NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 27, 2010

7:07 p.m.

EXTRAORDINARY SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

I ask all to rise and repeat with me the Pledge of Allegiance.

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

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

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

ACTING PRESIDENT BRESLIN: Senator Smith.

SENATOR SMITH: Yes, Mr. President. It is my understanding that the Governor has issued a proclamation that seeks to convene the legislative extraordinary session.

ACTING PRESIDENT BRESLIN: Yes, Senator Smith, we have received such a message from the Governor.

SENATOR SMITH: Mr. President, as you and my colleagues will recall, the Governor convened this Senate into

extraordinary session on January 18th, and we have remained in such an extraordinary session without adjourning sine die.

Therefore, I would suggest that the proclamation is not valid, as it asserts powers that the Governor does not constitutionally possess.

ACTING PRESIDENT BRESLIN: Senator Smith, your point is well taken. Inasmuch as the Senate remains in extraordinary session, the Governor cannot convene this house into an additional extraordinary session.

The Governor does have the power, however, to recommend additional subject matters beyond those he enumerated in his initial proclamation.

I am therefore willing that the communication from the Governor that is currently before the house be deemed a message recommending additional subject matter to be considered as part of the extraordinary session convened on January 18, 2010.

The Secretary will read the message from the Governor.

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 twenty-seventh day of June, two thousand ten, at seven o'clock p.m., for the purpose of considering legislation I will submit with respect to various items, 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 twenty-sixth day of June in the year two thousand ten, David A. Paterson, Governor."

ACTING PRESIDENT BRESLIN: Senator Smith.

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

ACTING PRESIDENT BRESLIN: Senator Smith, the desk is clear.

SENATOR SMITH: There being no further business at the desk, I move that we adjourn at the call of the Temporary

President.

ACTING PRESIDENT BRESLIN: There being no further business, the Senate will stand in recess at the call of the Temporary President.

(Whereupon, at 7:10 p.m., the Senate adjourned.)