

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 June 27, 2010

11 7:07 p.m.

12
13
14 EXTRAORDINARY SESSION

15
16
17
18
19 SENATOR NEIL D. BRESLIN, Acting President

20 ANGELO J. APONTE, Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT BRESLIN:
14 Senator Smith.

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

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

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

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

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

8 ACTING PRESIDENT BRESLIN:

9 Senator Smith, your point is well taken.
10 Inasmuch as the Senate remains in
11 extraordinary session, the Governor cannot
12 convene this house into an additional
13 extraordinary session.

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

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

24 The Secretary will read the message
25 from the Governor.

1 THE SECRETARY: "Pursuant to the
2 power vested in me by Article IV, Section 3 of
3 the Constitution, I hereby convene the Senate
4 and the Assembly of the State of New York in
5 Extraordinary Session, at the Capitol, in the
6 City of Albany, on the twenty-seventh day of
7 June, two thousand ten, at seven o'clock p.m.,
8 for the purpose of considering legislation I
9 will submit with respect to various items, and
10 for the consideration of legislation with
11 respect to such other subjects as I may
12 recommend.

13 "Given under my hand and the Privy
14 Seal of the State in the City of Albany this
15 twenty-sixth day of June in the year two
16 thousand ten, David A. Paterson, Governor."

17 ACTING PRESIDENT BRESLIN:
18 Senator Smith.

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

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

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

1 President.

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

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25