NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

November 9, 2009

2:19 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR RICHARD RAVITCH, President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

THE PRESIDENT: 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.)

THE PRESIDENT: In the absence of clergy, may we bow all our heads for a moment of silence.

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

THE PRESIDENT: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Sunday, November 8, the Senate met pursuant to adjournment. The Journal of Saturday, November 7, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

President Pro Tem Smith, Majority Leader Sampson, Deputy Majority Leader Klein, Minority Leader Skelos, Deputy Minority Leader Libous, and all members and officers of the Senate, I hope you will indulge me for two minutes for me to say something very personal.

Fifty years ago this month I got my first job, after law school and getting out of the Army, as counsel to a congressional subcommittee in Washington, D.C. I spent two fascinating years working in the Congress, and I developed an enormous respect and indeed reverence for the legislative process.

And in my prior experiences in Albany -- as advisor to Governor Carey during the fiscal crisis, as chairman of UDC, and chairman of MTA -- I dealt extensively with the Legislature of the State of New York.

And I have to tell you, I have an enormous amount of respect for this process, despite sometimes the intensity of the partisanship, sometimes the ambiguities that flow or the cumbersomeness that occurs. But I truly devoutly personally believe that this is

the only way we can conduct business in this democratic political system of ours.

And it is with that abiding conviction that I tell you, though I am here under somewhat unusual circumstances -- and I am extremely sensitive to the fact that I was not elected to anything -- but I want you to know that for the next 14 months, if I can be of any help to any of you individually, to any of you collectively to get the business of this state done, it would be my honor to do so.

Thank you very much.

(Applause.)

THE PRESIDENT: Are there any messages from the Assembly?

Presentation of petitions.

I'm learning the ropes here.

Messages from the Governor.

Any reports from standing committees?

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The chair recognizes Senator Klein.

SENATOR KLEIN: Mr. President, I believe there is a concurrent resolution at the desk. I ask that the resolution be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read the resolution.

THE SECRETARY: By Senator Sampson, Concurrent Resolution of the Senate and Assembly Number 3408, 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 three o'clock p.m. today for the purpose of receiving a message from the Governor."

THE PRESIDENT: Are there any other Senators that wish to be heard on this resolution?

The question is on the concurrent resolution. All those in favor please signify

by saying aye.

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The concurrent resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a privileged resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Sampson, Senate Resolution Number 3409, providing for a Select Committee of the Senate to investigate the facts and circumstances surrounding the conviction of Senator Hiram Monserrate on October 15, 2009.

THE PRESIDENT: Are there any other Senators that wish to be heard on this resolution?

Senator Lanza.

SENATOR LANZA: Thank you,

Mr. President.

The committee which is being proposed by this resolution has a task which is not pleasant at all to any of us. The proposed client of this committee, so to speak, is the integrity of this Senate body.

In order to best serve the interests of that client, this committee must proceed unfettered by partiality or any external pressure whatsoever, including those of a political nature.

I suggest, in order to keep with that mission, that this committee ought to be comprised in an impartial way with five members from each party, as opposed to five from one and four from the other.

That being said, I've talked to Senator Schneiderman; I'm confident that this committee will proceed sensitive to the very important nature of the work ahead of us, and I'm confident that the members who have so far been proposed for this committee will undertake that task prudently and responsibly.

But again, I would propose that the

committee be comprised in a more impartial fashion with five members from each side of the aisle.

THE PRESIDENT: Are there any other Senators that wish to be heard on this resolution?

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 Klein.

SENATOR KLEIN: Mr. President, on behalf of the Majority Conference Leader, I hand up the following committee notices and ask that they be filed in the Journal.

THE PRESIDENT: Committee notice to be filed in the Journal.

The Secretary will read.

Senator Klein, I apologize. You have another matter?

SENATOR KLEIN: Mr. President, I believe there's another privileged resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Sampson, Senate Resolution Number 3410, providing for a Senate Select Committee on New York City School Governance.

THE PRESIDENT: Are there any other Senators that wish to be heard on this resolution?

The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: All opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, on

behalf of the Majority Conference Leader, I hand up the following committee notices and ask that they be filed in the Journal.

THE PRESIDENT: Committee notices to be filed in the Journal.

Senator Klein.

SENATOR KLEIN: Mr. President, there will be a conference of the Majority immediately following the joint session in Room 332.

THE PRESIDENT: Senator Klein.

SENATOR KLEIN: Is there any further business at the desk?

THE PRESIDENT: The desk is clear.

SENATOR LIBOUS: Mr. President.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: There will also be a Republican conference immediately following the joint session.

THE PRESIDENT: There are some housekeeping items which will be taken care of when we adjourn -- immediately, I'm corrected.

Senator Klein.

SENATOR KLEIN: Yes, Mr. President. I have a motion to reconsider and commit a bill recalled from the Assembly.

On behalf of Senator Breslin, I wish to call up Senate Print Number 414A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: Secretary, will you read the title.

THE SECRETARY: Calendar Number 9, by Senator Breslin, Senate Print 414A, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

SENATOR KLEIN: Mr. President, I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: So ordered.

SENATOR KLEIN: Mr. President, I now move to recommit the bill to the Committee on Rules.

THE PRESIDENT: So ordered.

Senator Klein.

SENATOR KLEIN: I have one more, Mr. President.

On behalf of Senator Andrea Stewart-Cousins, I wish to call up Calendar Number 389, Assembly Print Number 215.

THE PRESIDENT: The Secretary will read the title.

THE SECRETARY: Calendar Number 389, by Member of the Assembly Latimer, Assembly Print Number 215, an act to amend the Labor Law.

SENATOR KLEIN: I now move to reconsider the vote by which the Assembly Bill was substituted for Senate Bill 2904 on May 26th.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

SENATOR KLEIN: I now move that Assembly Bill 215 be committed to the Committee on Rules and the Senate bill will be recommitted to the Committee on Rules.

THE PRESIDENT: So ordered.

SENATOR KLEIN: Thank you, Mr. President.

THE PRESIDENT: There being no further business to come before the Senate, on motion, the Senate stands adjourned until the call of the Temporary President, intervening days being legislative days.

The Senate will now proceed to the Assembly chamber for the purpose of a joint session to receive a message from the Governor.

(Whereupon, at 2:33 p.m., the Senate adjourned.)