NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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12:36 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: The invocation today will be delivered by the Right Reverend Howard Hubbard, Bishop of the Roman Catholic Diocese of Albany.

Welcome, Bishop.

BISHOP HUBBARD: Let us pray.

Oh, Faithful and Eternal God, we pray Your blessing upon all who have gathered here for the opening of the 2010 session of the New York State Senate.

In a world torn by conflict, terrorism and ecological crisis, in a country facing a faltering economy and double-digit unemployment, in a state dealing with staggering budget deficits, we gather together to seek Your guidance on how best to serve the

common good of the people during these unsettling times.

Pour forth Your blessings upon these, the members of the New York State Senate, as they begin this new legislative session. Grant them the wisdom needed to find solutions to difficult and complex problems, the vision to comprehend the effects of their decisions, the patience and perseverance to work productively together, and the insights to bring about effective ethical reform in government.

Enable our Senators, O God, to use their diverse gifts and talents to respond to the challenges of these critical times courageously and to tackle the difficulties of the world facing limited resources, and especially to strive compassionately to address the urgent needs of the poor and vulnerable in our midst.

For all this we pray, O Compassionate God of all people, the author of life and the source of every rich blessing, You who live and reign both now and forever

and ever.

Amen.

THE PRESIDENT: Thank you, Bishop.

Senator Klein.

SENATOR KLEIN: Mr. President, would you please have the Secretary call the roll to determine the presence of a quorum.

THE PRESIDENT: The Secretary will call the roll. After your name is called, please note your presence for the record by saying "here."

THE SECRETARY: Senator Adams.

(No response.)

THE SECRETARY: Senator Addabbo, excused.

Senator Alesi.

(No response.)

THE SECRETARY: Senator Aubertine.

SENATOR AUBERTINE: Present.

THE SECRETARY: Senator Bonacic, excused.

Senator Breslin.

SENATOR BRESLIN: Here.
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: Here.
THE SECRETARY: Senator Diaz.
SENATOR DIAZ: Aqui.
THE SECRETARY: Senator Dilan.
SENATOR DILAN: Here.
THE SECRETARY: Senator Duane.
(No response.)
THE SECRETARY: Senator Espada.
SENATOR ESPADA: Here.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Here.
THE SECRETARY: Senator Flanagan.
(No response.)
THE SECRETARY: Senator Foley.
SENATOR FOLEY: Present.
THE SECRETARY: Senator Fuschillo.
SENATOR FUSCHILLO: Present.
THE SECRETARY: Senator Golden.
(No response.)
THE SECRETARY: Senator Griffo.

SENATOR GRIFFO: Here.
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 C. Johnson.
SENATOR CRAIG JOHNSON: Present.
THE SECRETARY: Senator O. Johnson.
SENATOR OWEN JOHNSON: Here.
THE SECRETARY: Senator Klein.
SENATOR KLEIN: Present.
THE SECRETARY: Senator L. Krueger.
SENATOR LIZ KRUEGER: Here.
THE SECRETARY: Senator C. Kruger.
SENATOR C. KRUGER: 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: Happy to be here.
THE PRESIDENT: Senator Little.
SENATOR LITTLE: Here.
THE SECRETARY: Senator Marcellino.
SENATOR MARCELLINO: I'm still here.
THE SECRETARY: Senator Maziarz.
SENATOR MAZIARZ: Here.
THE SECRETARY: Senator McDonald.
SENATOR McDONALD: Here.
THE SECRETARY: Senator Monserrate.
(No response.)
THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Here.
THE SECRETARY: Senator Morahan.
SENATOR MORAHAN: Here.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Present.
THE SECRETARY: Senator Onorato.
SENATOR ONORATO: Here.
THE SECRETARY: Senator Oppenheimer.
SENATOR OPPENHEIMER: Present.
THE SECRETARY: Senator Padavan.
SENATOR PADAVAN: Here.
THE PRESIDENT: Senator Klein, a quorum is present and the Senate is ready to proceed with the order of business.
Any presentation of petitions?
Messages from the Assembly.
Messages from the Governor.
We have a communication from the Governor of the State of New York that the Secretary will please read.
THE SECRETARY: "Dear Lieutenant Governor Ravitch:
"I would appreciate the privilege

of appearing before your Honorable Bodies in Joint Session on January 6, 2010, at 1:00 p.m., or as soon as thereafter as may be convenient, to deliver my Annual Message to the Legislature.

"Very truly yours, David A. Paterson."

THE PRESIDENT: Again, I wish you all a Happy New Year and hope that -- as I said in my remarks a month ago -- I hope that I can be of help to you in the difficult time that we face together in the months ahead. That is my consummate wish.

The communication from the Governor will be filed in the Senate Journal.

Are there any reports of standing committees?

Reports of select committees?

Communications and reports from any state officers?

Any motions or resolutions?

Senator Klein.

SENATOR KLEIN: Mr. President, I believe that Senator Perkins has a privileged

resolution at the desk. I ask that the resolution be read in its entirety, and move for its immediate adoption, and allow Senator Perkins to speak on said resolution.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senators Perkins, Sampson and Parker, Legislative Resolution Number 3539, mourning the death of Harlem political pioneer Percy Ellis Sutton.

"Whereas, it is the sense of this Legislative Body to pay tribute to the lives of those esteemed individuals of renown who distinguished themselves through their life's work; and

"WHEREAS, It is the sense of this Legislative Body to pay proper tribute to individuals of great character whose lives exemplify the highest ideals of humanity; and

"WHEREAS, Percy Sutton was a civil rights activist, entrepreneur and lawyer. He died on Saturday, December 26, 2009, at the age of 89; and

"WHEREAS, Percy Sutton was born on

November 24, 1920, in San Antonio, Texas, the youngest child of Samuel J. and Lillian Smith. His parents were both born into slavery and became educators. They were determined that their children would be provided the best opportunities available. Percy and all of his siblings went on to college, and they helped each other financially to complete their educations; and

"WHEREAS, Percy Sutton attended Prairie View Agricultural and Mechanical College in Texas, Tuskegee Institute in Alabama, and Hampton Institute in Virginia. He learned to fly at the same time and earned money as a stunt pilot at county fairs; and

"WHEREAS, When World War II came along, Percy Sutton moved to New York City to enlist in the United States Army Air Corps. He served with the famous Tuskegee Airmen and won combat stars as an intelligence officer with the 332nd Fighter Group's black 99th Pursuit Squadron in the Italian and Mediterranean theaters; and

"WHEREAS, After being honorably

discharged from the Air Corps as a captain, Percy Sutton entered the Columbia University School of Law on his GI Bill benefits, before switching to the Brooklyn College School of Law. He received his juris doctor in 1990 and passed the New York State bar exam the following year; and

"WHEREAS, Percy Sutton served in the military again during the Korean War as an Air Force intelligence officer in Washington, D.C. Later, he became the Air Force's first black trial judge advocate before leaving the service for the second time in 1953; and

"WHEREAS, Percy Sutton set up a law partnership on 125th Street in 1953 with his brother Oliver and George Covington which spanned over 40 years; and

"WHEREAS, In 1961 and again in 1962, Percy Sutton was elected president of the New York branch of the NAACP, after a succession of positions; and

"WHEREAS, Percy Sutton was elected to the New York State Assembly in the November 1964 election and took his seat on

January 1, 1965. He was selected spokesperson for the black Assemblymen, and under his leadership, black Assemblymen became members of every major committee, and one was chosen as the majority whip; and

"WHEREAS, Percy Sutton was a major supporter of state funding to build the New York Public Library's Schomburg Center for Research in Black Culture and the Search for Education, Elevation and Knowledge (SEEK) program which gave promising students from disadvantaged backgrounds an opportunity to attend college. He was voted Assemblyman of the Year in 1966 by the Intercollegiate Legislative Assembly; and

"WHEREAS, In 1966, the New York City Council chose Percy Sutton to fill the unexpired term as Manhattan borough president. He held onto the position and for 11 years was the highest elected African-American official in the state; and

"WHEREAS, On December 10, 1972, Percy Sutton chaired a public hearing on crime in Harlem, sponsored by the Haryou Act

Community Corporation. He expressed the view that effective police and judicial work, along with a cooperative effort by the city government to eliminate problems on housing, unemployment and drug trafficking, were needed to solve the problem of urban crime; and

"WHEREAS, Percy Sutton was chairman of Queens Inner Unity Cable System, a cable television system in New York City. He was the major founder of the Street Literacy Clinic and the Magic of Learning, a computer-based, interactive, multimedia learning system that teachers use to help young people improve basic skills in reading, writing and functioning in the language of their environment; and

"WHEREAS, Percy Sutton cofounded the Inner City Broadcasting Corporation with his brother Oliver and Clarence B. Jones in 1971 and also purchased radio station WLIB-AM, making it the first black-owned station in New York City. That same year, he formed AMNEWS and purchased the New York Amsterdam News, the second-largest black weekly in the

United States; and

"WHEREAS, Percy Sutton left public office in December of 1977 and retired and became chairman emeritus in 1991 for City Broadcasting. He served as a guest lecturer on college campuses, discussing the subjects of communications, high technology, finance, business law and politics at City College of New York and Princeton University, among others; and

"WHEREAS, In January of 1995, Percy Sutton became a member of a delegation of leading American businesspeople representing the United States at the Group of Seven (G-7) Nations Roundtable Meeting on Telecommunications and High Technology in Brussels. He was selected by his European colleagues to attend follow-up discussions in Brussels and Washington, D.C. In May of 1996, he served as a United States delegate to the G-7 and developing nations' Intelligence Technology Conference in Midrand, South Africa; and

"WHEREAS, Percy Sutton received

hundreds of national, international and local awards honoring his contributions in the fields of communications and high technology, human rights, civil rights, business, and philanthropy; and

"WHEREAS, Survived by his wife, Leatrice, and their two children, Pierre and Cheryl Lynn, Percy Sutton was armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family. He leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Harlem political pioneer Percy Ellis Sutton; and be it further

"RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the family of Percy Ellis Sutton."

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

Senator Perkins.

SENATOR PERKINS: Thank you, Mr. President.

If I may acknowledge the presence of my neighbor, Assemblyman Denny Farrell, who has joined us.

And as you know, as you all know, at this time there is a service taking placing at the Riverside Church, in my district, for the Honorable Percy Sutton. And obviously I'm here. And nevertheless, I wanted to make sure that we had an opportunity to acknowledge his contribution. And I have a letter to the family of the Honorable Percy Sutton that I shared with them, that is being shared with them as we speak.

"On behalf of myself, my wife, Pamela Green Perkins, and our family, expressing our condolences to the family of the Honorable Percy Sutton, I am saddened. Mr. Sutton was a giant and a personal hero, since I know it would be impossible to do what I do now without his precedent-setting life.

"Determining how best to honor his

memory, I've joined with my colleagues and Conference Leader Senator John Sampson to introduce a commemorative resolution to plan a New York State Senate-sponsored memorial ceremony. However, today presents a conflict. Attending Governor Paterson's State of the State address in Albany, I am unable to be with you who are mourning Percy Sutton's loss and celebrating his life at Riverside church in New York.

"Because of his dedicated example of public service, there was no real hesitation to do what my duty lay in doing the people's work in the Capitol today. But knowing one's duty sometimes doesn't alleviate regret that one cannot do other things at the same time. So happy to be doing what's right, I am also sorry to be absent from his fitting tribute.

"Reviewing Mr. Sutton's demanding career this week, it's clear that there must have been family events and other precious moments that he also missed, unable to defy the laws of physics. His vision, dedication,

his great legacy will long endure and our task is to continue his efforts to expand opportunity and fairness.

"Mr. Sutton once said how he, quote, wouldn't take a million dollars to leave Harlem, end quote. Sometimes these days it seems that without a million dollars it's becoming impossible to live and prosper in Harlem or any other part of my district.

"My job -- all our jobs -- is to make sure that we further Percy Sutton's vision and provide the opportunities for those with ambition, talent, and zeal to be the best and to leave the world a better place. Whether they are from here or from someplace else, whether they are rich or not, they will be welcomed and encouraged. In this way the success of Percy Sutton will live forever."

Thank you.

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

Senator Adams.

SENATOR ADAMS: Thank you.

You know, I can only give tribute to Mr. Sutton the best way I know how, who was a personal advisor and personal friend.

You know, I start the day every day with my bowl of oatmeal and milk. And this morning when I went into the fridge, I realized that the milk carton was two days old, and it was spoiled and it was half-full. And it was a waste. And I thought about that as I was trying to figure out how do we talk about Percy and what he meant to us.

I think nothing is worse than going through life with a half-full carton. It does you no good if, when it expires -- and we're all going to have a date of expiration. No matter what position we hold and who we think we are, there's going to come a period in life where our expiration date is going to be met. And when Mr. Sutton's date of expiration was met, his carton wasn't half-full, it was empty.

Born from parents in slavery, he didn't sit back and wallow in despair and talk about how unfair life was, he went on, from

Boy Scout to military service. Fifteen siblings, in a generation and time when 15 children can't help one mother, he lived during those difficult times. Flying, attorney, activist -- so many things Mr. Sutton did, and never did he fail to talk to you and give you simple advice. He was always willing to communicate, and a very simple individual as he walked through the streets of Harlem.

And whenever you lose someone and they make the transformation from the physical to the spiritual and they depart us, it should give us a period of reflection how many of us are merely wasting our lives away instead of ensuring that when we leave here and our expiration date is met, that our carton is not half-full, that our carton is completely full, not only to feed ourselves but just to feed other people that are just waiting for us to give them some hope and some encouragement.

Because we're in a period of time that people in New York State and America are hurting. They have not only given up on

government, they have not only given up on their religion, but they're one voice away of giving up on themselves. And we cannot hog the milk, proverbial milk inside us and believe that by leaving it on the counter that one day, when our expiration date comes, we can state that we wished we had used it.

Mr. Sutton used every drop, every ounce, every part of his carton of life. And I think it's a reflective moment on all of us to ask are we going to live the lives of greatness of Mr. Sutton.

In conclusion, great things came out of America in products, but great human beings also came out of America. Percy Sutton, it's stamped on him, "made in America." All the uglies, all the ills, all the blessings, all the prosperities, he is a true product of what is the American dream. From slavery to freedom, from participation to recognition, from hope, from tragedy. No matter what happened, he didn't have a wart on his face. He never complained. He merely stated that he's going to make this a better

place.

And today, I'm pleased as a State Senator that I'm able to say farewell to my friend, our Percy Sutton.

THE PRESIDENT: Thank you.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise to add my voice to those who have come to commemorate today the life and times of Percy Ellis Sutton, who I believe opened every door that he thought possible to make it a better place. And certainly he is representative of the best that is in America.

So, Mr. President, I too wish to take this moment and record my gratitude to him for the leadership that he provided to all and certainly the guidance that he gave to me.

THE PRESIDENT: Senator Smith.

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

I concur with all that was said today. I applaud Senator Sampson and Senator Perkins for bringing this resolution forward.

Senator Adams, Senator Ruth Hassell-Thompson's comments. In addition to I heard Mayor Bloomberg and Congressman Rangel and Melba Moore this morning.

I would only ask during my time, Mr. President, if -- rather than me making comments, if we can all pause for a moment of silence. During that moment of silence, I would ask that my colleagues would whisper a silent prayer on behalf of Mr. Sutton and his family and offer whatever well wish you could to yourself on behalf of him and his family.

THE PRESIDENT: Will you all please rise for a moment of silence.

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

THE PRESIDENT: Thank you.

Senator Perkins again.

SENATOR PERKINS: Mr. President, I rise to ask that my colleagues join me in signing onto the resolution.

THE PRESIDENT: If there are any members who do not wish to be on the resolution, let the desk know.

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

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution is adopted.

I would like to note that we're joined by two members of the Assembly, Assemblyman Farrell and Assemblyman Hayes, who I believe are here out of respect for Mr. Sutton and would like to make brief statements.

ASSEMBLYMAN FARRELL: Thank you, Mr. President.

The Assembly is organized and prepared to open a joint session of the Legislature for the purpose of receiving the Governor's annual State of the State message. They inform us that they will be prepared for you to come. We welcome you.

Thank you.

THE PRESIDENT: Thank you.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's another privileged resolution at the desk by Senator Maziarz. I ask at this time 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 Maziarz, Legislative Resolution Number 3542, mourning the untimely death of specialist Jason M. Johnston, of Albion, New York, and paying tribute to his courageous actions as a member of the United States Army.

"WHEREAS, The courage and bravery of our military personnel since the United States Armed Forces commenced Operation Iraqi Freedom will ensure our continued role as a nation which embodies the ideals of democracy, and as a defender of liberty for people throughout the world; and

"WHEREAS, Members of the armed services from the State of New York, who have served so valiantly and honorably during Operation Iraqi Freedom, deserve a special

salute from this Legislative Body; and

"WHEREAS, It is with feelings of deepest regret that this Legislative Body mourns the untimely death of Specialist Jason M. Johnston, of Albion, New York, in Orleans County, and pays tribute to his courageous actions as a member of the United States Army; and

"WHEREAS, Army Specialist Jason M. Johnston was killed in action in southern Afghanistan on December 26, 2009; and

"WHEREAS, Specialist Johnston, who was 24 years old, was serving with 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, when he fell victim to an improvised explosive device; and

"WHEREAS, The heroism of a soldier like Specialist Johnston is beyond measure, and his death bespeaks of his ultimate and steadfast commitment to serving the people of the United States of America; and

"WHEREAS, Specialist Johnston had previously served a 13-month tour of duty in

Afghanistan, and his second deployment to that country began in October 2009. He is the first war casualty from Orleans County since the Vietnam War; and

"WHEREAS, The remains of Specialist Johnston were flown from Dover to Rochester. And on Sunday, January 3, 2010, a motorcade brought him back to Albion. Hundreds upon hundreds of people lined the route, withstanding freezing and snowy conditions to salute him as he passed; and

"WHEREAS, A Mass of Christian Burial was celebrated for Specialist Jason M. Johnston on Tuesday, January 5, 2010, at St. Joseph's Church in Albion. He will be buried with full military honors in Mount Albion Cemetery; and

"WHEREAS, Jason Johnston has been posthumously named an honorary member of the Albion Fire Department. He was actively involved with the department's Explorer Post when he was a teenager; and

"WHEREAS, Specialist Jason M. Johnston is survived by his parents, Brad and

Jenny Johnston, and three sisters, Carrie, Holly, and Heather. The Albion Elks Lodge will present Jason's family with the Medal of Valor on January 8, 2010; and

"WHEREAS, The freedoms and security we cherish as Americans come at a very high price for those serving in the military in times of conflict. It is fitting and proper that we who are the beneficiaries of those who risk their lives, leaving their families behind, express our appreciation and eternal gratitude for their sacrifices and courageous acts; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the untimely death of Specialist Jason M. Johnston of Albion, New York, and pay tribute to his courageous actions as a member of the United States Army; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Specialist Jason M. Johnston."

THE PRESIDENT: Do you wish to

speak on the resolution, Senator?

SENATOR MAZIARZ: Thank you very much, Mr. President. I appreciate, on this very special day, that we would pause.

And I ask all my colleagues to join me in this resolution honoring the sacrifice and service of Jason Johnston, and in thanking his parents, Brad and Jenny, who were informed the day after Christmas that their only son was killed in the war in Afghanistan.

Jason was a good kid from a great community in Albion in Orleans County. I can't tell you, I was so proud yesterday, after Jason's funeral, to drive down Main Street in the funeral procession and to see the Albion School District had released all of the students -- from kindergarten through twelfth grade, 2400 students stood along Main Street and formed a procession, all of them holding American flags in honor of this great young man.

So again, I thank my colleagues and ask all of you to join me on this resolution in honoring a real good soldier, great

American, great citizen, and a great son.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Maziarz.

Are there any other Senators who wish to be heard on this?

If not, all in favor please indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there are several privileged resolutions at the desk by Senator Sampson. I ask that they be read in their entirety and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: The Assembly sent for concurrence Assembly Concurrent Resolution Number 820.

Senator Sampson moved to substitute Senate Concurrent Resolution Number 3544 for Assembly Concurrent Resolution Number 820.

THE PRESIDENT: 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 assembly in the Assembly Chamber at 1 o'clock p.m. today for the purpose of receiving a message from the Governor."

THE PRESIDENT: The question is on the concurrent resolution. All those in favor please indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed?

(No response.)

THE PRESIDENT: The concurrent resolution is adopted.

The Secretary will continue to

read.

THE SECRETARY: By Senator Sampson, Senate Resolution Number 3545, establishing a committee of the Senate to wait upon the Governor.

"RESOLVED, That a committee of two be appointed by the Temporary President of the Senate to wait upon and inform the Governor that the Senate has adjourned its 2009 session sine die and has again convened and is organized and ready to proceed to business and will meet with the Assembly in joint session in the Assembly Chamber at 1 o'clock p.m. today to receive the Governor's message."

THE PRESIDENT: The question is on the resolution. All in favor indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution is adopted.

The chair appoints Senators Aubertine and Leibell to inform the Governor

that the Senate is organized and ready to proceed with business and will meet with the Assembly in joint session in the Assembly Chamber shortly to receive the Governor's annual message.

The Secretary will continue to read.

THE SECRETARY: By Senator Sampson, Senate Resolution Number 3546, establishing a committee of the Senate to wait upon the Assembly.

"RESOLVED, That a committee of two be appointed by the Temporary President to wait upon the Assembly and inform that Honorable Body that the Senate has adjourned its 2009 session sine die and has again convened and is organized and ready to proceed to business and will meet with the Assembly in joint session in the Assembly Chamber at 1 o'clock p.m. to receive the Governor's message."

THE PRESIDENT: The question is on the resolution. All in favor please indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution is adopted.

The chair appoints Senator Stewart-Cousins and Senator Young to inform the Assembly that the Senate is organized and ready to proceed with business and will meet in joint session in the Assembly Chamber shortly to receive the Governor's annual message.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of the Temporary President, I hand up the following committee and leadership appointments.

THE PRESIDENT: To be filed in the Journal.

Senator Klein.

SENATOR KLEIN: Mr. President, is there any further business at the desk?

THE PRESIDENT: The desk is clear.

SENATOR KLEIN: There being none, Mr. President, I move that the Senate adjourn until Monday, January 11, 2010, intervening days being legislative days. And we will adjourn until Monday at 3:00 p.m.

THE PRESIDENT: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Monday, January 11, 2010, at 3:00 p.m., intervening days being legislative days, and will now proceed to the Assembly Chamber.

(Whereupon, at 1:10 p.m., the Senate adjourned.)