NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 25, 2011

3:18 p.m.

REGULAR SESSION

SENATOR JOHN J. FLANAGAN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

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

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

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

ACTING PRESIDENT FLANAGAN: Today's invocation will be offered by the Reverend Peter Young, from Mother Teresa Community, Albany.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

We can remember instances when we needed a little mercy. Maybe we needed an extension on a project. Maybe we needed a loan or, often the case, we needed forgiveness from someone we had hurt. Remember the sigh of relief when mercy was granted and grief and disappointment when it was denied.

All-merciful God, You give us what we need in this chamber today, and constantly forgive us. Grant us that we will be generous in our mercy toward all of our New York State

citizens. May we be known as Senators of mercy and of forgiveness.

Amen.

ACTING PRESIDENT FLANAGAN: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, January 24, the Senate met pursuant to adjournment. The Journal of Sunday, January 23, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FLANAGAN: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 6, Senator Flanagan moves to discharge, from the Committee on Finance, Assembly Bill Number 2289 and substitute it for the identical Senate Bill Number 2026, Third Reading Calendar 9.

ACTING PRESIDENT FLANAGAN: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, could you call on Senator Breslin, please, for a motion.

ACTING PRESIDENT FLANAGAN: Senator Breslin on a motion.

SENATOR BRESLIN: Mr. President, on behalf of Senator Stavisky, I move that the following bill be discharged from the Committee on Transportation and be recommitted with instructions to strike the enacting clause: Senate Print 1219.

ACTING PRESIDENT FLANAGAN: So ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Can we adopt the Resolution Calendar, with the exception of Resolution

Number 292, please.

ACTING PRESIDENT FLANAGAN: All in favor of adopting the Resolution Calendar, with the exception of Resolution 292, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT FLANAGAN: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, thank you.

I believe there's a privileged resolution at the desk by Senator Smith. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: By Senator Smith, legislative resolution commending Bishop Joseph Mattera upon the occasion of his 30-year Anniversary, to be celebrated on January 29, 2011.

ACTING PRESIDENT FLANAGAN: Is there any Senator wishing to be heard on the resolution?

Hearing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a resolution at the desk, Number 292, by Senator Peralta. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: By Senator Peralta, Legislative Resolution Number 292, commemorating the 167th Anniversary of the Dominican Republic Independence, to be

celebrated on February 27, 2011.

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

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe that Senator Peralta would like to open up his resolution for cosponsorship. As we have always put before the house, if there's a member who wishes not to be on, to let the desk know, please.

ACTING PRESIDENT FLANAGAN: This resolution is open for cosponsorship. Should anyone not wish to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be an immediate meeting of the

Rules Committee in Room 332, and I ask that the Senate --

ACTING PRESIDENT FLANAGAN: Senator Sampson.

SENATOR SAMPSON: Point of personal privilege, Senator.

SENATOR LIBOUS: Absolutely, Mr. President.

ACTING PRESIDENT FLANAGAN: State your point of personal privilege, Senator Sampson.

SENATOR SAMPSON: Mr. President, about two hours ago our conference received rules reform, a resolution dealing with rules and governing the Senate chamber for the next two years.

What I'm asking the Majority is although we did ask you to give us these rules changes before next week, we didn't expect to receive them two hours before we were going into session today.

These rules are too important, especially when we're dealing with governing this chamber and the way we conduct our business for the next two years, particularly

not only dealing with possibly close to upwards of a $11 billion budget deficit this year but also next year.

We believe that this course of conduct, when we're talking about restoring decorum and respect back to the chamber and working in a bipartisan fashion to deal with the economic impact that is truly going to destroy a lot of things that we believe in throughout this state and also this economy -- we believe that more time is needed, especially when we're dealing with these rules.

When we took over the majority in 2009, we had public hearings dealing with these rule reforms. Certain changes were made. We're just asking at this point in time, to receive these changes two hours before we went into session today, we feel that this disenfranchises the people who have sent us to Albany to represent them.

In November, people wanted change and they got change. And they wanted government to do things differently. But we are going backwards. When I remember, my

colleagues on the other side of the aisle vehemently talked about the process, talked about how you weren't involved, talked about how you're getting these documents an hour or two hours before we engaged into vital, vital debate on certain issues.

This is all about establishing decorum but, most of all, respecting the voters who have sent us to Albany to represent them here in this State Capitol.

That is my point of personal privilege, meaning that a document of such importance, we should put the consideration of the rules until next week, Mr. President.

Thank you very much, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Sampson, I appreciate your point of personal privilege, but we are at a point now where the Rules Committee is going to be meeting in Room 332. The Senate will be standing at ease.

The points you raise, while they may be well-taken in a different context, are out of order now because, frankly, we don't have these reforms before the house right now.

We have to go to committee. Your comments presuppose action that has not been taken by the committee. Therefore, the Rules Committee should meet in Room 332.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:26 p.m.)

(Whereupon, the Senate reconvened at 5:12 p.m.)

ACTING PRESIDENT FLANAGAN: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

If we could go to the noncontroversial reading of the calendar, please.

ACTING PRESIDENT FLANAGAN: Clerk will read.

THE SECRETARY: Calendar Number 9, substituted earlier today by Member of the

Assembly Nolan, Assembly Print Number 2289, an act to amend the Education Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Perkins and Sampson recorded in the negative.

ACTING PRESIDENT FLANAGAN: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, can you just hang for a second.

(Pause.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Libous.

SENATOR LIBOUS: Business for the day is concluded. I would ask, in consultation with Senator Sampson, that we stand at ease pending the discussion between

the Majority and the Minority in handing up some assignments.

So the Senate will stand at ease, but there will be no other business taken up today.

ACTING PRESIDENT FLANAGAN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:15 p.m.)

(Whereupon, the Senate reconvened at 5:30 p.m.)

ACTING PRESIDENT MAZIARZ: Senator Libous.

SENATOR LIBOUS: Thank you, Senator Maziarz.

In consultation with the Minority, I believe that Senator Sampson and Senator Skelos are handing up the following changes in leadership assignments. I would ask that they be accepted at the desk and filed.

ACTING PRESIDENT MAZIARZ: The leadership assignments as presented are accepted at the desk.

Any further business, Senator Libous?

SENATOR LIBOUS: Thank you, Mr. President.

There being no further business, I move that we adjourn until Monday, January 31st, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MAZIARZ: The Senate stands adjourned until Monday, January 31st, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 5:31 p.m., the Senate adjourned.)