NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 18, 2010

8:20 p.m.

EXTRAORDINARY SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT VALESKY: The Senate will please come to order.

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

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

ACTING PRESIDENT VALESKY: In the absence of clergy, may we bow our heads in a moment of silence.

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

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, is there a proclamation from the Governor at the desk?

ACTING PRESIDENT VALESKY: There is a proclamation 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

and the Assembly of the State of New York in Extraordinary Session, at the Capitol, in the City of Albany, on the 18th day of January, 2010, at 8 o'clock p.m., for the purpose of considering legislation I will submit with respect to significantly increasing New York State's likelihood of winning the maximum allocable funds for education in the federal Race to the Top competition, and for the consideration of legislation with respect to such other subjects as I may recommend.

"Given under my hand and the Privy Seal of the State in the city of Albany this 17th day of January in the year 2010, by the Governor, David A. Paterson."

ACTING PRESIDENT VALESKY: The proclamation have been read, we are in extraordinary session.

Senator Klein.

SENATOR KLEIN: Mr. President, can you please have the Secretary call to determine if we have a quorum present.

ACTING PRESIDENT VALESKY: The Secretary will proceed with a quorum call.

THE SECRETARY: Senator Adams.
SENATOR ADAMS: Yes.
THE SECRETARY: Senator Addabbo.
SENATOR ADDABBO: Yes.
THE SECRETARY: Senator Alesi.
SENATOR ALESI: Here.
THE SECRETARY: Senator Aubertine.
SENATOR AUBERTINE: Present.
THE SECRETARY: Senator Bonacic.
SENATOR BONACIC: Here.
THE SECRETARY: Senator Breslin.
SENATOR BRESLIN: Here.
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: Here.
THE SECRETARY: Senator Diaz.
SENATOR DIAZ: Present.
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.
SENATOR FLANAGAN: Here.
THE SECRETARY: Senator Foley.
SENATOR FOLEY: Present.
THE SECRETARY: Senator Fuschillo.
SENATOR FUSCHILLO: Present.
THE SECRETARY: Senator Golden.
SENATOR GOLDEN: Yeah.
THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: Here.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Here.
THE SECRETARY: Senator Hassell-Thompson.
SENATOR HASSELL-THOMPSON: Here.
THE SECRETARY: Senator Huntley.
SENATOR HUNTLEY: Here.
THE SECRETARY: Senator C. Johnson.
SENATOR CRAIG JOHNSON: Here.
THE SECRETARY: Senator O.

Johnson.

SENATOR OWEN JOHNSON: Here.

THE SECRETARY: Senator Klein.

SENATOR KLEIN: Here.

THE SECRETARY: Senator L. Krueger.

SENATOR LIZ KRUEGER: Here.

THE SECRETARY: Senator C. Kruger.

SENATOR CARL KRUGER: Present.

THE SECRETARY: Senator Lanza.

SENATOR LANZA: Present.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Present.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: Here.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Here.

THE SECRETARY: Senator Libous, excused.

Senator Little.

SENATOR LITTLE: Present.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Here.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator McDonald.

SENATOR McDONALD: Here.

SENATOR WINNER: Mr. President.

ACTING PRESIDENT VALESKY: Senator Winner, why do you rise?

SENATOR WINNER: Thank you. Mr. President, can we have a complete roll call for the quorum? It's always very disappointing for me, in the end of the alphabet, not to be able to answer.

ACTING PRESIDENT VALESKY: Senator Winner, a quorum has been established at this time.

SENATOR WINNER: Can we have a complete quorum call of all the members to determine who is present and who is not present.

ACTING PRESIDENT VALESKY: The Secretary will continue with the roll call of the members.

THE SECRETARY: Senator

Monserrate.

SENATOR MONSERRATE: Here.

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 SECRETARY: Senator Parker.

(No response.)

THE SECRETARY: Senator Perkins.

SENATOR PERKINS: Here.

THE SECRETARY: Senator Ranzenhofer.

SENATOR RANZENHOFER: Here.

THE SECRETARY: Senator Robach.

SENATOR ROBACH: Here.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Here.
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.
SENATOR SEWARD: Here.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Here.
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: Present.
THE SECRETARY: Senator Stewart-Cousins.
(No response.)
THE SECRETARY: Senator Thompson.
SENATOR THOMPSON: Here.
THE SECRETARY: Senator Valesky.
ACTING PRESIDENT VALESKY: Here.
THE SECRETARY: Senator Volker.
SENATOR VOLKER: Here.
THE SECRETARY: Senator Winner.
SENATOR WINNER: Here.
THE SECRETARY: And Senator Young.
SENATOR YOUNG: Here.
ACTING PRESIDENT VALESKY: Senator Klein, a quorum has been established. The extraordinary session may proceed.
SENATOR KLEIN: Mr. President, I believe there's a privileged resolution at the desk. I ask that the resolution be read in its entirety and move for its immediate adoption.
ACTING PRESIDENT VALESKY:

Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Sampson, Senate Resolution Number 1, providing for the introduction of bills in the Senate during Extraordinary Session.

"RESOLVED, That notwithstanding any provision of the rules to the contrary, all bills introduced when the Senate is in Extraordinary Session shall be by the Committee on Rules or on message from the Assembly, and shall be referred to the Committee on Rules of the Senate, with the exception of any bills making an appropriation, which shall be referred to the Committee on Finance of the Senate pursuant to the Legislative Law Section 23."

ACTING PRESIDENT VALESKY: The question is on the resolution. All in favor

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: I'd like to ask a question of the esteemed Deputy Majority Leader.

Do we expect this evening -- now, the Governor's bill went to Rules? Are we going to have a discussion or a debate on the Governor's bill this evening?

ACTING PRESIDENT VALESKY: Senator Klein.

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

ACTING PRESIDENT VALESKY: Senator Klein, the desk is clear.

SENATOR KLEIN: Mr. President, there being none, I adjourn at the call of the Temporary President.

SENATOR WINNER: Mr. President.

ACTING PRESIDENT VALESKY: There being no further business --

SENATOR WINNER: Mr. President --

ACTING PRESIDENT VALESKY: -- the Senate will stand in recess at the call of the Temporary President.

SENATOR WINNER: -- I'd like a roll call on the motion to adjourn.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, I don't believe that the roll call is subject to adjournment. We adjourned.

SENATOR WINNER: I'd like a fast roll call on the motion to adjourn, Mr. President, by a show of hands.

A motion to adjourn is by a vote of the majority of those present. And we'd like to see a vote -- a show of hands to see --

SENATOR KLEIN: Mr. President, at this time can we please stand at ease.

SENATOR WINNER: -- whether or not a majority is present.

ACTING PRESIDENT VALESKY: The Senate stands at ease.

SENATOR WINNER: Mr. President, I'd like a vote on the motion to stand at ease. Mr. President.

Mr. President, point of order.

ACTING PRESIDENT VALESKY: Senator Winner, state your point of order.

SENATOR WINNER: There is a motion before the house as to whether or not there has been a majority vote to stand at ease.

I ask for a recorded vote on the motion to stand at ease. It is not my understanding that there is a majority vote in support of that motion. Therefore, I would like to have a vote on the motion to stand at ease.

ACTING PRESIDENT VALESKY: Senator Winner, your motion is out of order. There is no requirement for a vote to stand at ease.

SENATOR WINNER: Mr. President, I would like to appeal the ruling of the chair.

SENATOR KLEIN: Mr. President, I ask you allow for a vote on the overruling of the chair.

ACTING PRESIDENT VALESKY: That's what we will proceed with at this time.

All those in favor of overruling the decision of the chair please signify by raising your hand.

SENATOR WINNER: Slow roll call.

ACTING PRESIDENT VALESKY: Once again, all in favor of overruling the decision of the chair please raise their hand.

The Secretary will announce the results.

THE SECRETARY: Ayes, 29. Nays, 29.

SENATOR WINNER: Mr. President.

ACTING PRESIDENT VALESKY: Having -- excuse me one second, Senator Winner.

Having failed to obtain the necessary votes, the ruling of the chair is sustained and the appeal is denied.

SENATOR WINNER: Mr. President,

point of order.

ACTING PRESIDENT VALESKY: The Senate will stand at ease.

SENATOR WINNER: Point of order, Mr. President. Mr. President, point of order.

(Whereupon, the Senate stood at ease at 8:29 p.m.)

(Whereupon, the Senate reconvened at 9:08 p.m.)

ACTING PRESIDENT VALESKY: Senator Aubertine.

SENATOR AUBERTINE: Thank you, Mr. President.

I'd like to make a motion that we adjourn at the call of the President Pro Tem.

ACTING PRESIDENT VALESKY: On motion, the Senate stands adjourned at the call of the Temporary President.

(Whereupon, at 9:09 p.m., the Senate adjourned.)