NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 30, 2009

10:07 a.m.

EXTRAORDINARY SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

I ask everyone present to rise and recite with me the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT STEWART-COUSINS: In the absence of clergy, may we all bow our heads for a moment of silence.

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

ACTING PRESIDENT STEWART-COUSINS: Thank you.

Senator Smith.

SENATOR SMITH: Yes, Madam President. Is there a proclamation from the Governor at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Smith, there is a proclamation here at the desk.

The Secretary will read.

THE SECRETARY: "Pursuant to the

power vested in me by Article IV, Section 3 of the Constitution, I hereby convene the Senate of the State of New York in Extraordinary Session at the Capitol, in the City of Albany, on the thirtieth day of June, two thousand nine, at ten o'clock a.m., for the purpose of considering legislation I will submit with respect to various subjects.

"Given under my hand and the Privy Seal of the State in the City of Albany this twenty-ninth day of June in the year two thousand nine by the Governor, David A. Paterson."

ACTING PRESIDENT STEWART-COUSINS: The proclamation having been read, the Senate is in extraordinary session.

There will be a quorum call. I ask the Secretary to read.

THE SECRETARY: Senator Adams.

SENATOR ADAMS: Present.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Here.

THE SECRETARY: Senator Alesi.

(No response.)

THE SECRETARY: Senator Aubertine.

SENATOR AUBERTINE: Here.

THE SECRETARY: Senator Bonacic.

(No response.)

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Here.

THE SECRETARY: Senator DeFrancisco.

(No response.)

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: Present.

THE SECRETARY: Senator Dilan.

SENATOR DILAN: Present.

THE SECRETARY: Senator Duane.

SENATOR DUANE: Here.

THE SECRETARY: Senator Espada.

(No response.)

THE SECRETARY: Senator Farley.

(No response.)

THE SECRETARY: Senator Flanagan.

(No response.)

THE SECRETARY: Senator Foley.

SENATOR FOLEY: Present.

THE SECRETARY: Senator Fuschillo.

(No response.)

THE SECRETARY: Senator Golden.

(No response.)

THE SECRETARY: Senator Griffo.

(No response.)

THE SECRETARY: Senator Hannon.

(No response.)

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Here.

THE SECRETARY: Senator Huntley.

SENATOR HUNTLEY: Here.

THE SECRETARY: Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Here.

THE SECRETARY: Senator O. Johnson.

(No response.)

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.

(No response.)

THE SECRETARY: Senator Larkin.

(No response.)

THE SECRETARY: Senator LaValle.

(No response.)

THE SECRETARY: Senator Leibell.

(No response.)

THE SECRETARY: Senator Libous.

(No response.)

THE SECRETARY: Senator Little.

(No response.)

THE SECRETARY: Senator Marcellino.

(No response.)

THE SECRETARY: Senator Maziarz.

(No response.)

THE SECRETARY: Senator McDonald.

(No response.)

THE SECRETARY: Senator

Monserrate.

SENATOR MONSERRATE: Here.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Here.

THE SECRETARY: Senator Morahan.

(No response.)

THE SECRETARY: Senator Nozzolio.

(No response.)

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Here.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Here.

THE SECRETARY: Senator Padavan.

(No response.)

THE SECRETARY: Senator Parker.

(No response.)

THE SECRETARY: Senator Perkins.

SENATOR PERKINS: Aqui.

THE SECRETARY: Senator Ranzenhofer.

(No response.)

THE SECRETARY: Senator Robach.

(No response.)

THE SECRETARY: Senator Saland.

(No response.)

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: Here.

THE SECRETARY: Senator Savino.

SENATOR SAVINO: Here.

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Here.

THE SECRETARY: Senator Serrano.

SENATOR SERRANO: Here.

THE SECRETARY: Senator Seward.

(No response.)

THE SECRETARY: Senator Skelos.

(No response.)

THE SECRETARY: Senator Smith.

SENATOR SMITH: Here.

THE SECRETARY: Senator Squadron.

SENATOR SQUADRON: Here.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Here.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: Here.

THE SECRETARY: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Here.

THE SECRETARY: Senator Thompson.

SENATOR THOMPSON: Present.

THE SECRETARY: Senator Valesky.

SENATOR VALESKY: Present.

THE SECRETARY: Senator Volker.

(No response.)

THE SECRETARY: Senator Winner.

(No response.)

THE SECRETARY: Senator Young.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: Senator Smith.

SENATOR SMITH: Madam President, having read the quorum call, I would ask that we instruct the Secretary to please read the unexcused absentees.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will call the absentees.

THE SECRETARY: Senator Alesi.

(No response.)

THE SECRETARY: Senator Bonacic.
(No response.)
THE SECRETARY: Senator DeFrancisco.
(No response.)
THE SECRETARY: Senator Espada.
(No response.)
THE SECRETARY: Senator Farley.
(No response.)
THE SECRETARY: Senator Flanagan.
(No response.)
(Members of the Republican Conference begin to enter the chamber.)
THE SECRETARY: Senator Fuschillo.
SENATOR FUSCHILLO: Here.
THE SECRETARY: Senator Golden.
(No response.)
THE SECRETARY: Senator Griffo.
(Senator Griffo was marked as present.)
THE SECRETARY: Senator Hannon.
(No response.)
THE SECRETARY: Senator O.

Johnson.

SENATOR OWEN JOHNSON: 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 Marcellino.

SENATOR MARCELLINO: I'm here.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator McDonald.

SENATOR McDONALD: Here.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: Here.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Present.
THE SECRETARY: Senator Padavan.
SENATOR PADAVAN: Here.
THE SECRETARY: Senator Ranzenhofer.
SENATOR RANZENHOFER: Here.
THE SECRETARY: Senator Parker.
(No response.)
THE SECRETARY: Senator Robach.
SENATOR ROBACH: Here.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Here.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: Present.
THE SECRETARY: Senator Skelos.
(Senator Skelos was marked as present.)
THE SECRETARY: Senator Volker.
SENATOR VOLKER: Here.
THE SECRETARY: Senator Winner.
(Senator Winner was marked as present.)
THE SECRETARY: Senator Young.
SENATOR YOUNG: Here.

ACTING PRESIDENT STEWART-COUSINS: Senator Smith.

SENATOR SMITH: Madam President, has a quorum been established?

ACTING PRESIDENT STEWART-COUSINS: Senator Smith, a quorum is present.

SENATOR SMITH: I ask that we stand at ease.

SENATOR SKELOS: Madam President, I'd like to be heard.

ACTING PRESIDENT STEWART-COUSINS: Senator Skelos.

SENATOR SMITH: Madam President, I ask that we stand at ease. Madam President, I ask that we stand at ease.

ACTING PRESIDENT STEWART-COUSINS: The Senate stands at ease.

SENATOR SKELOS: I'd like to vote on that, whether we should stand at ease.

ACTING PRESIDENT STEWART-COUSINS: The call to stand at ease is not debatable, Senator Skelos.

SENATOR LIBOUS: Point of order, Madam President.

SENATOR SKELOS: Point of order. Appeal the ruling of the chair.

SENATOR LIBOUS: We appeal the ruling of the chair. That is a motion that can be voted on.

ACTING PRESIDENT STEWART-COUSINS: Senator Skelos.

SENATOR SKELOS: Senator Stewart-Cousins, normally the presiding officer is referred to as the president. I can't do that because we do not believe that you are appropriately standing there as the presiding officer, that the designation of a presiding officer should be made by Senator Espada or myself pursuant to the rules changes that were adopted on June 8th and the vote that occurred changing leadership within this chamber.

The decision that was given by the judge yesterday and I believe that will be on appeal is that the Senate should convene. Again, we do not acknowledge you as the presiding officer.

And also, we should point out that

it's been the position of the Democrats that no bills can be taken up legally in a special session by the fact that the Assembly is also not in session at the same time.

So I would urge that we adjourn and end this so-called session, extraordinary session called by the Governor. Again, our belief is that you are not the appropriate person to be presiding -- nothing personally, but that you are not the appropriate person to be presiding at this time.

I would also urge Senator Smith -- and I know that Senator Espada feels the same way -- that we should immediately, Senator Smith, Senator Sampson, Senator Espada and myself, conduct open public meetings, as was mentioned by Senator Sampson, to discuss -- open, public -- starting at noon today, open public meetings so we can show how a long-term agreement through 2010 is necessary in terms of a number of issues concerning resources, concerning how this chamber operates, so that we do not continue in this type of a gridlock situation.

So, Madam President -- Senator Stewart-Cousins, rather --

ACTING PRESIDENT STEWART-COUSINS: That's all right, I accept.

(Laughter.)

SENATOR SKELOS: I would move that we adjourn at this time sine die.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Skelos.

Senator Smith.

SENATOR SMITH: Yes, Madam President. I thank you for your presiding over today's chambers. Obviously you are the presiding officer of this day, duly acknowledged.

We do understand that the judge made a ruling that we convene as we are convening today, there's no question about that.

We do have a privileged resolution at the desk with regard to a operating agreement that we would like to move for adoption.

Madam President, I do want to at

this time, though, recognize Senator Klein. And at that moment we'll move to determine whether we will adjourn.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Thank you, Madam President.

I rise today in support of an operating agreement --

SENATOR SKELOS: Excuse me, I believe there's a motion to adjourn that I've made.

ACTING PRESIDENT STEWART-COUSINS: That was I guess after the motion to stand at ease, and --

SENATOR SKELOS: No, I believe there was a motion to adjourn.

SENATOR KLEIN: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: I move to adjourn.

ACTING PRESIDENT STEWART-COUSINS: On motion, this extraordinary session is

adjourned sine die.

(Whereupon, at 10:22 a.m., the Senate adjourned.)