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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 18, 2009

3:44 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

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

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

4 I ask everyone present to please
5 rise and recite with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT VALESKY: Father
10 Peter G. Young, of Mother Teresa Community in
11 Albany, is with us today to offer an
12 invocation.

13 REVEREND YOUNG: Thank you,
14 Senator.

15 Let us pray.

16 As Senators, God has given us and
17 created us by the command of "love one
18 another." We're also called to take care of
19 the needy. And in our desire to make us share
20 in this love, God calls us to be an aid to
21 those in gentle kindness, and to all of those
22 that are weak, sick and unfortunate. In God's
23 love of us, we're called to help the least
24 among us and show them mercy.

1 We ask You this in Your name, now
2 and forever. Amen.

3 ACTING PRESIDENT VALESKY: Thank
4 you, Father.

5 The reading of the Journal.

6 The Secretary will read.

7 THE SECRETARY: In Senate,
8 Friday, May 15, the Senate met pursuant to
9 adjournment. The Journal of Thursday, May 14,
10 was read and approved. On motion, Senate
11 adjourned.

12 ACTING PRESIDENT VALESKY:
13 Without objection, the Journal stands approved
14 as read.

15 Presentation of petitions.

16 Messages from the Assembly.

17 Messages from the Governor.

18 Reports of standing committees.

19 Reports of select committees.

20 Communications and reports from
21 state officers.

22 Motions and resolutions.

23 Senator Klein.

24 SENATOR KLEIN: Mr. President, I

1 have two motions.

2 First, on behalf of Senator
3 Squadron, on page 18 I offer the following
4 amendment to Calendar Number 206, Print Number
5 3775, and ask that said bill retain its place
6 on the Third Reading Calendar.

7 ACTING PRESIDENT VALESKY: So
8 ordered.

9 SENATOR KLEIN: The second, to
10 amend a bill on the calendar on behalf on
11 Senator Savino. On page number 15, I offer
12 the following amendments to Calendar Number
13 143, Senate Print Number 3445A, and ask that
14 said bill retain its place on the Third
15 Reading Calendar.

16 ACTING PRESIDENT VALESKY: So
17 ordered.

18 Senator Klein.

19 SENATOR KLEIN: I believe Senator
20 Libous also has a motion.

21 ACTING PRESIDENT VALESKY:
22 Senator Libous.

23 SENATOR LIBOUS: I do,
24 Mr. President.

1 Thank you, Senator Klein.

2 On behalf of Senator Farley,
3 Mr. President, on page 18 I offer the
4 following amendments to Calendar 215, Senate
5 Print 1261A, and ask that said bill retain its
6 place on the Third Reading Calendar, if you
7 would, please.

8 ACTING PRESIDENT VALESKY:

9 Absolutely. So ordered.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President,
12 may we at this time take up Senate Resolution
13 Number 1986. I ask that the resolution be
14 read in its entirety and move for its
15 immediate adoption, and allow Senator Andrea
16 Stewart-Cousins to speak on her resolution.

17 ACTING PRESIDENT VALESKY: The
18 Secretary will read Senate Resolution
19 Number 1986 in its entirety.

20 THE SECRETARY: By Senator Andrea
21 Stewart-Cousins, Legislative Resolution Number
22 1986, congratulating Sashay Turner, Yarelis
23 Borrero, and DaQuan Gary of Roosevelt High
24 School upon the occasion of capturing first

1 place in the Community Service category at the
2 annual New York State SkillsUSA competition.

3 "WHEREAS, It is the sense of this
4 Legislative Body to recognize and pay tribute
5 to those young people within the State of
6 New York who have inspired and brought pride
7 to their school and community by achieving
8 outstanding success in educational
9 competition; and

10 "WHEREAS, Attendant to such
11 concern, and in full accord with its
12 long-standing traditions, this Legislative
13 Body is justly proud to congratulate Sashay
14 Turner, Yarelis Borrero, and DaQuan Gary of
15 Roosevelt High School upon the occasion of
16 capturing first place in the Community Service
17 Category at the annual New York State
18 SkillsUSA Competition; and

19 "WHEREAS, Three students at
20 Roosevelt High School, Sashay Turner, Yarelis
21 Borrero, and DaQuan Gary decided to help
22 inform their peers of the frequency of
23 domestic violence in society today by becoming
24 junior facilitators in the Students Advocating

1 for Equality in Relationships program under
2 the guidance of teachers Frank Leonetti and
3 Noreen Riotto; and

4 "WHEREAS, The Students Advocating
5 for Equality in Relationships program is part
6 of the My Sister's Place organization, a safe
7 haven for abused women and a place to find
8 shelter, as well as moral and legal support;
9 and

10 "WHEREAS, My Sister's Place started
11 the Students Advocating for Equality in
12 Relationships program in order to educate
13 young people with the hope of ending the
14 abusive behavior that is becoming all too
15 common in relationships; and

16 "WHEREAS, Sashay Turner, Yarelis
17 Borrero, and DaQuan Gary have been trained by
18 My Sister's Place and are now going into
19 classrooms throughout the region armed with
20 knowledge, statistics and a mission to inform
21 their peers on how to have safe and healthy
22 relationships; and

23 "WHEREAS, In addition, Sashay
24 Turner, Yarelis Borrero, and DaQuan Gary had a

1 meeting with the school principal and were
2 successful in having a book about violence in
3 teen relationships, written by Alex Flinn,
4 Breathing Underwater, included in the required
5 English reading list; and

6 "WHEREAS, Three young people of
7 singular distinction and superlative ability,
8 Sashay Turner, Yarelis Borrero, and DaQuan
9 Gary have established a high standard of
10 academic excellence and purposefulness of life
11 rarely achieved in youthful years; and

12 "WHEREAS, Poised eagerly with
13 enthusiasm and determined purpose, Sashay
14 Turner, Yarelis Borrero, and DaQuan Gary now
15 stand honorably, with just pride in their
16 accomplishments and in eager anticipation of
17 future challenges, understanding and
18 appreciating the caring counsel and support
19 provided by their teachers, family and
20 friends; and

21 "WHEREAS, It is the sense of this
22 Legislative Body that when young people of
23 such noble aims and accomplishments are
24 brought to our attention, they should be

1 celebrated and recognized by all the citizens
2 of the great State of New York; now,
3 therefore, be it

4 "RESOLVED, That this Legislative
5 Body pause in its deliberations to
6 congratulate Sashay Turner, Yarelis Borrero,
7 and DaQuan Gary of Roosevelt High School upon
8 the occasion of capturing first place in the
9 Community Service category at the annual
10 New York State SkillsUSA competition, and to
11 extend to them its best wishes for a future of
12 purposeful success and well-being, fully
13 confident of their response to a promising
14 future and appreciative of the model they
15 represent for all aspiring young people of the
16 Empire State; and be it further

17 "RESOLVED, That copies of this
18 resolution, suitably engrossed, be transmitted
19 to Sashay Turner, Yarelis Borrero, and
20 DaQuan Gary."

21 ACTING PRESIDENT VALESKY:
22 Senator Stewart-Cousins, on the resolution.

23 SENATOR STEWART-COUSINS: Thank
24 you, Mr. President.

1 It is really an honor and a
2 privilege to stand today to honor these three
3 young people who have done some extraordinary
4 work in our community and throughout this
5 state.

6 As you've heard, they placed first
7 in a community service competition. They had
8 to go up against high schools from all over
9 our state, and they prevailed. And they
10 prevailed because they did more than speak;
11 they acted.

12 I met them in March when they came
13 to lobby me. And they came to lobby me about
14 state legislation, about how we as a state
15 could help to further information and broaden
16 the curriculum in our high schools to include
17 dating violence.

18 They explained to me that one in
19 five females who are in high school have
20 reported physical or sexual abuse from a
21 dating relationship. They explained that nine
22 out of 10 young people who are accused and
23 convicted of rape under age 18 have as their
24 victim a young person also under 18. And they

1 told me that there is a need to tell our
2 children that it's not okay ever to be abused,
3 physically or mentally or even electronically.

4 They have not only lobbied, they've
5 raised funds. They are peer educators. They
6 go from high school to high school, making
7 themselves available to broaden the
8 information and the knowledge so that young
9 people should be able to focus their attention
10 on what they are to focus their attention on,
11 getting their education and going forward.

12 It was no surprise that these
13 talented young people actually came in first,
14 and they are on their way now to represent the
15 great State of New York in the national
16 competition in Kansas City, Missouri, in the
17 end of June.

18 So I thought it was important, as
19 we have the privilege of honoring so many of
20 our youth in this chamber, to honor three
21 young people representing Roosevelt High
22 School of Yonkers, New York, accompanied by
23 their principal, Jade Sharp, by their teacher,
24 Mr. Leonetti, and by the advisor, Noreen

1 Riotto. I thought it was very, very important
2 to honor them for what they are doing now at
3 the tender age of 18.

4 So I certainly ask that this
5 chamber adopt this resolution unanimously.
6 Let them know that they are already winners.
7 Let them know that we are working to broaden
8 the curriculum in this state. And let them
9 know that the nation awaits more and more
10 leadership as the leadership and the qualities
11 that they so beautifully exhibit.

12 Congratulations.

13 ACTING PRESIDENT VALESKY: Thank
14 you, Senator Stewart-Cousins.

15 Senator Maziarz, on the resolution.

16 SENATOR MAZIARZ: Thank you very
17 much, Mr. President.

18 I want to thank my colleague
19 Senator Stewart-Cousins for bringing forth
20 this resolution to congratulate these three
21 excellent students.

22 I am not as familiar with this My
23 Sister's Place organization, a safe haven for
24 abused women. But tragically and

1 unfortunately, Senator Stewart-Cousins and I
2 have had discussions about legislation for
3 dating violence.

4 I had a tragic incident in my
5 district where a young man and young woman
6 went to the prom together and the young man
7 thought the relationship was more than what it
8 really was, and he ended up shortly thereafter
9 murdering the young woman and committing
10 suicide himself.

11 This is a very important issue, and
12 I congratulate the teachers, the staff at
13 Roosevelt High School. Teaching young people,
14 you know, how far they can go and when too far
15 is too far is very important.

16 And I know that, along with Senator
17 Stavisky, we've been working on some
18 legislation that Senator Stewart-Cousins and I
19 are sponsoring. So it falls right into this
20 category. And here we have three young people
21 stepping up to the plate to do something about
22 it even before our good legislation gets
23 passed.

24 So I just wanted to join and

1 congratulate you and wish you luck in the
2 national competition.

3 Thank you, Mr. President.

4 ACTING PRESIDENT VALESKY: Thank
5 you, Senator Maziarz.

6 Senator Adams, on the resolution.

7 SENATOR ADAMS: Thank you,
8 Mr. President. I want to thank my colleague
9 as well.

10 This is an important issue when you
11 think about domestic violence. Often we
12 default to the elders and we default to
13 married couples. But the issue of domestic
14 violence starts out at a young age, as these
15 three young scholars are educating us about.

16 One of the first things I did when
17 I was elected was start a domestic violence
18 youth task force where the young people were
19 able to go into schools and talk one-on-one.
20 We're living in a society where individuals
21 believe "I love you" should follow some form
22 of violent act and being called out of their
23 names.

24 It is more than just physical

1 abuse. When a scar heals from a physical
2 abuse, the emotional scars last for a
3 lifetime. And because they are improperly
4 diagnosed, they have a tendency to repeat
5 itself.

6 And you will find that many abusers
7 grew up in households where abuse was the
8 everyday norm, an everyday part of the day.

9 So this is a conversation that must
10 be engaged by young people, and I really
11 commend the young scholars that are here today
12 as they're starting to take control.

13 And I'll say over and over again
14 that, you know, the biggest lie we've ever
15 learned was that the winds of change were
16 blown by adults. That is untrue. The winds
17 of change have always been blown by young
18 people. You've always had the lung capacity
19 to blow the globe in the direction that you
20 believe it should go into.

21 When you become an octogenarian or
22 sit here as many of us do, you're not going to
23 be running around saying "No justice, no
24 peace." If you don't do it now, it's never

1 going to happen. There's a window of
2 opportunity that's available that precedes
3 worrying about mortgage payments, car
4 payments, college tuition. This is the time
5 to change the globe.

6 And I thank you for taking the
7 opportunity to do so and making sure that one
8 of the most precious issues that impact our
9 city, our state and our country is the
10 violence among young people, not only those
11 who don't know each other but among those who
12 call themselves being involved in a
13 relationship and they're defining that
14 relationship by a tendency of physical or
15 verbal violence.

16 And what you're doing, you're
17 taking charge, you're picking up the mantle.
18 And in fact, you're the yeast that is rising
19 the bread of opportunity that will feed the
20 countless number of young people to say: I
21 don't have to be engaged in a violent
22 relationship, and I can identify when my
23 classmate or my friend is in a violent
24 relationship and tell them "You don't have to

1 do it."

2 If we don't stop it when they're
3 young, they will grow up and believe that
4 violence is a part of a relationship and
5 becomes a normality of everyday life. And I
6 commend you for stopping that right now in
7 this day and time.

8 Thank you.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Adams.

11 Senator Hassell-Thompson, on the
12 resolution.

13 SENATOR HASSELL-THOMPSON: Thank
14 you, Mr. President.

15 I rise to congratulate these young
16 people and to thank Senator Stewart-Cousins
17 for bringing this resolution to the floor.

18 As the chair of the State Task
19 Force on Domestic Violence, as we talk to
20 people about this issue, it's very difficult
21 for us to get this message to our young people
22 of how critical this issue is. And so I'm
23 always appreciative when young people, as
24 peers, take on this responsibility and share

1 the message that is so critical that our young
2 people must know.

3 In talking to a group about a year
4 ago, we described the kinds of gifts that are
5 appropriate and inappropriate. And one of the
6 most inappropriate gifts that a young man can
7 give to his young girlfriend is a cellphone.
8 And you would say, Well, why not?

9 Well, that's not a gift. That's a
10 chain that links that young woman to that
11 young man. And it is a way of tracking young
12 women. And it is not appropriate for her to
13 be tracked like an animal.

14 And so I always discourage that
15 kind of activity, even though you think, It's
16 great because he cares about me. I'm not
17 clear that he cares about you as much as he
18 cares about where you are and what you're
19 doing.

20 These are control factors. And too
21 often our young people are fooled by all the
22 bling that they give and don't realize it's a
23 way in which to connect and to control.

24 I thank you for understanding the

1 difference. And I appreciate your sharing
2 with other young people the fact that their
3 freedom lies in their ability to make these
4 discerning decisions at a time when they can
5 handle it. And teen violence is unacceptable.
6 Violence is unacceptable.

7 And I thank you, and I thank our
8 Senator for being so forward-thinking in
9 recognizing in you and bringing before this
10 body young people who really are with it,
11 understand it, get it, and try to help us to
12 make sure we do as well.

13 Thank you, Mr. President.

14 ACTING PRESIDENT VALESKY: Thank
15 you, Senator Hassell-Thompson.

16 Are there any other Senators who
17 wish to be heard on the resolution?

18 Seeing none, the question is on the
19 resolution. All in favor signify by saying
20 aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT VALESKY:

23 Opposed, nay.

24 (No response.)

1 ACTING PRESIDENT VALESKY: The
2 resolution is adopted.

3 On behalf of Senators
4 Stewart-Cousins, Maziarz, Adams,
5 Hassell-Thompson, and all Senators,
6 congratulations to our three distinguished
7 young citizens. Best wishes in the future.

8 (Applause.)

9 ACTING PRESIDENT VALESKY:
10 Senator Klein.

11 SENATOR KLEIN: Mr. President,
12 may we at this time take up Senate Resolution
13 Number 1990. I ask that the resolution be
14 read in its entirety, move for its immediate
15 adoption, and allow Senator Breslin to speak
16 on his resolution.

17 ACTING PRESIDENT VALESKY: The
18 Secretary will read Resolution Number 1990 in
19 its entirety.

20 THE SECRETARY: By Senator
21 Breslin, Legislative Resolution Number 1990,
22 honoring Father Peter G. Young for his
23 50 years in the ministry, to be celebrated on
24 May 24, 2009.

1 "WHEREAS, It is the sense of this
2 Legislative Body to bring full recognition and
3 just tribute to those men and women of
4 religious commitment who accept the
5 responsibility of moral leadership and render
6 the wisdom of human understanding; and

7 "WHEREAS, Attendant to such
8 concern, and in full accord with its
9 long-standing traditions, this Legislative
10 Body is justly proud to honor Father Peter G.
11 Young for his 50 years in the ministry; and

12 "WHEREAS, Father Peter G. Young
13 will be honored on Sunday, May 24, 2009, at a
14 50th Anniversary Mass at Mother Teresa
15 Community, formerly Our Lady Help of
16 Christians Church, located on Second Avenue in
17 Albany, New York; and

18 "WHEREAS, Father Peter G. Young
19 began his ministry as a young parish priest in
20 one of Albany's poorest neighborhoods. In the
21 late 1950s, when he worked as chaplain of the
22 Albany County Jail, and later in the 1970s, as
23 chaplain at the Mt. McGregor Correctional
24 Facility, he adopted the philosophy that would

1 guide his life's work; and

2 "WHEREAS, Father Peter G. Young is
3 the founder and volunteer chief executive
4 officer of Peter Young Housing, Industries and
5 Treatment (PYHIT) and its subsidiary
6 organizations, his statewide network of
7 treatment, housing and education/employment
8 programs. The avowed mission of Peter Young
9 Housing, Industries and Treatment is to create
10 taxpayers and provide the dignity that comes
11 with a meaningful job and paycheck; and

12 "WHEREAS, 'Rehabilitate, don't
13 incarcerate' is the blueprint Father Peter G.
14 Young followed during the 50 years that he
15 spent helping individuals struggling to stay
16 out of prison and free themselves from
17 addiction; and

18 "WHEREAS, Using the Albany area as
19 a home base, Father Young has helped thousands
20 of people reclaim their lives and look forward
21 to futures by means of his 'glide path'
22 philosophy. The 'glide path' has three
23 components: recovery, housing and jobs; and

24 "WHEREAS, Like a pilot who lands

1 his plane on an aircraft carrier by following
2 a glide path, critical direction comes from
3 the support team at Peter Young Housing.
4 Peter Young Housing is the glide path for
5 those dealing with addictions to become
6 employed, taxpaying citizens with careers,
7 families, friendships and futures; and

8 "WHEREAS, A pioneer in alcohol
9 treatment, Father Young developed the first
10 alcohol crisis center and extended care unit
11 in New York State. He founded the alcohol and
12 substance abuse treatment program within the
13 Department of Corrections, and this program,
14 which provided a place to live, job training,
15 and therapy, has served as a model for
16 treatment across the state and country; and

17 "WHEREAS, The effectiveness of
18 Father Young's vocational program is based on
19 his 'three-legged stool' approach, which
20 includes treatment, training, and placement
21 provided by Altamont Program, Inc. This
22 program has resulted in a four-year-graduate
23 recidivism rate of less than 10 percent; and

24 "WHEREAS, Father Young's programs

1 also make proficient use of his 'wounded
2 healer' philosophy, based on the belief that
3 those who have succeeded in recovery can best
4 extend their hand to the next person and help
5 them begin the process; and

6 "WHEREAS, In addition to his duties
7 as a parish priest and pastor, Father Young
8 has taught in high school, served as a
9 chaplain for various associations, and, in the
10 prison system, founded dozens of organizations
11 involved with treatment, housing shelters and
12 recovery services. In 2001, he was ranked
13 number two in the Top Ten New Yorkers Survey
14 as conducted by Empire State Report; and

15 "WHEREAS, A graduate of Siena
16 College, Father Young attended St. Bonaventure
17 College for five years of study, leading to
18 his ordination as a priest. Currently, he is
19 privileged to serve the Mother Teresa
20 Community in Albany; and

21 "WHEREAS, It is the sense of this
22 Legislative Body that when a person of such
23 noble aims and accomplishments is brought to
24 our attention, it is appropriate to publicly

1 and jubilantly proclaim and commend that
2 individual for the edification of others; now,
3 therefore, be it

4 "RESOLVED, That this Legislative
5 Body pause in its deliberations to honor
6 Father Peter G. Young for his 50 years in the
7 ministry; and be it further

8 "RESOLVED, That a copy of this
9 resolution, suitably engrossed, be transmitted
10 to Father Peter G. Young."

11 ACTING PRESIDENT VALESKY:
12 Senator Breslin, on the resolution.

13 SENATOR BRESLIN: Thank you very
14 much, Mr. President.

15 What a wonderful honor for me to be
16 able to sponsor a resolution for a New York
17 State legend and hero, Father Peter Young, who
18 is still with us.

19 You know, many of us who haven't
20 been in this chamber for a long period of time
21 see Father Young go up and give the invocation
22 but don't know who Father Peter Young is.

23 He's a person who was educated in
24 local schools: Christian Brothers Academy.

1 He went on to Siena to become captain of the
2 baseball team and at one time thought he
3 wouldn't be a priest, he'd be a major league
4 first baseman.

5 And then our lives interacted back
6 in the early '60s when I was a high school
7 basketball player and I used to scrimmage
8 against a young priest named Peter Young. It
9 almost ended my ability to play any sport
10 having to play on the same court with Peter
11 Young, because I don't believe anybody told
12 him it was basketball. I think he thought it
13 was a football game and there were no rules.

14 Then later, as a young lawyer, I
15 would go to police court. And for many of the
16 lawyers in this chamber, we would see people
17 who were charged with public intoxication go
18 away for 15 days, because at that time it was
19 quasi-criminal.

20 And for me it was a shock to see a
21 judge sit there and say: "Joe Jones, this is
22 your 115th time." And I'd say, that must be
23 apocryphal, it can't that many times. But I
24 found out it was. It was 115 in one case, 135

1 in another case.

2 Yet there was a priest there making
3 a difference. And when you read in the
4 resolution "Rehabilitate, don't incarcerate,"
5 that was Peter Young the street priest. That
6 was Peter Young -- I didn't see what he was
7 doing when he wasn't in police court; he was
8 over here in these chambers, trying to change
9 the attitudes of legislators, trying to make
10 us -- them, then -- pass legislation that
11 would decriminalize public intoxication.

12 Again, try to treat someone, don't
13 try to put them in jail. The treatment will
14 be cheaper. You'll have a successful human
15 being if you treat that illness. And
16 addiction hasn't gone away in our criminal
17 justice system, and neither has Father Young.

18 You know, when we see those
19 statistics that almost 90 percent of those who
20 are incarcerated are incarcerated in some way
21 because of an addiction, either to alcohol or
22 drugs, there's one person in this state who
23 won't accept that, and that's Father Young.

24 Father Young has created more

1 programs to help alcoholics or people with
2 addictions to get into treatment, to get into,
3 after treatment, training, as he would say.
4 He's great with slogans -- the treatment, the
5 training, housing. You just can't treat
6 somebody and leave them alone, because they'll
7 fall back again.

8 And over these many years, he's
9 been, as was indicated, a chaplain here, a
10 street priest at St. John's in the South End.
11 And in those years in the late '70s when he
12 was at St. John's, he lived in this poor, poor
13 parish, and the other priest who lived in the
14 same building we now know as Bishop Howard
15 Hubbard.

16 But I have never seen Father Peter
17 Young when he wasn't advocating for someone
18 who had some difficulty in their lives. He
19 really, really exemplifies that person who
20 isn't doing a little, it's that person who
21 threw away his worldly goods and said, I am
22 here on this earth to make the lives of others
23 better.

24 So it is my honor to stand here

1 before you and to praise the life of someone
2 who is still with us. We're not asking for
3 the dedication of a building to be named the
4 Peter Young Center or the Peter Young
5 Senate -- although he's up here enough to call
6 it the Peter Young Senate -- it's to recognize
7 him while he's here with us, continuing.

8 And many of us will say "50 years a
9 priest." And that culmination will be this
10 Sunday the 24th, when he's honored at Mother
11 Teresa Church in Albany.

12 So I know that so many of my fellow
13 Senators feel the same way as I do about
14 Father Young for this special resolution.

15 Thank you very much, Mr. President.

16 ACTING PRESIDENT VALESKY: Thank
17 you, Senator Breslin.

18 Senator Volker, on the resolution.

19 SENATOR VOLKER: Mr. President,
20 first of all, I thank you, Senator Breslin,
21 for introducing this resolution.

22 I think it's fitting that the
23 church that Father Young is going to be
24 honored at is Mother Teresa. I have thought

1 for a long time that Father Peter Young is the
2 Mother Teresa of New York, and particularly of
3 Albany.

4 In fact, I will also say that I
5 have to also follow up on what Neil said about
6 sports. I too tried to play basketball
7 against Father Peter Young. I learned. He
8 flattened me. And it was a very cordial -- he
9 felt very badly, but of course he made sure he
10 won. And he has a tremendous competitive
11 spirit.

12 But I have to say he's probably the
13 most honored person in this chamber. That is,
14 you know, Frank was just saying, "Didn't we
15 just honor him last year?" And I said, "Yes,
16 and the year before." And we should.

17 Because not only is Father Peter
18 Young involved here in Albany -- and I'm proud
19 to say that I was involved initially in the
20 prison program for alcohol and drug treatment
21 way, way back and helped Father facilitate it.
22 Of course, it was him that really did it, not
23 me. Started a program that's been looked at
24 very, very highly across the nation.

1 In Buffalo, where I come from,
2 Father Peter Young has several facilities.
3 And he always seems to be wrestling with the
4 local people, who I sometimes think the
5 problem is that they don't quite understand
6 that this priest, although he's from Albany,
7 he's really, you know, he's one of us. And in
8 Buffalo sometimes they have a tendency to
9 think that if somebody comes from outside, you
10 know, they're different and whatever.

11 But Father Young, not only is he a
12 full-fledged priest, but I think sometimes he
13 would make an excellent ambassador. He is
14 able to make people understand that he doesn't
15 care for himself, he cares for the people who
16 he wants to take care of.

17 On several occasions, I've had
18 families whose children have had problems, and
19 I referred them to Father Young, and he never
20 failed me.

21 I have to say if there is a person
22 in my life who I think is already a saint,
23 that's Father Peter Young.

24 So I congratulate you again for

1 50 great years.

2 ACTING PRESIDENT VALESKY: Thank
3 you, Senator Volker.

4 Senator Little, on the resolution.

5 SENATOR LITTLE: Thank you,
6 Mr. President.

7 It's an honor for me to stand today
8 and join in the recognition of Father Peter
9 Young. Certainly Senator Breslin talked about
10 the Father Peter Young that we know here in
11 Albany who has advocated so much for the
12 causes of those who are incarcerated as they
13 transition into their civilian life again.

14 And certainly, in my district,
15 Father Peter Young has advocated for
16 facilities there and has had many successful
17 facilities in the district as well.

18 But there's another side to Father
19 Peter Young that I would like to speak about,
20 and it's the Father Peter Young that I knew as
21 I attended mass in Bolton Landing, at church
22 there. And that's probably the reason that
23 50 years ago Father Peter Young became a
24 priest, because there, the people in that

1 congregation were the most important people to
2 them.

3 And many of them never knew that he
4 had another work, they just knew he was out of
5 town during the week. And they certainly
6 didn't know that he was as well-known
7 throughout the state as he was. For them, he
8 was there to give a message, to tend to them,
9 to console them, to reach out to the person
10 whose spouse had died, to spend time with that
11 person, to reach out to someone whose child
12 had been killed accidentally -- all of those
13 things.

14 He was a wonderful, wonderful
15 pastor, and he certainly helped many, many
16 people and made a difference in their lives.
17 And his homilies were always humorous but
18 certainly inspiring, and something that when
19 you left church that day you were very happy
20 that you had spent time listening and in the
21 room with Father Peter Young.

22 So thank you.

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Little.

1 Senator Padavan, on the resolution.

2 SENATOR PADAVAN: Thank you,
3 Mr. President.

4 And thank you, Senator Breslin, for
5 once again giving us an opportunity to talk
6 about our dear friend and counselor and priest
7 and the unofficial chaplain of the State
8 Senate, Father Peter Young.

9 I first got to know him rather well
10 back in the late '70s when we were
11 reorganizing the Office of Mental Health,
12 which at that time encompassed everything,
13 including alcoholism, substance abuse,
14 retardation and so on. Broke it up into a
15 number of different agencies, with the full
16 cooperation of then-Governor Carey.

17 In the process, we formed an
18 advisory committee to recommend to us how we
19 would do this in the best possible way. And
20 Father Young served, if not -- I think he was
21 the main person on that advisory committee
22 dealing with substance abuse. And it was a
23 very difficult time. We had a lot of public
24 hearings, and sometimes everybody didn't agree

1 on the right approach. But throughout it all,
2 Father Young was there to give us the guidance
3 that we needed. And we ended up with what
4 today is DSAS. So in terms of state policy
5 and organization and of service, he was the
6 key driver.

7 A young man starting in the Bowery,
8 meeting face-to-face with alcoholism in all of
9 its forms, developing a priesthood. As
10 Senator Little pointed out, pastor of a small
11 church in Bolton Landing.

12 I remember one summer bringing my
13 family on the way down from camp, my son and
14 daughter, my wife, to visit him at Bolton
15 Landing. I said, "You're in for a thrill.
16 You're going to meet one of the greatest guys
17 that I ever met in Albany."

18 Unfortunately, you weren't there.
19 Your housekeeper said you were in prison. And
20 indeed you were, because you were there doing
21 that fantastic job.

22 In 11 different prisons, as I
23 recall, running programs for those who were
24 incarcerated largely because of a substance

1 abuse problem. Understanding that if you
2 didn't deal with it there, when they left,
3 recidivism was an inevitability. And then, of
4 course, running programs in the community,
5 from New York City to, as Senator Volker said,
6 to Buffalo.

7 He took me to one for dinner right
8 outside of Albany here one night. We had a
9 lovely dinner -- 1996, late '95. He brought
10 me into the kitchen and I met the chef. And
11 then, of course, we were greeted by, as we
12 came in, a hostess and a waiter and all the
13 people who served us a fantastic dinner.

14 Then he told me what these men had
15 been in prison for -- murder, arson, all kinds
16 of terrible crimes. But all of those crimes
17 had been motivated and perhaps had, as
18 genesis, alcoholism.

19 He takes them into this program,
20 developing their skills in the culinary
21 industry, getting jobs for them. And the
22 recidivism rate, down below 10 percent. Would
23 not happen otherwise. Absolutely would not
24 happen.

1 One could go on and on. We've had
2 the opportunity of speaking about him and to
3 him on this floor in prior years for different
4 occasions. We all prayed for him when he went
5 through his medical problems. Now he's as
6 strong as ever, can take on any one of us at
7 any time if need be.

8 And it's just a joy and a pleasure
9 to have known him. I consider him a friend,
10 an advisor, a counselor, and a great priest.

11 Thank you, Father Young.

12 ACTING PRESIDENT VALESKY: Thank
13 you, Senator Padavan.

14 Senator Farley. On the resolution.

15 SENATOR FARLEY: Thank you,
16 Mr. President.

17 I rise to salute not only a great
18 human being but a great priest, somebody that
19 epitomizes what a Christian should be. He
20 services the unfortunate, the addicted, the
21 incarcerated, and those that are kind of
22 exiled from society.

23 Father Young is probably the only
24 priest in this diocese, in the area that is

1 the boss of the bishop. Bishop Hubbard was
2 his assistant.

3 And Father Young, of course, is so
4 admired by every priest in this diocese, but
5 certainly, as mentioned, the unofficial priest
6 or the chaplain for this Senate. As far as
7 I'm concerned, he is the official chaplain for
8 this Senate. He's been here before I came
9 here, 33 years, and has really never forgotten
10 all of its members.

11 And there isn't a member,
12 regardless of your religious or political
13 persuasion, that doesn't admire and love
14 Father Young.

15 I'll tell you, he represents
16 everything that is best not only in society
17 but that is the best that anybody in the
18 clergy could represent.

19 Father, we're very proud of you. A
20 very happy 50th year of your celebration of
21 your priesthood. And I wish you well, and
22 many, many more.

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Farley.

1 Senator Libous, on the resolution.

2 SENATOR LIBOUS: Thank you,
3 Mr. President.

4 I want to stand to say thank you to
5 Senator Breslin also, and to join all my
6 colleagues in remarking on 50 wonderful years
7 for Father Young.

8 I too, like Senator Padavan and
9 others, when I came here in 1989, I became the
10 chairman of the Alcohol and Drug Abuse
11 Committee, and the first person to come visit
12 me was Father Peter Young, and shared with me
13 the many programs that he had been involved
14 in, not only in the prisons but in the
15 community.

16 And then I soon learned after that,
17 like many of you, that Father Young indeed was
18 well-known and respected not only here in
19 Albany but all over the state.

20 And I remember one day a number of
21 years ago he came up to me and he said, "Tom,
22 I'm helping you to create a new program in
23 Broome County." And I kind of looked at him
24 and said, "Father, that's my district." He

1 says "Yeah." He says, "I'm going to help you
2 with his. You have a need there, and I want
3 to share it with you."

4 And that's the kind of individual
5 he is. It didn't matter whether we were here
6 in Albany, he was working on programs for us
7 statewide, but he was everywhere in the State
8 of New York, always willing to help and share.

9 Father, it's great that you're not
10 retiring and that you're going to be around
11 hopefully for another 50 years to share with
12 us. And that I know you enjoy golf, and I
13 look forward to seeing you again at the
14 Dix Open the week of June 27th.

15 ACTING PRESIDENT VALESKY: Thank
16 you, Senator Libous.

17 Are there any other Senators who
18 wish to be heard on the resolution?

19 Seeing none, the question is on the
20 resolution. All in favor signify by saying
21 aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT VALESKY:

24 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT VALESKY: The
3 resolution is adopted.

4 Father Young, congratulations on
5 your 50th anniversary and your service to all
6 those lives you have touched.

7 (Standing ovation.)

8 SENATOR LaVALLE: Mr. President.

9 ACTING PRESIDENT VALESKY:
10 Senator LaValle.

11 SENATOR LaVALLE: Mr. President,
12 would Senator Breslin agree to having us
13 all --

14 ACTING PRESIDENT VALESKY: I was
15 just about to get there, in fact, Senator
16 LaValle.

17 Senator Breslin has asked that the
18 resolution be open to cosponsorship by all
19 members. Any Senator wishing not to cosponsor
20 the resolution should notify the desk.

21 Senator Klein.

22 SENATOR KLEIN: Mr. President, at
23 this time can we take up Senate Resolution
24 Number 2008. I ask that the title of the

1 resolution be read and move for its immediate
2 adoption and allow Senator Foley to speak on
3 his resolution.

4 ACTING PRESIDENT VALESKY: The
5 Secretary will read.

6 THE SECRETARY: By Senator Foley,
7 Legislative Resolution Number 2008,
8 memorializing Governor David A. Paterson to
9 proclaim May 18, 2009, as Credit Union
10 Awareness Day in the State of New York.

11 ACTING PRESIDENT VALESKY:
12 Senator Foley, on the resolution.

13 SENATOR FOLEY: Thank you,
14 Mr. President.

15 This resolution designates today,
16 Monday, May 18, 2009, as Credit Union
17 Awareness Day.

18 Credit unions are not-for-profit
19 financial cooperatives, democratically
20 owned -- and that's small D, ladies and
21 gentlemen -- operated and founded by people
22 working together towards economic advancement.
23 And they're also led by a volunteer board of
24 directors.

1 There are, in fact, 476 credit
2 unions currently serving the financial needs
3 of 4.2 million members in New York State.

4 Credit unions also return any
5 profits to their members through lower-cost
6 rates and lower-cost fees or directly through
7 a dividend.

8 I'm pleased to have this
9 opportunity today to recognize the many
10 valuable contributions that credit unions have
11 made throughout the great State of New York.

12 Thank you, Mr. President.

13 ACTING PRESIDENT VALESKY: Thank
14 you, Senator Foley.

15 Are there any other Senators who
16 wish to be heard?

17 Seeing none, the question is on the
18 resolution. All in favor -- Senator Johnson,
19 I'm sorry.

20 Before we call the roll,
21 Senator Johnson on the resolution.

22 SENATOR CRAIG JOHNSON: Mr.
23 President, thank you. And I apologize for
24 being a little late.

1 I want to rise and support my good
2 friend and colleague Senator Foley's
3 resolution honoring the credit unions. It's
4 an important institution, especially given the
5 current situation involving our lending
6 institutions. The credit unions have really
7 become the backbone for small-town New York.

8 And I think it's important, as we
9 honor them today, we just think about ways to
10 ensure that our credit unions remain strong
11 and vibrant. And hopefully, as we move
12 forward, as our days grow shorter here in the
13 State Legislature, we can find ways to assist
14 the credit unions so they can be the strong
15 and vibrant entities that we know that they
16 are and will be.

17 So I support this. I vote yes. I
18 thank Senator Foley for his sponsorship of the
19 resolution.

20 Thank you very much, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator Johnson.

23 The question now, then, is on the
24 resolution. All those in favor signify by

1 saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT VALESKY:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT VALESKY: The
7 resolution is adopted.

8 At Senator Foley's request, it is
9 open to cosponsorship by all members. Anyone
10 wishing not to cosponsor the resolution should
11 notify the desk.

12 Senator Klein.

13 SENATOR KLEIN: Mr. President,
14 are there any substitutions at the desk?

15 ACTING PRESIDENT VALESKY: We do
16 have one substitution at the desk.

17 The Secretary will read.

18 THE SECRETARY: On page 25,
19 Senator DeFrancisco moves to discharge, from
20 the Committee on Local Government, Assembly
21 Bill Number 7514A and substitute it for the
22 identical Senate Bill Number 4092A, Third
23 Reading Calendar 285.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 Senator Klein.

3 SENATOR KLEIN: Mr. President,
4 can we at this time move to a reading of
5 Senate Calendar Number 47.

6 ACTING PRESIDENT VALESKY: The
7 Secretary will proceed with a reading of
8 Senate Calendar Number 47.

9 THE SECRETARY: Calendar Number
10 190, by Senator Seward, Senate Print 179, an
11 act to amend the Tax Law, in relation to
12 authorizing.

13 ACTING PRESIDENT VALESKY: There
14 is a home-rule message at the desk.

15 The Secretary will read the last
16 section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the 60th day.

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: Calendar Number
2 191, by Senator Volker, Senate Print 1565, an
3 act to amend the Tax Law, in relation to
4 authorizing.

5 ACTING PRESIDENT VALESKY: There
6 is a home-rule message at the desk.

7 The Secretary will read the last
8 section.

9 THE SECRETARY: Section 5. This
10 act shall take effect immediately.

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 248, by Senator Little, Senate Print 2802,
19 Concurrent Resolution of the Senate and
20 Assembly proposing an amendment to Section 1
21 of Article 14 of the Constitution.

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT VALESKY: The
3 concurrent resolution is adopted.

4 THE SECRETARY: Calendar Number
5 249, by Senator L. Krueger, Senate Print
6 3847A, an act to amend the Real Property
7 Actions and Proceedings Law, in relation to
8 stipulation --

9 SENATOR LIBOUS: Lay it aside,
10 please.

11 ACTING PRESIDENT VALESKY: The
12 bill is laid aside.

13 THE SECRETARY: Calendar Number
14 253, by Senator Klein, Senate Print 1899A, an
15 act to amend the Penal Law, in relation to the
16 crime of unauthorized use of a motor vehicle.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the 90th day.

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 255, by Senator Stachowski, Senate Print 4550,
5 an act to amend the Criminal Procedure Law, in
6 relation to expanding the offenses.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

9 THE SECRETARY: Section 3. This
10 act shall take effect on the first day of the
11 calendar month next succeeding.

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 261, by Senator Hassell-Thompson, Senate Print
20 3402, an act to amend the Executive Law, in
21 relation to child victims.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 265, by Senator C. Johnson, Senate Print 3821,
10 an act to amend Chapter 704 of the Laws of
11 1991 amending the Arts and Cultural Affairs
12 Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT VALESKY:
21 Senator Squadron, to explain his vote.

22 SENATOR SQUADRON: To explain my
23 vote, Mr. President. Thank you very much.

24 I rise because while I absolutely

1 understand the need to expand access to
2 tickets, I don't believe that that's what this
3 law has done. I believe that it's created a
4 system in which you have folks who aren't
5 selling the tickets or seeing the shows
6 controlling most of them.

7 I don't think that serves the
8 purpose of event-goers in the state, whether
9 it's to my beloved Mets or my beloved Bruce
10 Springsteen and or my less beloved Hannah
11 Montana, and so I think we need to modify this
12 law before we extend it.

13 So I will vote no. Thank you.

14 ACTING PRESIDENT VALESKY:
15 Senator Squadron to be recorded in the
16 negative.

17 Announce the results.

18 THE SECRETARY: Those recorded in
19 the negative on Calendar Number 265 are
20 Senators L. Krueger and Squadron. Also
21 Senator Padavan.

22 Ayes, 59. Nays, 3.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: Calendar Number
2 285, substituted earlier today by Member of
3 the Assembly Barclay, Assembly Print Number
4 7514A, an act in relation to allowing town
5 justice.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 Senator Klein, that completes the
17 reading of the noncontroversial calendar.

18 SENATOR KLEIN: Mr. President,
19 can we at this time move to a reading of the
20 controversial calendar.

21 ACTING PRESIDENT VALESKY: The
22 Secretary will ring the bells and place
23 Calendar Number 249 before the house on a
24 controversial calendar.

1 THE SECRETARY: Calendar Number
2 249, by Senator L. Krueger, Senate Print
3 3847A, an act to amend the Real Property
4 Actions and Proceedings Law.

5 SENATOR LIBOUS: Explanation.

6 ACTING PRESIDENT VALESKY:
7 Senator Krueger, an explanation has been
8 requested by Senator Libous.

9 SENATOR LIZ KRUEGER: Thank you
10 very much.

11 This amends the Real Property
12 Actions and Proceedings Law. It would apply
13 in civil court cases of housing issues, would
14 require that judges provide explanation of the
15 stimulation to unrepresented plaintiffs or
16 defendants. So whoever was not represented by
17 counsel in court, the judge would make sure to
18 explain what the language in the stipulation
19 meant.

20 ACTING PRESIDENT VALESKY:
21 Senator Saland.

22 SENATOR SALAND: Mr. President,
23 would Senator Krueger yield to questions?

24 ACTING PRESIDENT VALESKY:

1 Senator Krueger, do you yield?

2 SENATOR LIZ KRUEGER: Certainly,
3 Mr. President.

4 ACTING PRESIDENT VALESKY: The
5 sponsor yields.

6 SENATOR SALAND: Senator Krueger,
7 does your bill apply to civil courts
8 throughout New York, or does it apply
9 specifically to housing courts in the City of
10 New York?

11 SENATOR LIZ KRUEGER: My
12 understanding is that it would apply
13 statewide. In the City of New York, of
14 course, there is a Housing Court part of Civil
15 Court. And in the rest of the state it would
16 be whatever court in the civil system is
17 handling housing cases.

18 SENATOR SALAND: Will Senator
19 Krueger continue to yield, please?

20 ACTING PRESIDENT VALESKY:
21 Senator Krueger?

22 SENATOR LIZ KRUEGER: Yes,
23 Mr. President, I'd be happy to.

24 ACTING PRESIDENT VALESKY:

1 Continue.

2 SENATOR SALAND: Senator Krueger,
3 when you require that the court fully describe
4 the terms of the stipulation, what constitutes
5 fully describing the terms of the stipulation?

6 SENATOR LIZ KRUEGER: Thank you,
7 Senator Saland. Through you, Mr. President.

8 We purposely kept it broad so as
9 not to put too many restrictions on the judges
10 themselves to interpret in explaining the
11 stipulation.

12 But actually, in the City of
13 New York, in Housing Court, the chief judge
14 for the Housing Court back in April '07
15 actually put out a specific memo recommending
16 in fact what judges do to ensure that pro se
17 tenants and landlords in Housing Court
18 understand what the stipulation is about.

19 So just briefly, identify the
20 parties, identify the authority of the
21 signatory to the stipulation --

22 SENATOR SALAND: Mr. President,
23 would the Senator suffer an interruption?
24 It's rather noisy in my general area and it's

1 difficult to hear the Senator.

2 ACTING PRESIDENT VALESKY: Can we
3 please have some quiet in the chamber. Thank
4 you.

5 Senator Krueger.

6 SENATOR LIZ KRUEGER: I'm sorry.
7 Senator Saland, I'll try to speak up as well.

8 Identify the parties. The
9 authority of the signatory to the stipulation
10 if the party is not present. Clarify that the
11 pro se litigant understands and agrees to the
12 terms of the stipulation. If the litigant
13 understands the effects of noncompliance of
14 the stipulation by either side. Whether the
15 litigant understands he or she may try the
16 case if an acceptable stipulation cannot be
17 negotiated.

18 SENATOR SALAND: Excuse me again.
19 I couldn't hear your last proviso.

20 SENATOR LIZ KRUEGER: I'm sorry,
21 I'll repeat.

22 Whether the litigant understands
23 that he or she may try the case if an
24 acceptable stipulation cannot be negotiated.

1 Whether the litigant's claims
2 and/or defenses are discerned and understood.
3 And that also if the litigant understands all
4 available options to them in light of the
5 claims and offenses. And if the litigant
6 understands that he or she intends to apply
7 for public benefits, that an appropriate rent
8 breakdown is included in the stipulation.
9 That's a section of Social Service Law. And
10 the litigant understands the implication of a
11 nonsatisfied judgment and the legal
12 requirement that a petitioner be provided
13 satisfaction upon payment.

14 So this is an outline that the
15 chief judge actually provided for the judges.
16 But again, my bill is not as specific. But I
17 think it's a helpful outline.

18 Again, we're talking about
19 situations where people are not represented by
20 an attorney, which is statistically not
21 uncommon. In fact, in New York City -- I
22 don't know the statewide statistics -- up to
23 95 percent of people in Housing Court don't
24 have attorneys.

1 And of course you're faced with
2 this very legal paperwork and this stipulation
3 that if you sign, you're legally obliged to
4 follow. And a concern that our courts have
5 recognized that it's actually very valuable to
6 have the judge go over these basics so that
7 everybody understands, if they're signing
8 paperwork and walking out of court, that this
9 is what they've agreed to.

10 SENATOR SALAND: Thank you.

11 Will Senator Krueger continue to
12 yield?

13 ACTING PRESIDENT VALESKY:
14 Senator Krueger?

15 SENATOR LIZ KRUEGER: Yes,
16 Mr. President, I'm happy to.

17 ACTING PRESIDENT VALESKY: The
18 sponsor yields.

19 SENATOR SALAND: So is it correct
20 to say, then, that this is a general practice
21 currently in housing courts in the City of
22 New York, based upon the stipulation that you
23 just read?

24 SENATOR LIZ KRUEGER: Well, it's

1 an advisory notice to judges. It's not, of
2 course, yet in law. So if a judge chooses not
3 to follow it or chooses not to follow it as
4 explained in this memo, there's nothing that
5 requires them to do so.

6 SENATOR SALAND: If Senator
7 Krueger will continue to yield.

8 ACTING PRESIDENT VALESKY:
9 Senator Krueger?

10 SENATOR LIZ KRUEGER: Certainly,
11 Mr. President.

12 ACTING PRESIDENT VALESKY: The
13 sponsor continues.

14 SENATOR SALAND: Senator Krueger,
15 outside of the City of New York many of these
16 proceedings are brought in justice courts,
17 some of which are presided over by lawyers and
18 some of which are presided over by lay judges.

19 And in many of these cases you will
20 have situations, particularly where there are
21 small landlords -- when I say small, I'm not
22 talking about their height -- somebody who may
23 have perhaps one, two, or three units, may in
24 fact even be sharing a two-or-three-family

1 house with somebody. And more often than not,
2 these people are not going to be represented
3 were they the landlord in one of these
4 proceedings.

5 So you would have a situation in
6 which you would have two persons, both of
7 whom, the landlord and the tenant, were
8 laypeople. And the judge in that situation,
9 who could be a lawyer or might not be a
10 lawyer, would then be, under this, required to
11 fully describe the terms of the stipulation to
12 that party -- which I would assume would mean
13 to both parties -- and in effect, I guess,
14 give recitation of both sides of the law,
15 landlord/tenant law, to the satisfaction of
16 both the landlord and the tenant.

17 A very challenging situation, I
18 might add. And the two people could
19 conceivably walk away with different versions
20 of what they had heard.

21 And with that, I will ask you the
22 question, what happens if one of them later
23 were to say "Wait a minute, that wasn't my
24 understanding of what was explained to me"?

1 And I might also add that it's possible there
2 might not even be a recording of that
3 stipulation taken in that court.

4 SENATOR LIZ KRUEGER: Well, in
5 the scenario, the hypothetical -- oh, excuse
6 me, Mr. President, through you. In the
7 hypothetical just described, where conceivably
8 the judge is a law judge, neither the
9 respondent or the plaintiff may be represented
10 by counsel, it seems to me that's the best
11 example of why we want to have this law.

12 In that situation, it's not totally
13 clear if anyone in the room would
14 appropriately understand the stipulation.
15 Although I certainly hope -- but I don't have
16 experience outside New York City's Housing
17 Court -- I certainly hope we don't have judges
18 making rulings and agreeing to stipulations in
19 any situation where they don't actually
20 understand what the law is and can't explain
21 to either party what the stipulation is.

22 Because I'd say we have a bigger
23 problem than the explanation part of the
24 assignment if none of the three parties -- the

1 court, the plaintiff, or the respondent --
2 actually have counsel or know what's going on.
3 That would, I suppose, be my greatest concern.

4 Perhaps we need another bill,
5 Senator, in addition to this, to ensure that
6 whoever is the judge in whatever court
7 understands what is going on before them in
8 their courtroom.

9 But again, as I read to you, the
10 interpretation of the responsibility of the
11 judge to explain to either party which is not
12 represented by counsel, again, is very broad
13 in interpretation of what their role should
14 be. And again, the example I gave you from
15 the city's recommendations, quote, advisory
16 notice to allocution of stipulation is really
17 some of the fundamental basics of what's on
18 the piece of paper, not necessarily complex
19 legal arguments.

20 And also, I don't know the answer
21 about outside New York City, but in New York
22 City the discussions that go on in court are
23 in fact recorded, so that would be a
24 transcript available to whomever, after the

1 case took place, to review whether in fact
2 information provided by the judge was accurate
3 or not.

4 And of course if anyone ever feels
5 that a court has failed to uphold the law,
6 they can of course appeal. Which would be
7 true today whether or not judges were making
8 sure that pro se plaintiffs and/or respondents
9 just had a review one more time of what in
10 fact the documents are before they sign them.

11 SENATOR SALAND: Would Senator
12 Krueger continue to yield?

13 ACTING PRESIDENT VALESKY:
14 Senator Krueger, do you continue to yield?

15 SENATOR LIZ KRUEGER: Certainly,
16 Mr. President.

17 ACTING PRESIDENT VALESKY:
18 Proceed.

19 SENATOR SALAND: The example I
20 gave you wasn't intended in any way to
21 disparage the quality of justice courts
22 anywhere in New York, it was primarily to show
23 the difference of what might go in a New York
24 City court and what might go on in a court

1 outside of New York City.

2 And the question which I had at the
3 tail end of that somewhat lengthy preface was,
4 what happens if one of the parties then
5 maintains that it was not fully described? Is
6 there some kind of a remedy or is there some
7 kind of procedure that that party then brings
8 when they feel that they've been aggrieved
9 because it wasn't fully described?

10 SENATOR LIZ KRUEGER: Of course,
11 any time you feel you're aggrieved in our
12 court system, you have the right to appeal.
13 In fact, when we're talking about
14 nonrepresented people in these kinds of
15 situations, again, it's not as likely that
16 they would go through with an appeal process.

17 But I agree with you, my
18 understanding is this would have a greater
19 impact of assuring protections and
20 clarification for cases outside of New York
21 City. Because again, in New York City this is
22 mostly being done voluntarily by judges
23 between 2007 and 2009.

24 And what we have found is it does

1 not put unduly complex new requirements on the
2 judges, has not brought challenges for
3 incorrect information and, again, works in the
4 interest of whomever is not represented.

5 Again, I didn't go to law school,
6 so I find that reading legal documents can be
7 fairly complex. And if I don't have a lawyer
8 to advise me, I'm additionally uncomfortable
9 with agreeing to sign documents.

10 So basically what we have found is
11 that this is actually resolving problems
12 rather than creating problems, because the
13 judge is just making sure that both parties
14 are in fact understanding the agreement
15 stipulation that is going to be signed before
16 they leave the courtroom.

17 SENATOR SALAND: Perhaps one last
18 question for the Senator.

19 ACTING PRESIDENT VALESKY:
20 Senator Krueger?

21 SENATOR LIZ KRUEGER: Mr.
22 President, absolutely.

23 SENATOR SALAND: The exception to
24 this required stipulation or explanation of

1 stipulation occurs where there is a
2 stipulation to adjourn or stay of proceeding.

3 What other types of stipulations
4 would be appropriately addressed by this
5 particular provision?

6 SENATOR LIZ KRUEGER: So there's
7 an exception to the law for those proceedings,
8 because there's the recognition that somebody
9 does want to either take some more time or in
10 fact move to a different venue or perhaps get
11 an attorney. We agree on that.

12 So in fact in housing court, then,
13 it can be almost any possibility: A housing
14 part action of a complaint by a resident that
15 the landlord has failed to provide the
16 services they are obligated to under the
17 lease; a case brought by a landlord for a
18 failure to pay rent; or a case brought by a
19 landlord on what was called a holdover
20 proceeding, at least in the New York City
21 housing court, that there's been some other
22 violation of the lease agreement other than
23 failing to pay rent.

24 So technically, I suppose it could

1 be any situation, but those are the most
2 standard situations that we run into.

3 SENATOR SALAND: Thank you,
4 Senator Krueger.

5 It's been quite a long time since I
6 had the opportunity to appear on behalf of
7 either a landlord or a tenant in justice
8 court. And the two stipulations that I seem
9 to recall being the most common were a simple
10 stipulation to adjourn, for whatever reason,
11 and also perhaps, at the conclusion of a case,
12 a stipulation to avoid a warrant of eviction
13 or the proceeding would be stayed for a
14 certain period of time which would enable the
15 tenant to vacate the premises. If they did
16 not, however, vacate the premises within that
17 period of time, then the warrant would be
18 issued.

19 So I'm not quite sure what
20 intervening stipulations there might be in the
21 kinds of courts that I have any familiarity
22 with or at one time had familiarity with,
23 realizing full well that practices may be very
24 different in housing courts in the City of

1 New York.

2 Just on the bill.

3 ACTING PRESIDENT VALESKY:

4 Senator Saland, on the bill.

5 SENATOR SALAND: If in fact this
6 is a practice in the City of New York, I'm not
7 quite certain. And again, I clearly
8 acknowledge that the time I spend in court
9 these days is minimal at best, and perhaps
10 nonexistent would be a better description of
11 it.

12 But I'm concerned by a situation in
13 which you have justice courts and you have
14 people who on any number of occasions may be
15 laypeople on both sides of the issue. I'm not
16 quite sure what they're getting by way of this
17 stipulation or explanation of stipulation, to
18 the extent that if they walk away and have an
19 issue with what they thought their
20 understanding was, if it's different from what
21 in fact turns out to be case, that it was
22 implied or alluded to in Senator Krueger's
23 comments the only remedy is to appeal.

24 And these laypeople in these types

1 of situations, neither the landlord nor the
2 tenant would be people of means, the amount of
3 money in dispute would be modest, and
4 certainly could ill afford to take an appeal.
5 The mere fact that they're representing
6 themselves and appearing pro se says that they
7 can't afford a lawyer in the first place. And
8 that being the case, the likelihood of them
9 pursuing an appeal is slim or none.

10 So thank you, Mr. President.

11 ACTING PRESIDENT VALESKY: Thank
12 you, Senator Saland.

13 Are there any other Senators
14 wishing to be heard?

15 Senator Krueger, on the bill.

16 SENATOR LIZ KRUEGER: Thank you.
17 On the bill.

18 I appreciate Senator Saland's
19 questions because I think it is important to
20 understand what this bill would do. Again,
21 from -- in fact I was just speaking to
22 counsel, who's worked in justice courts. What
23 this bill does is allows the judge to clarify
24 and explain the stipulation to people who are

1 in court without lawyers to make sure that
2 they understand what they are agreeing to.

3 It is true very often what they are
4 in court about is negotiating dollars and
5 cents and when it has to be paid. And what
6 was just reinforced to me was that if in fact
7 the judge takes the time to explain what's in
8 the stipulation, one party or the other may in
9 fact say, Oh, that's not what I understood.
10 They in fact then are able to change the
11 language and fix the problem before you end up
12 with a case where people have signed
13 stipulations, left the courtroom, and then
14 later failed to meet their obligations.

15 So in fact by simplifying and
16 clarifying the deal, so to speak, before
17 people leave court, you end up with fewer
18 problems after the fact, because people may or
19 may not live up to their obligations -- that's
20 always the situation -- but in fact they are
21 much less likely to walk away misunderstanding
22 what the agreement between the two parties in
23 court were.

24 Now, one could argue that nobody

1 should ever be in a courtroom as a plaintiff
2 or as a respondent without a lawyer. And some
3 people argue that we shouldn't have a pro se
4 system.

5 If we didn't have a pro se system,
6 I would argue we wouldn't necessarily need to
7 worry about this. But again, very large
8 numbers of people go to court, justice courts
9 or housing court in New York City, on housing
10 issues without attorneys. And most have
11 argued that it's cost-efficient to do so as
12 long as we have a court system that can fairly
13 and judiciously ensure that all the parties'
14 information is provided and the system is
15 working right.

16 This is just a model to say, okay,
17 judges, make sure the parties understand the
18 agreement before they sign them. And then in
19 fact we do believe we will see less cases
20 coming back for any reason because, again,
21 they knew what they were doing before they
22 signed and before they left the court.

23 So I think this is a very
24 common-sense piece of legislation. And again,

1 based on our experience in New York City,
2 where we have the largest volume of housing
3 court cases going through the civil system in
4 the State of New York, in fact when judges
5 practice this model -- which, again, currently
6 is voluntary, not in statute -- it's actually
7 working very well.

8 Thank you, Mr. President.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Krueger.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Would the
13 Senator yield to a question.

14 ACTING PRESIDENT VALESKY:
15 Senator Krueger, do you yield?

16 SENATOR LIZ KRUEGER: Certainly,
17 Mr. President.

18 SENATOR DeFRANCISCO: You had
19 just indicated that this bill would allow the
20 judges to explain to the litigants the meaning
21 of the stipulation. It actually, does it not,
22 it actually requires a judge to explain the
23 meaning of the stipulation, not allows the
24 judge.

1 SENATOR LIZ KRUEGER: Excuse me,
2 yes. It requires but it doesn't lay out how
3 exactly they do that.

4 SENATOR DeFRANCISCO: Would the
5 Senator yield to one more question?

6 ACTING PRESIDENT VALESKY:
7 Senator Krueger.

8 SENATOR LIZ KRUEGER: Mr.
9 President, yes.

10 SENATOR DeFRANCISCO: If the
11 judge does not and violates the requirements
12 under this provision, is the stipulation void?
13 Is it not enforceable? What's the remedy in
14 case a judge doesn't do it?

15 SENATOR LIZ KRUEGER: An
16 excellent question. One moment.

17 We don't believe it would void the
18 decision. But there might be, in fact, some
19 penalty that was applied by the courts to that
20 judge if he or she had a pattern of failing to
21 do this.

22 SENATOR DeFRANCISCO: On the
23 bill.

24 ACTING PRESIDENT VALESKY:

1 Senator DeFrancisco, on the bill.

2 SENATOR DeFRANCISCO: If there's
3 no remedy, there seems to be little that would
4 require a judge to do this.

5 And secondly, I guess the question
6 would be the fact that a judge explained this
7 to an individual doesn't necessarily mean the
8 individual would understand it. Or, if you
9 want to look at it a different way, who's
10 going to explain it to the judge? Because
11 maybe the judge wouldn't understand it.

12 I guess my point is this is another
13 example of where we assume that litigants or
14 we assume that the general population cannot
15 understand basically what they're doing, and
16 we're providing a requirement of a court with
17 no remedy.

18 So I'm not sure that it's going to
19 accomplish anything other than the potential
20 of voiding certain stipulations. Because I
21 think that's the only remedy that an appeals
22 court can really do to undo the failure of a
23 judge to provide this information.

24 So, I don't know, I think most

1 judges, when there's pro se litigants, usually
2 do provide this information. And I'm just
3 concerned about potential appeals, frivolous
4 appeals based on the supposed reason that "The
5 judge didn't explain" or "I didn't really
6 understand it," and it could burden the court
7 system.

8 Thank you.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator DeFrancisco.

11 Are there any other Senators who
12 wish to be heard?

13 Seeing none, the debate is closed.

14 The Secretary will ring the bells.

15 I ask all Senators to proceed
16 immediately to the chamber so that we may move
17 forward with the roll call.

18 The Secretary will read the last
19 section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the 60th day.

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 249 are
3 Senators DeFrancisco, Robach and Saland.

4 Ayes, 59. Nays, 3.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 Senator Klein, that completes the
8 reading of the controversial calendar.

9 SENATOR KLEIN: Mr. President,
10 can we at this time recognize Senator Ruth
11 Hassell-Thompson and then Senator Robach.

12 ACTING PRESIDENT VALESKY:
13 Senator Hassell-Thompson.

14 SENATOR HASSELL-THOMPSON: Thank
15 you, Mr. President. Just two notifications,
16 please.

17 Tomorrow, Tuesday, May 19th, from
18 9:00 a.m. to 3:00 p.m., down on our Grand
19 Concourse in the LOB, I have asked my
20 colleagues to participate, and staff, to
21 donate nonperishable goods to the Capital
22 Region Food Pantry Drive.

23 One of the things I think that all
24 of us realize very clearly is that this

1 economic crisis is really having a very severe
2 impact on pantries and food service and food
3 drives that under normal circumstances would
4 be adversely affected, but even more so with
5 the downturn in our economy.

6 So I'm just asking people to help
7 me to make sure that we fill up our food
8 pantries with nonperishable goods. Some of
9 the kinds of things that they've asked for
10 particularly are things like rice, canned
11 goods, canned spaghetti. Any of those kinds
12 of things out of a can that will create a
13 meal.

14 And I thank you very much for any
15 support and cooperation, on behalf of the
16 people of the State of New York.

17 The other announcement is that
18 there will be a meeting of the Majority
19 immediately following session in Room 332.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator Hassell-Thompson.

23 Senator Robach.

24 SENATOR ROBACH: Yes, just very

1 quickly on a little bit lighter note than my
2 colleague Senator Hassell-Thompson.

3 Tonight is the third annual
4 Legislative Idol Night, which is a fun night,
5 we raise money here for a local charity. Good
6 camaraderie. Some talent, some fun.

7 We're trying to build it up on the
8 Senate side, mostly Assembly people. But it
9 will feature, representing the entire Senate,
10 Diane Savino will be performing tonight.

11 It is a fun night, it does go to a
12 local charity for youth, the money. So stop
13 by if you're looking for something to do,
14 8 o'clock at Jillian's tonight.

15 Thank you, Mr. President.

16 ACTING PRESIDENT VALESKY: Thank
17 you, Senator Robach.

18 Senator Klein.

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

21 ACTING PRESIDENT VALESKY: There
22 is none.

23 SENATOR KLEIN: There being none,
24 I move that we adjourn until Tuesday,

1 May 19th, at 3:00 p.m.

2 ACTING PRESIDENT VALESKY: On a
3 motion by Senator Klein, the Senate stands
4 adjourned until Tuesday, May 19th, at
5 3:00 p.m.

6 (Whereupon, at 5:03 p.m., the
7 Senate adjourned.)

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