

WEDNESDAY, JANUARY 5, 2011

12:22 P.M.

THE CLERK: A quorum being present, the House will come to order.

We will open the 234th Session of the New York State Assembly with a prayer from Rabbi Reuven Feinstein.

RABBI REUVEN FEINSTEIN: The United States of America, the democratic leader of the world, unparalleled in our pursuit of excellence continues to set the bar for both human rights and individual freedoms. When viewed in concert, security, economic stability, equality and tolerance are the catalysts of democracy and justice, but without the foundation of democracy and justice there would be no order and civilization would descend into lawless society which preys upon the weak and the feeble.

The age-old wisdom of Hill of the Elder repeated and

transmitted throughout the generations is, "Do not do unto others what you do not want done unto you." Elegant, simple yet profound to its core. Hill established this as the basis for tolerance and equality recognizing that in order to be free in the true sense of freedom, one must be allowed to exercise his rights according to his conscience.

As I gaze upon this most august and distinguished group of Legislators, I see greatness. The great State of New York has been blessed with very capable and dedicated individuals that both lead and guide us on the road to excellence. The last few years has heralded the inauguration of four different gubernatorial administrations. Dynamics change at this level and has the potential to derail and negatively impact the focus and direction of the business of State. This most talented Assembly, despite the changing dynamics, has stayed the course. Consistent improvement, innovations have become your standard, forced into an environment of tolerance and stability to propel each citizen to a level of freedom that allows them to live free as the framers of the Constitution envisioned. I am proud to say that one of the greatest influences in this notable achievement has been my good friend, the Honorable Sheldon Silver.

In this week's Bible reading we understand and conceptualize the three fundamental levels of freedom: Freedom from oppression, freedom be the same, freedom to be different. The most basic level of freedom is to be free from oppression. Throughout history societies have oppressed persons both within and without their borders. As these societies matured, most abolished the present from

their ranks; however, the outcome was not equality, but simple lack of servitude. The rights we hold so dear were not granted to those oppressed until many years later.

The second level of freedom is to be allowed to be equal within the host society. This level of freedom is characterized by the absorption of the guest populus of the host society. The behaviors of the guest populus must conform to the standards and norms of the host. While technically free, the guest populus is still restricted by the standards and norms of the host.

Finally, the third level of freedom, the freedom to be different. The freedom to express one's self, one's view and even one's religion contrary to the majority of the host populus. This freedom is perhaps the hardest fought as it challenges all involved to push the limits of their tolerance and understanding and embrace cultures and practices not their own.

The third level of freedom requires not only the tolerance of the host populus, but, rather, cultural stability and maturity, economic solvency and the guidance of leaders focused upon the foundation of excellence. Without this leadership and guidance, the path would develop and be fraught with challenges constantly in need of consistence, God would fail.

A true democracy faces an ever-growing challenge. The greatest of these challenges is finding truly capable, altruistic and talented leaders to serve as the maestro during these critical junctions. Not only have all of you sitting here answered their call and acquired

yourself well, you have constantly chosen a leader, the Honorable Sheldon Silver, who's trusted by his constituents and admired by his peers to be the steady hand on the pillar of State.

May God continue to guide the talented and gifted leaders leaders of this Assembly to lead us through their positive actions and by their moral conduct. May their compass be dedicated to community service with the goal of the betterment of man in the nation in which we live. Amen.

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THE CLERK: Visitors are invited to join the members in reciting the Pledge of Allegiance.

(Whereupon, the Clerk led visitors and members in the Pledge of Allegiance.)

It is my pleasure to introduce Judge Jonathan Lippman for the purpose of administering the ceremonial Oath of Office.

CHIEF JUSTICE JONATHAN LIPPMAN: Will all the members rise. Raise your right hand and repeat after me. I, state your name, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York and that I will faithfully discharge the duties of the office of member of the New York State Assembly according to the best of my ability so help me God. Congratulations, members of the Assembly.

(Applause)

THE CLERK: 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.

ACTING CLERK: This is to inform you that on the evening of Monday, November 29, 2010, 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 2011-2012 Legislative Session, signed Richard N. Gottfried.

THE CLERK: The record will indicate the following announcement. Adopted by the Minority members of the Assembly, the Acting Clerk will read.

ACTING CLERK: Resolution of the Minority members of the Assembly meeting on November 15, 2010 in relation to the election of Brian M. Kolb as Minority Leader of the Assembly for the years 2011-2012.

THE CLERK: 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 gives me great pleasure to offer the following resolution and move its adoption.

THE CLERK: The Acting Clerk will read the

resolution.

ACTING CLERK: Resolution No. 1.

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.

THE CLERK: On the resolution, all those in favor signify by saying aye; opposed, nay. 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 2011 and 2012.

(The Acting Clerk called the roll.)

Having received a majority of all the votes cast, I declare the Honorable Sheldon Silver to be the duly elected Speaker of the New York State Assembly for the years 2011-2012 and appoint Mr. Canestrari and Mr. Kolb as a committee to escorted the Speaker elect to the Chair.

(Applause)

SPEAKER SHELDON SILVER: Let me say very simply, thank you. Next Monday I will take the opportunity to speak to you about the upcoming Session and the significant challenges that we face. Today, I just want to express to each of you, on both sides of the aisle, from my heart, how honored I am to be your Speaker and how pleased I am to serve with so many dedicated members who are so capable in performing the job that they do.

With those thoughts in mind, it gives me great pleasure to announce the appointment of Ron Canestrari as Majority Leader of the New York State Assembly.

(Applause)

Ron Canestrari has honorably and effectively served not only the Majority Conference, but this Body as a whole. 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.

The Chair now recognizes Mr. Canestrari for the purposes of introducing new members to the Body.

MR. CANESTRARI: Thank you very much, Mr. Speaker, my colleagues and guests and thank you, Shelly, for this appointment, and I very much appreciate your kind and generous words. They were right on target, but it has been an honor and a privilege to serve with you, under your esteemed leadership, and I appreciate this again this year. Thank you very much.

As you know, as the Speaker indicated, next week we will more formally introduce the new members of the Assembly, but on both sides of the aisle we have new individuals joining this distinguished Body. Today we will just indicate their presence and in alphabetical order, it is my honor to indicate from the 92nd Assembly District, Thomas Abinati.

(Applause)

The 26th, an individual that a few of us know quite

well, a good friend, Edward Braunstein.

(Applause)

From the 131st, an individual we have seen through the halls around here as well in the past, Harry Bronson.

(Applause)

From the 72nd Assembly District, Guillermo Linares.

(Applause)

From the 39th, Francisco Moya.

(Applause)

From the 119th, Sam Roberts.

(Applause)

From the 68th Assembly District, Robert Rodriguez.

(Applause)

From the 36th Assembly District, Aravella Simotas.

(Applause)

And from the 79th, Eric Stevenson.

(Applause)

And now, the Minority Leader, Mr. Kolb, will introduce the new Republican members as well.

MR. KOLB: Thank you, Mr. Canestrari. Mr. Speaker, first of all, I would like to congratulate you on a very close margin of victory today and look forward to our continued good work together on behalf of the people of the State of New York. And also to you, Mr. Canestrari, we look forward to serving together as well and congratulations on your reappointment.

Mr. Speaker, I am proud to introduce the following new members of the New York State Assembly beginning with the 122nd Assembly District, Assemblyman Ken Blankenbush.

(Applause)

From the 138th Assembly District, Mr. John D. Ceretto.

(Applause)

From the 14th Assembly District, Assemblyman Brian Curran.

(Applause)

From the 137th District, Assemblyman Christopher S. Friend.

(Applause)

From the 150th Assembly District, Assemblyman Andy Goodell.

(Applause)

From the 5th Assembly District, Assemblyman Alfred C. Graf.

(Applause)

From the 130th Assembly District, Assemblyman Sean T. Hanna.

(Applause)

From the 135th Assembly District, Assemblyman Mark Johns.

(Applause)

From the 99th Assembly District, Assemblyman

Steve Katz.

(Applause)

From the 1st Assembly District, Assemblyman

Daniel P. Losquadro.

(Applause)

From the 60th Assembly District, Assemblywoman

Nicole Malliotakis.

(Applause)

From the 108th Assembly District, Assemblyman

Steve McLaughlin.

(Applause)

From the 121st Assembly District, Assemblyman

Don Miller.

(Applause)

From the 136th Assembly District, Assemblyman

Phil Palmesano.

(Applause)

From the 21st Assembly District, Assemblyman Ed

Brock.

(Applause)

From the 146th Assembly District, Assemblyman

Kevin Smardz.

(Applause)

And from the 115th Assembly District,

Assemblywoman Claudia Tenney.

(Applause)

SPEAKER SILVER: Thank you, Mr. Kolb.

Congratulations to all of the new members. 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 sincere congratulations and warm welcome to all of you.

I hereby recognize Mrs. Vivian Cook for the purpose of offering the resolution on the election of the Clerk of the Assembly.

Mrs. Cook.

(Applause)

MRS. COOK: Thank you. I offer the following resolution for the purpose of electing Laurene Kretzler as the Clerk of the Assembly and move its adoption.

SPEAKER SILVER: The Clerk will read.

ACTING CLERK: Resolution No. 2.

Assembly resolution providing for the election of Laurene R. Kretzler to Office of Clerk of the Assembly.

RESOLVED, That Laurene R. Kretzler be and she hereby is elected Clerk of the Assembly for the years 2011 and 2012.

SPEAKER SILVER: The Acting Clerk will record the vote.

(The Acting Clerk recorded the vote.)

The Acting Clerk will announce the results.

(The Acting Clerk announced the results.)

SPEAKER SILVER: I hereby declare Laurene R. Kretzler duly elected as the Clerk of the Assembly for the years 2011-2012.

(Applause)

Resolution by Ms. Weinstein.

MS. WEINSTEIN: I offer the following resolution for the purpose of electing Carol Herbst as Official Stenographer of the Assembly and move its adoption.

SPEAKER SILVER: The Clerk will read.

THE CLERK: Resolution No. 3.

Assembly resolution providing for the election of Carol M. Herbst to the Office of Official Stenographer of the Assembly.

RESOLVED, That Carol M. Herbst be and she hereby is elected Official Stenographer of the Assembly for the years 2011 and 2012.

SPEAKER SILVER: All those in favor signify by saying aye; opposed, no. The resolution is adopted.

(Applause)

I hereby declare Carol M. Herbst duly elected Official Stenographer for the Assembly for the years 2011 and 2012.

Resolution by Mr. McEneny.

MR. MCENENY: Mr. Speaker, I offer the following resolution for the purpose of electing Wayne Jackson as Sergeant-at-

Arms and move its adoption.

(Applause)

SPEAKER SILVER: The Clerk will read.

THE CLERK: Assembly 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 2011-2012.

SPEAKER SILVER: All those in favor signify by saying aye; opposed, no. The resolution is adopted.

(Applause)

I hereby declare Wayne Jackson duly elected Sergeant-at-Arms of the New York State Assembly for the years 2011-2012.

Resolution by Ms. Nolan.

MS. NOLAN: Yes, Mr. Speaker, mine is the one that always squeaks through. I offer the following resolution for the purpose of seating the press and moving its adoption. Thank you, Mr. Speaker.

SPEAKER SILVER: You want to elaborate on that? The Clerk will read.

THE 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 hereby is directed to arrange seats for the accommodation of the representatives of the press.

SPEAKER SILVER: All those in favor signify by saying aye; opposed, no. Abstentions? The resolution is adopted.

(Applause)

Mr. Canestrari.

MR. CANESTRARI: Yes, Mr. Speaker, before I offer a resolution to adopt the Rules of the House for the years 2011 and 2012, let me just note that the Majority and you, Mr. Speaker, view reform as an ongoing process and as we adopt the current Rules, we do so with the knowledge and understanding that the improved operations of this House remain a high priority for us all. Thank you, Mr. Speaker.

SPEAKER SILVER: Resolution by Mr. Canestrari, Rules resolution, the Clerk will read.

THE CLERK: Resolution No. 6.

Assembly resolution providing for the adoption of the Rules of the Assembly for 2011-2012.

RESOLVED, That the Rules of the Assembly for 2009 and 2010, as last amended, be adopted as the Rules of the Assembly for 2011 and 2012.

SPEAKER SILVER: The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The resolution is adopted.

Mr. Canestrari.

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

SPEAKER SILVER: The Clerk will read.

THE CLERK: Resolution No. 7.

RESOLVED, that a committee of two be appointed by the Speaker to wait upon the Governor to inform him of the election of Sheldon Silver as Speaker of the Assembly and that the Assembly is organized and ready to proceed with business.

SPEAKER SILVER: All those in favor of the resolution, signify by saying aye; opposed, no. The resolution is adopted.

I hereby appoint Mr. Canestrari and Mr. Kolb as a committee of two to wait upon the Governor.

Mr. Farrell.

MR. FARRELL: Mr. Speaker, I offer the following resolution for the purpose of waiting upon the Senate and move its adoption.

SPEAKER SILVER: The Clerk will read.

THE CLERK: Resolution No. 8.

RESOLVED, that a committee of two be appointed by the Speaker to wait upon the Senate to inform that Body of the election of Sheldon Silver as Speaker of the Assembly and that the

Assembly is organized and ready to proceed with business.

SPEAKER SILVER: All those in favor of the resolution, signify by saying aye; opposed, no. The resolution is adopted.

I hereby appoint Mr. Farrell and Mr. Hayes as a committee of two to wait upon the Senate.

The Chair recognizes Senators Grisanti and Rivera. Senators.

SENATOR MARK GRISANTI: Good afternoon, Speaker. Senator Gustavo Rivera and I are here to inform the Assembly that the Senate has elected Dean C. Skelos as Temporary President for the years 2011 and 2012 and have convened and are organized and ready to proceed with business.

SPEAKER SILVER: Thank you, Senator.

Members should be aware as we adjourn this Session that the Governor has requested the presence of the members of this Body at his annual State of the State message in the Empire State Convention Center.

Mr. Conte.

MR. CONTE: 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 10, 2011 we will move to amend provisions of the Assembly Rules and the permanent joint Rules of the Senate and Assembly.

SPEAKER SILVER: Duly noted.

Before we move to adjourn, I would like to recognize the presence of the Mayor of the City of New York, our good friend, Mayor Michael Bloomberg. Thank you, Mr. Mayor.

(Applause)

Ms. Jacobs.

MS. JACOBS: Mr. Speaker, I now move that the Assembly stand adjourned until tomorrow, January 6th at 10:00 a.m., tomorrow being a legislative day, and that we reconvene on Monday, January 10th at 2:00 p.m., Monday being a Session day.

SPEAKER SILVER: On Ms. Jacob's motion, the House stands adjourned.

(Whereupon, at 1:02 p.m., the House stood adjourned until Monday, January 10th at 2:00 p.m., Monday being a Session day.)