRESLIN: Thank you.

(Applause.)

ACTING PRESIDENT BRESLIN: The Senate will now proceed to the Assembly for the purposes of a joint session to receive a message from the Governor.

The Senate stands adjourned until Monday, January 12th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 1:03 p.m., the Senate adjourned.)