NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 9, 2009

3:25 p.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 bow all 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 Paterson 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 ninth day of July, two thousand nine, at three o'clock p.m., for the purpose of considering legislation I will submit with respect to various subjects and acting on gubernatorial nominations.

"Given under my hand and the Privy Seal of the State in the City of Albany this seventh day of July 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.

Senator Smith.

SENATOR SMITH: Thank you, Madam President.

Would you please call on my colleague Senator Dean Skelos.

ACTING PRESIDENT STEWART-COUSINS: Senator Skelos.

SENATOR SKELOS: Thank you,

Senator Stewart-Cousins.

I'd like to once again remind all of our colleagues that we are here today in extraordinary session at the call of the Governor, but also by court order being required to convene.

Again, I must state for the record, despite some of the new news that's out there, that we do not move away from the vote that occurred on June 8th where a majority of this body voted to change leadership and elected Senator Espada as temporary president of the Senate and myself as majority leader.

That would mean that either Senator Espada, on the vote of June 8th, or myself are the only ones entitled to appoint a presiding officer and to go into extraordinary session.

I would also like to point out that last night the Governor attempted to appoint a Lieutenant Governor in violation of the Constitution. We do not recognize any such appointment, and any attempt by a person claiming to be the Lieutenant Governor to convene and preside over any session of the

Senate is not valid.

Again, I would point out that whether it's extraordinary session or regular session, based upon the vote of June 8th and the rules that were instituted that day, only Senator Espada or myself are entitled to appoint a presiding officer and to proceed with the session.

So at this time I'd like to move to lay aside the agenda and move to adjourn this session sine die.

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

Senator Smith.

SENATOR SMITH: Thank you, Madam President. Always good to see you.

Given that we will have no legislative activity going before us today, I ask that we adjourn this Extraordinary Session Number 18 sine die.

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

On motion of Senator Smith, this Extraordinary Session Number 18 stands

adjourned sine die.

(Whereupon, at 3:29 p.m., the Senate adjourned.)