

WEDNESDAY, JANUARY 7, 2009

12:17 P.M.

ACTING SPEAKER DANDLES: A quorum being present, the House will come to order.

We'll open the 232nd Session of the New York State Assembly with a prayer from Rabbi Reuven Feinstein.

RABBI REUVEN FEINSTEIN: This most talented Assembly of the greatest State of the greatest nation stands against the most dire of situations and challenges unprecedented in our lifetime. It is the loss of public and private confidence in the financial markets worldwide. The financial situation facing our State, our nation and the world is comprised of a myriad of factors, the most significant of which being the lack of confidence and trust of the American people

in our financial institutions, as well as intra-trust within the banking and business communities.

The situation has further deteriorated since the election. The scope and impact of this challenge has touched not only the financial elite, but all men, women and children in every walk of life. Our brethren have lost their livelihoods, their pensions, their homes, their properties and their confidence. Many of the citizens of this great State and this great nation have become dependant upon the charity of others.

The Great Depression impacted primarily on the well-to-do. The poor who lived in cold water flats continued to do so while the more affluent fell from their financial heights, whereas today, the situation impacts the poor and rich equally, presenting new and difficult hardships so that our generation, a generation of prosperity, comfort and instant gratification, are afraid to spend their resources even on the most basic necessities. As a nation, we have been traumatized. The public's reaction has been in direct response to perceived fear, resulting in reduced spending, which, in turn, reduces tax revenue. The ripple effect of this behavior could literally cascade into a financial tsunami.

Leadership and trust -- two badges of honor that this most talented group wears so well. The governing Body of this great State must not only continue to be the beacon of light in this time of challenge, you must double your efforts and strive to reach new heights yet unrealized. You must act to re-instill the confidence and

trust of the American people in the national and international financial markets. Just as a stone falling into still pond ripples outward exponentially to its impact, so to you must drive through your actions to re-invigorate the confidence, trust and hope of the citizens of New York and beyond, re-instilling the security and trust in the heart of men.

This weeks Torah reading relates that the eulogy of the patriarch Jacob was held on the threshing floor of thorns -- a strange description, considering that no one threshes thorns. The Talmud explains that these thorns were, in reality, the points on Joseph's Crown - as well as the crowns of the many kings present at Jacob's funeral - when these crowns were bunched together to resemble a thorn bush.

To understand the message and lesson, we must recognize that Joseph, as the Viceroy of Egypt, was responsible for addressing the first recession in recorded history. Through his actions, Egypt not only avoided a famine, but was able to provide sustenance for the surrounding countries. The reason Joseph removed his crown and placed upon it Jacob's bier was to say, "The reason I was able to save these many nations from starvation was due to the fact that Jacob, my father, instilled in me the core values of leadership, dedication and a desire to help those in need. He instilled in me the belief and understanding that being in a position of leadership is both an awesome responsibility, as well as a great privilege and honor. Not to abuse or manipulate others for personal profit, gain or

accomplishment, but, rather, to wield the powers of tools to build, protect and serve in any and all ways possible." The kings, recognizing this powerful and truthful message, followed suit. They, too, placed their crowns upon Jacob's bier in silent acknowledgement of the leadership lessons taught by Jacob.

The leaders of the State are within this room. The country's eyes are upon you. New York is recognized as the crossroads of the world. You are the guardians of that responsibility. Although the challenges might seem overwhelming - financial, economic, as well as the reestablishment of trust - know that you are equal to the task.

Since I was last here, we have a new Governor and a new Majority Leader of the Senate. These two talented and gifted individuals are joined by a third, my good friend, the Honorable Sheldon Silver, who remains at the helm of the Assembly as Speaker. From experience, I can give testimony to his dedication, vision and integrity. He has weathered many storms, overcome numerous challenges and conducted himself with the greatest of dignity. He has led with a compassionate and principled compass in paving the way for effective and beneficial legislation. I am hopeful that his leadership and expertise and experience, coupled with the dynamic skills, talents and vision of the new Governor and Majority Leader, will realize greatness.

Through the combined efforts of this most talented and gifted Assembly and their leadership, the New York Assembly

will not only continue to be a guiding light that dispels the darkness that will also serve as a beacon of hope, honor and courage that will navigate this great State and this great nation through turbulent water, shepherding us to safety and security upon the shores of prosperity.

May God grant this governing Body, and all governing bodies throughout the world, the wisdom to address the challenges facing our society. And may He bless our nation and the world with a quick financial and economic recovery, and that this Assembly, the most talented group of leaders in the world, lead through their righteousness, moral and ethical excellence, molding our future to bring prosperity, responsibility and success to all humanity. Amen.

ACTING SPEAKER DANDLES: Visitors are invited to join the members in reciting the Pledge of Allegiance.

(Whereupon, Acting Speaker Dandles led visitors and members in the Pledge of Allegiance.)

It is my pleasure to introduce Judge Carmen Beauchamp Ciparik for the purposes of administering the ceremonial Oath of Office.

JUSTICE CARMEN BEAUCHAMP CIPARIK:
Hello. Good afternoon. Hello, Rabbi. Thank you for your words. I'm here to administer the Oath of Office, so those of you who want to be sworn in, or not, if you would please stand - and we'll do this en masse - and I would ask you just to raise your right hand and repeat after me. I have to tell you that I was just over in the Senate and I did

it individually, one at a time. It took a very long time. If we were to do that here, we would be here until five o'clock this afternoon, so we'll do it en-masse. So, just repeat after me: "I," and state your name, "Do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of New York and that I'll faithfully discharge the duties of the office of Assemblymember, according to the best of my ability." You're now duly sworn. Congratulations to all of you.

(Applause)

ACTING SPEAKER DANDLES: We will now proceed to the first order of business, the election of the Speaker of the Assembly. Let the record indicate the following announcement adopted by the Majority members of the Assembly. The Acting Clerk will read.

THE ACTING CLERK: This to inform you that on the evening of Monday, November 17, 2008, the Democratic members of the New York State Assembly convened in party caucus and elected the Honorable Sheldon Silver as our nominee for the position of Speaker of the Assembly for the 2009-2010 Legislative Session. Signed, Richard N Gottfried.

ACTING SPEAKER DANDLES: The record will indicate the following announcement adopted by the Minority members of the Assembly. The Acting Clerk will read.

THE ACTING CLERK: Resolution of the Minority members of the Assembly, meeting on November 17, 2008 in relation

to the election of James N. Tedisco as Minority Leader of the Assembly for the years 2009-2010.

ACTING SPEAKER DANDLES: The Chair recognizes Mr. Gottfried for the purpose of offering a procedural resolution on the election of the Speaker of the Assembly.

MR. GOTTFRIED: It is my pleasure to offer up the following resolution, waive its reading and move its adoption.

ACTING SPEAKER DANDLES: The Acting Clerk will read the resolution.

THE ACTING CLERK: Resolution No. 1.

Assembly Resolution providing for the procedure for the election of the Speaker.

RESOLVED, That the House do now proceed to the election of Speaker for a term of two years, that the roll of the members be called by the Acting Clerk and that each member, as his or her name is called, openly name his or her choice for such office.

ACTING SPEAKER DANDLES: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

The Acting Clerk will call the roll and each member, as his or her name is called, will name his or her choice for the Speaker of the Assembly for the years 2009 and 2010.

(The Acting Clerk called the roll.)

ACTING SPEAKER DANDLES: Having received a majority of all the votes cast, I declare the Honorable Sheldon Silver

to be the duly elected Speaker of the Assembly for the years 2009 and 2010, and appoint Mr. Canestrari and Mr. Tedisco as a committee to escort the Speaker to the Chair.

(Applause)

THE SPEAKER: Thank you all very much. Before we begin I would like to pause for a moment of silence as we remember the innocent victims of the heinous terrorist attacks in Mumbai, India, including those victims from Brooklyn, New York and the rest of New York State.

(Whereupon, a moment of silence was observed.)

Let me also note that at the close of today's Session, we'll be taking up a resolution condemning the horrific terrorist attacks in Mumbai that occurred in November. We are honored today to be joined in this Chamber by Ambassador Dayal, the Consulate General of India. On behalf of the members of the Assembly, let me welcome you to our Chamber, extend to you the privileges of the floor.

(Applause)

We very much appreciate your joining us here today, Ambassador. Thank you very much.

This coming Monday, I'll address you in this Chamber about the Session and the significant challenges that we face. Right now in the presence of my family, my wife, Rosa, my son, Ed, my brother, Jerry, my mother in-law, Mrs. Bertha Mandelkern, let me just express to each and every member of this House how honored

I am to be your Speaker, and how privileged I am to serve with so many talented and dedicated leaders on both sides of the aisle.

Ron Canestrari has served the Majority Conference and this entire Body honorably, effectively, with grace and with dignity. I am confident that he will continue to serve with great distinction and dedication on our behalf and on behalf of the people of the State of New York. So, I hereby appoint him the Majority Leader for the 2009-2010 Session.

(Applause)

I now recognize Mr. Canestrari for the purpose of introducing the new members of the House.

MR. CANESTRARI: Thank you, Mr. Speaker, my colleagues and guests, and I appreciate the confidence you have shown in me once again, Mr. Speaker, and I look forward to working with you and my colleagues on both sides of the aisle as we work to fashion an agenda to meet the challenging times ahead.

As is our tradition, we, more in a detailed manner, introduce the newly elected members of the Assembly. But today, Mr. Tedisco on his side and myself on my side, would like to briefly introduce the new members .

From the great City of New York, the 22nd Assembly District, Grace Meng.

(Applause)

34th Assembly District, Michael DenDekker.

(Applause)

40th Assembly District, Inez Barron.

(Applause)

86th Assembly District, Nelson Castro.

(Applause)

100th Assembly District, Frank Skartados.

(Applause)

118th Assembly District from the North Country,
Addie Russell.

(Applause)

Thank you, Mr. Speaker.

THE SPEAKER: Mr. Tedisco to introduce the new members from the Minority side of the aisle.

MR. TEDISCO: Thank you, Mr. Speaker. And let me start off by congratulating you on that nail-biter election we had for Speaker of the House. I look forward to working with you and my colleagues for a productive year. And for all of us, in a bipartisan, non-partisan way, facing the significant and important challenges that face us.

Let me introduce to you, and I have the honor to do it, two outstanding new Assembly people from our side of the aisle: Jane Corwin from the 142nd Assembly District, Erie and Niagara Counties.

(Applause)

And from our own Capital Region, representing Saratoga County, Washington and Rensselaer County, Assemblyman

Tony Jordon from the 112th Assembly District.

(Applause)

THE SPEAKER: Congratulations to all of you. As the Majority Leader noted, we will have the opportunity next week to learn more about our new colleagues and to welcome them individually. For now, I would simply like to extend my most sincere congratulations, my warm welcome to all of you, and to give you the precaution I give all new members in this Chamber: It's usually all downhill from here.

The Governor's request for a Joint Session of the Legislature, the Acting Clerk will read.

THE ACTING CLERK: I would appreciate the privilege of appearing before your honorable Bodies in Joint Session on January 7, 2009 at 1 p.m., or as soon thereafter, as may be convenient, to personally deliver my annual message to the Legislature. Very truly yours, David A. Paterson.

THE SPEAKER: Mr. Canestrari.

MR. CANESTRARI: Mr. Speaker, I offer the following resolution and move its adoption.

THE SPEAKER: Message from the Senate, the Acting Clerk will read.

THE ACTING CLERK: Concurrent Resolution of the Senate and Assembly providing for a joint assembly for the purpose of receiving a message from the Governor.

RESOLVED, (if the Senate concur), That the Senate

and Assembly meet in joint assembly in the Assembly Chamber at one o'clock P.M. today, for the purpose of receiving a message from the Governor.

THE SPEAKER: Assembly Resolution, all those if favor signify by saying aye; those opposed, nay. The resolution is adopted.

Mr. Canestrari.

MR. CANESTRARI: I offer the following resolution and move its adoption, Mr. Speaker.

THE SPEAKER: The Acting Clerk are read.

THE ACTING CLERK: RESOLVED, that a committee of two will be appointed by the Speaker to wait upon the Governor and inform him of the election of the Honorable Sheldon Silver as Speaker in the Assembly, that the Assembly is organized and ready to proceed to business and will meet with the Senate in Joint Session in the Assembly Chamber at 1:00 p.m. today to receive the Governor's message.

THE SPEAKER: All those in favor signify by saying aye; opposed, nay. The resolution is adopted.

I hereby appoint Mr. Canestrari and Mr. Tedisco as the committee to wait upon the Governor, advise him of the election of the Speaker and call upon him to address a Joint Session of the Legislature.

Mr. Farrell.

MR. FARRELL: Mr. Speaker, I offer the following

resolution and move its adoption.

THE SPEAKER: The Acting Clerk will read the resolution.

THE ACTING CLERK: RESOLVED, that a committee of two be appointed by the Speaker to wait upon the Senate and inform that Honorable Body of the election of Honorable Sheldon Silver as Speaker of the Assembly, that the Assembly is organized and ready to proceed to business and will meet with your Honorable Body in Joint Session in the Assembly Chamber at 1:00 p.m. today to receive the Governor's message.

THE SPEAKER: All those in favor signify by saying aye; opposed, nay. The resolution is adopted. I hereby appoint Mr. Farrell and Mr. Hayes as a committee to wait upon the Senate to advise them of the election of the Speaker and invite them to a Joint Session of the Legislature.

Resolution by Ms. Weinstein.

MS. WEINSTEIN: Mr. Speaker, I offer the following resolution and urge its adoption.

THE SPEAKER: The Acting Clerk will read.

THE ACTING CLERK: Resolution No. 3.
Assembly Resolution providing for the election of Carol M. Herbst to the office of the Official Stenographer of the Assembly.

RESOLVED, That Carol M. Herbst be and she hereby is elected Official Stenographer of the Assembly for the years 2009 and 2010.

THE SPEAKER: All those in favor signify by saying aye; opposed, nay. The resolution is adopted.

I hereby declare Carol M. Herbst duly elected
Official Stenographer for the years 2009-2010.

Resolution by Mr. McEneny.

MR. MCENENY: Mr. Speaker, I offer the following
resolution and move for its adoption.

THE SPEAKER: The Acting Clerk will read.

THE ACTING CLERK: Resolution No. 4.
Assembly Resolution providing for the election of Wayne P. Jackson
to the office of Sergeant-at-Arms of the Assembly.

RESOLVED, That Wayne P. Jackson be and he
hereby is elected Sergeant-at-Arms of the Assembly for the years 2009
and 2010.

THE SPEAKER: All those in favor signify by saying
aye --

(Applause)

-- opposed, nay. The resolution is adopted.

(Applause)

I hereby declare Wayne P. Jackson duly elected
Sergeant-at-Arms of the Assembly for the years 2009-2010.

Resolution by Ms. Nolan.

MS. NOLAN: Thank you, Mr. Speaker. I offer the
following resolution to seat the members of the press in our Chamber
and urge its adoption. It's never the popular one, but we do want to do

it. Thank you.

THE SPEAKER: The Acting Clerk will read.

THE ACTING CLERK: Resolution No. 5.

Assembly Resolution directing the Clerk of the Assembly to arrange seats for representatives of the press.

RESOLVED, That upon the approval of the Speaker, the Clerk of the Assembly be and herby is directed to arrange seats for the accommodation of the representatives of the press.

THE SPEAKER: All those in favor signify by saying aye; opposed, nay. The resolution is adopted. Barely.

Ms. Hooper.

MS. HOOPER: Mr. Speaker, before I offer the resolution to adopt the Rules of the Assembly for the years 2009-2010, as we adopt the current rules, we do so with the knowledge that the improved operations of this Body remain a high priority. Thank you, Mr. Speaker.

THE SPEAKER: Resolution by Ms. Hooper, the Acting Clerk will read.

THE ACTING CLERK: Resolution No. 6.

Assembly Resolution providing for the adoption of the Rules of the Assembly for 2009-2010.

RESOLVED, That the rules of the Assembly for 2007 and 2008, as last amended, be adopted as the Rules of the Assembly for 2009 and 2010.

THE SPEAKER: The Acting Clerk will record the

vote.

(The Acting Clerk recorded the vote.)

MS. HOOPER: This is a slow roll call. All members please note this is a slow roll call. Thank you.

THE SPEAKER: This is a fast roll call. Those in the negative signify the vote in the negative.

The Acting Clerk will announce the results.

(The Acting Clerk announced the results.)

Will the negatives indicate so by raising their hands.

Minority in the negative. Any exceptions?

The Acting Clerk will announce the results.

(The Acting Clerk announced the results.)

The resolution is adopted.

I hereby recognize Ms. John for the purpose of offering a resolution on the election of the Clerk of the Assembly.

MS. JOHN: Thank you, Mr. Speaker. I offer the following resolution to name our newly appointed Clerk, known to many of us to be the Clerk of the Assembly.

THE SPEAKER: The Acting Clerk will read the resolution.

THE ACTING CLERK: Resolution No. 7.

Assembly Resolution providing for the election of Laurene R. Kretzler to the office of Clerk of the Assembly.

RESOLVED, That Laurene R. Kretzler be and she hereby is elected Clerk of the Assembly for the years 2009 and 2010.

THE SPEAKER: The Acting Clerk will record the vote. Fast roll call.

(The Acting Clerk recorded the vote.)

The Acting Clerk will announce the results.

(The Acting Clerk announced the results.)

(Applause)

I hereby declare Laurene Kretzler duly elected Clerk of the Assembly for the years 2009-2010.

The House will stand at ease until our messengers return.

(Whereupon, the House stood at ease.)

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THE SPEAKER: The House will come to order.

Mr. Farrell.

MR. FARRELL: Mr. Speaker, my colleagues, we have visited upon the Senate - Mr. Hayes and myself - and informed them that the Assembly is organized and we are prepared to open the Joint Session of the Legislature for the purpose of receiving the Governor's annual State of the State message. They informed us that they will be here shortly and they are organized.

THE SPEAKER: Mr. Canestrari for an announcement.

MR. CANESTRARI: Yes, Mr. Speaker, my colleagues and guests, Mr. Tedisco and I have visited upon the Governor and informed him that the Legislature is organized and

prepared to hear his first State of the State message.

In addition, everyone, the Chamber is, obviously, crowded, if not overcrowded, and in the unlikely event of an emergency, please listen to the Sergeant-at-Arms, Wayne Jackson, and his staff. And if anyone ignores Mr. Jackson's orders, they're doing so at their own risk. But seriously, those in the rear of the Chamber should exit in a quiet manner as best we can to the rear, rear exits, and those on the Rostrum side proceed to the exits behind the Rostrum. Again, unlikely anything would take place, but again, in the event of an emergency please listen to the Sergeant-at-Arms and his staff. Thank you, Mr. Speaker and colleagues.

THE SPEAKER: Thank you, Mr. Canestrari.

The House will stand in recess.

(Whereupon, at 1:17 p.m., the House stood in recess.)

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AFTER THE RECESS

2:25 P.M.

THE SPEAKER: Mr. Canestrari.

MR. CANESTRARI: Mr. Speaker, do you have resolutions for us to consider?

And a consideration for Mr. Kolb, please.

THE SPEAKER: Mr. Kolb.

MR. KOLB: Thank you, Mr. Speaker. Pursuant to the provisions of Rule 9, Section 1 of the Assembly Rules, I hereby give notice that on or after Monday, January 12, 2009, we will move to amend numerous provisions of the Assembly Rules and the

permanent Joint Rules of the Senate and the Assembly.

THE SPEAKER: Thank you, Mr. Kolb.

Mr. Canestrari.

MR. CANESTRARI: And the resolutions, Mr. Speaker.

THE SPEAKER: We have a resolution before the House.

Privileged resolution by Mr. Silver, the Clerk will read.

THE CLERK: Resolution No. 8.

Legislative Resolution condemning the horrific terrorist attacks in Mumbai, India, that occurred November 26-29, 2008, and honoring Prabhu Dayal, Consul General of India in New York, and extending a warm welcome to him upon the occasion of his visit to the New York State Capitol.

WHEREAS, Freedom, and the future security and peace of our State, Nation and the entire world is dependant upon the immediate halting of the cruel acts of terrorism currently being perpetrated; and

WHEREAS, The residents of the State of New York have first-hand knowledge of the effects of terrorism; therefore, it is the sense of this assembled Body to stand up to the heinous and unprovoked terrorist attacks in Mumbai, India, and to recognize the people of India who have emerged as heroes in the wake of this tragedy; their consummate strength proves that the power of hope will

always endure and inspire even in the darkest of circumstance; and

WHEREAS, The Mumbai attacks were a series of 10 coordinated terrorist attacks across Mumbai, India's financial capital and its largest city that began on November 26, 2008; and

WHEREAS, Eight of the attacks occurred in South Mumbai, at Chhatrapati Shivaji Terminus, the Oberoi Trident, the Taj Mahal Palace and Tower, Leopold Cafe, Cama Hospital, the Orthodox Jewish-owned Nariman House, the Metro Cinema, and in a lane behind the Times of India building behind St. Xavier's College; there was also an explosion at the Mazagaon docks in Mumbai's port area, and a taxi blast at Vile Parle; and

WHEREAS, By the early morning of November 28th, all sites except for the Taj Mahal Palace had been secured by Mumbai Police and security forces; an action by India's National Security Guards on November 29th resulted in the conclusion of the Taj Mahal Palace encounter, ending all fighting in the attacks; and

WHEREAS, Approximately 200 people were killed and at least 308 were injured in the heinous attacks; this assembled Body mourns the senseless and tragic deaths of these innocent people from varied nationalities and ethnic groups, including local residents as well as Western tourists; and

WHEREAS, In the attack on the local Chabad House, known as the Nariman House, nine innocent Jewish lives were taken, including emissaries Rabbi Gavriel-Noach (Gabi) and his wife, Rivkah (Rivki) Holtzberg, who operated the Nariman House, whose

headquarters is located in Crown Heights, Brooklyn, New York; and

WHEREAS, Israeli-born American Rabbi Gavriel Holtzberg, who moved to Brooklyn in his teens, and his wife, Rivkah Holtzberg, were newly married in 2003 when they first opened the Chabad House in Mumbai, India; and

WHEREAS, The main goal of Chabad-Lubavitch emissaries is to help transform the world into a place of goodness and holiness; Rabbi Gavriel and Rivkah Holtzberg dedicated their lives to making the world a better place to live for all; and

WHEREAS, Incredibly, surviving this cruel act of terrorism is the Holtzberg's two year-old son, Moshe, who managed to escape with the help of his Indian nanny, Sandra Samuel; without regard for her own well-being, she grabbed hold of the baby and ran out of the Nariman House to safety; and

WHEREAS, Above all else, the people of the State of New York, as represented by this assembled Body, will be steadfast in their solidarity with the victims of the 2008 Mumbai terrorist attacks; and

WHEREAS, This assembled Body is justly honored and greatly privileged to join with the people of the State of New York and citizens of this world to extend a warm welcome to Prabhu Dayal, Consul General of India in New York, upon the occasion of his visit to the New York State Capitol to offer its unequivocal support to all those affected by the 2008 Mumbai, India terrorist attacks; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to condemn the horrific terrorist attacks in Mumbai, India, that occurred November 26-29, 2008.

THE SPEAKER: All those in favor signify by saying aye; opposed, nay. The resolution is adopted.

Mr. Canestrari.

MR. CANESTRARI: With that, Mr. Speaker, I move the Assembly stand adjourned until tomorrow, Thursday, January 8th at 11 a.m., tomorrow being a Legislative day, and that we reconvene on Monday, January 12th at 2 p.m. sharp, Monday being a Session day.

THE SPEAKER: On Mr. Canestrari's motion, the House stands adjourned and we will reconvene for a Session day Monday, January 12th at 2 p.m.

(Whereupon, at 2:27 p.m., the House stood adjourned until Thursday, January 8th at 11 a.m., Thursday being a Legislative day, and to reconvene on Monday, January 12th at 2 p.m., Monday being a Session day.)