NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 28, 2010

6:46 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 everyone present to rise and repeat with me again 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 in a moment of silence.

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

ACTING PRESIDENT BRESLIN: Senator Klein.

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

ACTING PRESIDENT BRESLIN: Senator Klein, there is a proclamation from the Governor 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 twenty-eighth day of July, two thousand ten, at six 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 July in the year two thousand ten.

"By the Governor, David A. Paterson."

ACTING PRESIDENT BRESLIN: The proclamation having been read, the Senate is in extraordinary session.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: Senator Klein, has this resolution been deemed

privileged and submitted to the office of the Temporary President?

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

ACTING PRESIDENT BRESLIN: The question is on the concurrent resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT BRESLIN: Senator Libous.

SENATOR LIBOUS: Are there bills before the house, based on this resolution, that are going to be read?

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, at this time the Senate leaders and the Governor and the Assembly submitted proposals to the

Governor. We're currently awaiting the Governor's response. Pending the resolution of negotiations, we won't be acting on any bills tonight.

ACTING PRESIDENT BRESLIN: Then, Senator Libous, at this time there are no bills before us.

SENATOR LIBOUS: So the Governor has not submitted any bills to the Senate for special session?

ACTING PRESIDENT BRESLIN: At this particular moment -- you are correct, Senator Libous -- we are awaiting those bills from the Governor.

SENATOR LIBOUS: So we are waiting for those bills, Mr. President? We have started special session but we do not have the bills from the Governor?

ACTING PRESIDENT BRESLIN: To repeat, Senator Libous, the Governor has submitted to us a proclamation. In response to that, there have been items given to the Governor, and it is a process that has not yet been concluded.

SENATOR LIBOUS: So the purpose

of today's special session was not to conduct any business or pass any legislation.

ACTING PRESIDENT BRESLIN: The purpose of today's session was in accordance and adherence to the proclamation submitted to the Senate.

SENATOR LIBOUS: Which had legislation attached.

ACTING PRESIDENT BRESLIN: Asked and answered, Senator Libous. Thank you.

SENATOR LIBOUS: I'm sorry, Mr. President?

ACTING PRESIDENT BRESLIN: Asked and answered.

SENATOR LIBOUS: I don't -- Mr. President, I disagree. The Governor specifically said publicly that he was sending up several items for the Legislature to take action on, and I don't believe those items are before the house.

ACTING PRESIDENT BRESLIN: That's been asked and answered, Senator Libous. You are correct.

SENATOR LIBOUS: Thank you, Mr. President.

SENATOR DeFRANCISCO: Point of order.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I just have a question.

If a special session was called bringing everybody from throughout the state at great expense to the taxpayers of the State of New York when we're in a budget deficit situation -- and you're saying the Governor, after calling that, has not submitted any bills for consideration? Is that what you're saying?

ACTING PRESIDENT BRESLIN: I'm saying the process is yet to be completed. At this point in time you are technically correct, Senator DeFrancisco.

SENATOR DeFRANCISCO: Well, let me try to clarify it.

The process to be completed is a proclamation for a special session with bills attached to it. My question: Has that process been completed, in that has the Governor submitted the bills that were

attached to the proclamation that we're supposed to deal with in special session today?

ACTING PRESIDENT BRESLIN: I'd suggest that if you read the proclamation, it goes over subjects to be considered dealing with particular areas of legislation. And that process has not been completed.

SENATOR DeFRANCISCO: It's not been completed because we haven't considered anything.

Are we going to consider it in accordance with the proclamation of the Governor for everyone from throughout the state to come up here at the taxpayers' expense?

ACTING PRESIDENT BRESLIN: We'll be convening in extraordinary session, Senator DeFrancisco, and I would anticipate that in the coming days we will take up that particular legislation submitted to us by the Governor.

SENATOR DeFRANCISCO: But not today.

ACTING PRESIDENT BRESLIN:

Obviously not. That's been asked and answered. You're correct.

SENATOR DeFRANCISCO: I didn't realize I was in court. But --

ACTING PRESIDENT BRESLIN: Well, but it's --

SENATOR DeFRANCISCO: Thank you very much.

ACTING PRESIDENT BRESLIN: But when you answer it four or five times --

SENATOR DeFRANCISCO: Okay, thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator DeFrancisco.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the privileged resolution Senate 1, it indicates that all bills that will be introduced during extraordinary session will be referred to the Rules Committee or, I believe, to the Finance Committee.

Have there been bills accepted by the Senate Democrat Majority that have been sent to us by the Governor to be taken up at the extraordinary session?

ACTING PRESIDENT BRESLIN: No, Senator Skelos, there have been no specific bills submitted to us by the Governor.

SENATOR SKELOS: So the Governor has not sent up any bills for this extraordinary session.

ACTING PRESIDENT BRESLIN: That's correct, Senator Skelos.

SENATOR SKELOS: Have they been sent up and the Senate not accepted those pieces of legislation?

ACTING PRESIDENT BRESLIN: The answer to that is no. The process is ongoing. We anticipate the completion of the process at a later point in the extraordinary session.

SENATOR SKELOS: I guess my question is we've heard about process, Senator Carl Kruger has mentioned about critical mass. Are we at that critical mass yet where we're going to have bills before the chamber to either vote yes or no to be referred to Rules?

Will there be a Rules Committee meeting, a Finance Committee meeting tonight during extraordinary session? Or is the intent to gavel in, basically, and gavel out?

ACTING PRESIDENT BRESLIN: Senator Skelos, we will not gavel out. We will continue in extraordinary session with the expectation that we will receive bills that we will act upon.

SENATOR ROBACH: Senator Breslin.

ACTING PRESIDENT BRESLIN: I'm sorry. Senator Robach, why do you rise?

SENATOR ROBACH: You know, on that questioning, I guess I'd like to ask, in particular, we've all been following this; our constituents want to know what's going on. Where I live, people are very concerned -- the Governor has made the statement and been in the media saying one of the bills he's put up was a property tax cap.

Will we be taking that bill up at some point during this process? I think it's important to know.

ACTING PRESIDENT BRESLIN: I guess, Senator Robach, you're asking questions that are beyond the chair at this point in time. Is there a point of order that you would wish to make?

SENATOR ROBACH: I guess the

point of order is why are we here if we're not going to take up the Governor's bills?

And I guess I'm wishfully requesting that a bill we've talked about for a long time that the Governor says he agrees with also on the property tax cap, I would hope we would minimally take up that bill.

ACTING PRESIDENT BRESLIN: Thank you, Senator Robach.

Senator Sampson.

SENATOR SAMPSON: Thank you very much, Senator Robach. And I hope to take up that bill that deals with a property tax cap.

At this point in time, just a point of clarification. The Governor has sent the bills up to us. We are in disagreement with respect to the revenue bill, which we have not accepted. We will be taking up that and introducing those bills during extraordinary session at some point in time.

Just to further clarify, I expect to have a discussion with respect to the Governor dealing with a lot of these bills that he has sent up to us sometime this evening.

Just for a point of clarification to all the members in the chamber. Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Sampson. I stand corrected.

Senator Libous.

SENATOR LIBOUS: I now stand to say thank you to Senator Sampson, because the bills were sent up. And it was very disappointing to hear from the chair that the bills were not sent up from the Governor's office.

ACTING PRESIDENT BRESLIN: I stand corrected, Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR SKELOS: Mr. President, if I could just --

ACTING PRESIDENT BRESLIN: Sure. Senator Skelos.

SENATOR SKELOS: -- ask one further question.

I'm not sure what the procedure is -- and perhaps our good friends at the desk

can inform you and you can inform the membership -- when the Governor sends bills to the Senate or to the Assembly to be acted upon -- obviously, I'm concerned about the Senate -- are they time-stamped as to when they are accepted and when we do receive them?

And if they have been sent, could you inform us if they have been accepted and the time of the acceptance?

ACTING PRESIDENT BRESLIN: Absolutely, Senator Skelos. I do not have that information available to me now. I certainly will provide it to you.

SENATOR SKELOS: Is this -- at what point of critical mass will we be informed about this?

ACTING PRESIDENT BRESLIN: I'm presiding over the house. That certainly isn't a question for me acting as the president of the session.

SENATOR SKELOS: So it's on the radar screen somewhere.

ACTING PRESIDENT BRESLIN: And I would expect to be able to have an answer for you tonight.

Senator Klein.

SENATOR KLEIN: Mr. President, now that we've reached the point of critical mass, can you please call on Senator Ruth Hassell-Thompson for an announcement.

ACTING PRESIDENT BRESLIN: Senator Ruth Hassell-Thompson.

SENATOR LIBOUS: Mr. President, point of order. I don't believe we've voted on the resolution yet.

ACTING PRESIDENT BRESLIN: On the resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Now can we please call on Senator Ruth Hassell-Thompson for an announcement, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: There is to be an immediate meeting of the Senate Majority in Room 332.

ACTING PRESIDENT BRESLIN: Senator Klein.

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

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

SENATOR KLEIN: There being no further business, Mr. President, I move that we adjourn until Thursday, July 29th, at 10:00 a.m.

ACTING PRESIDENT BRESLIN: There being no further business, the Senate stands adjourned until Thursday, July 29th, at 10:00 a.m.

(Whereupon, at 6:57 p.m., the Senate adjourned.)