

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 November 9, 2009

11 2:19 p.m.

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13
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR RICHARD RAVITCH, President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 THE PRESIDENT: The Senate will
3 please come to order.

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

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

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

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

14 THE PRESIDENT: The reading of
15 the Journal.

16 The Secretary will read.

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

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

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

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

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

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

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

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

13 Thank you very much.

14 (Applause.)

15 THE PRESIDENT: Are there any
16 messages from the Assembly?

17 Presentation of petitions.

18 I'm learning the ropes here.

19 Messages from the Governor.

20 Any reports from standing
21 committees?

22 Reports of select committees.

23 Communications and reports from
24 state officers.

1 Motions and resolutions.

2 The chair recognizes Senator Klein.

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

8 THE PRESIDENT: The Secretary
9 will read the resolution.

10 THE SECRETARY: By Senator
11 Sampson, Concurrent Resolution of the Senate
12 and Assembly Number 3408, providing for a
13 joint assembly for the purpose of receiving a
14 message from the Governor.

15 "Resolved, That the Senate and
16 Assembly meet in joint assembly in the
17 Assembly Chamber at three o'clock p.m. today
18 for the purpose of receiving a message from
19 the Governor."

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

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

1 by saying aye.

2 (Response of "Aye.")

3 THE PRESIDENT: Any opposed?

4 (No response.)

5 THE PRESIDENT: The concurrent
6 resolution is adopted.

7 Senator Klein.

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

12 THE PRESIDENT: The Secretary
13 will read.

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

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

23 Senator Lanza.

24 SENATOR LANZA: Thank you,

1 Mr. President.

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

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

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

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

24 But again, I would propose that the

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

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

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

10 (Response of "Aye.")

11 THE PRESIDENT: Opposed, nay.

12 (No response.)

13 THE PRESIDENT: The resolution is
14 adopted.

15 Senator Klein.

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

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

22 The Secretary will read.

23 Senator Klein, I apologize. You
24 have another matter?

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

6 THE PRESIDENT: The Secretary
7 will read.

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

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

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

18 (Response of "Aye.")

19 THE PRESIDENT: All opposed, nay.

20 (No response.)

21 THE PRESIDENT: The resolution is
22 adopted.

23 Senator Klein.

24 SENATOR KLEIN: Mr. President, on

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

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

6 Senator Klein.

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

11 THE PRESIDENT: Senator Klein.

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

14 THE PRESIDENT: The desk is
15 clear.

16 SENATOR LIBOUS: Mr. President.

17 THE PRESIDENT: Senator Libous.

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

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

24 Senator Klein.

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

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

8 THE PRESIDENT: Secretary, will
9 you read the title.

10 THE SECRETARY: Calendar Number
11 9, by Senator Breslin, Senate Print 414A, an
12 act to amend the Vehicle and Traffic Law.

13 THE PRESIDENT: Call the roll on
14 reconsideration.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 47.

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

20 THE PRESIDENT: So ordered.

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

24 THE PRESIDENT: So ordered.

1 Senator Klein.

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

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

7 THE PRESIDENT: The Secretary
8 will read the title.

9 THE SECRETARY: Calendar Number
10 389, by Member of the Assembly Latimer,
11 Assembly Print Number 215, an act to amend the
12 Labor Law.

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

17 THE PRESIDENT: Call the roll on
18 reconsideration.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 47.

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

1 THE PRESIDENT: So ordered.

2 SENATOR KLEIN: Thank you,
3 Mr. President.

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

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

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

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