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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 16, 2005

3:10 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

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P R O C E E D I N G S

THE PRESIDENT: The Senate will  
please come to order.

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

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

THE PRESIDENT: With us this  
afternoon -- no surprise -- to give the  
invocation is our friend and colleague the  
Reverend Peter G. Young, from Blessed  
Sacrament Church in Bolton Landing, New York.

Reverend Young.

REVEREND YOUNG: Let us pray.

Dear God, please enter my mind, my  
body and my soul and walk with me through this  
day. Rid me of the bondage of  
self-centeredness, selfishness, resentments  
and self-pity. Rid me of fear and strengthen  
my faith. Give me a knowledge of Your will  
for me and the power then to carry it out.

Take my will and my life, dear God.  
Let me live this day the way that You would  
want me to live. Let me think the way that

1           You would want me to think. Let me act the  
2           way that You would want me to act. Let me be  
3           an instrument of Your love, Your peace and  
4           Your grace as a New York State Senator.

5                        Amen.

6                        THE PRESIDENT:        Reading of the  
7           Journal.

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

13                       THE PRESIDENT:        Without  
14          objection, the Journal stands approved as  
15          read.

16                        Presentation of petitions.  
17                        Messages from the Assembly.  
18                        Messages from the Governor.  
19                        Reports of standing committees.  
20                        Reports of select committees.  
21                        Communications and reports from  
22          state officers.

23                        Motions and resolutions.

24                        Senator Fuschillo.

25                        SENATOR FUSCHILLO:        Thank you,

1 Madam President.

2 On behalf of Senator Saland, on  
3 page number 32 I offer the following  
4 amendments to Calendar Number 484, Senate  
5 Print Number 2501, and ask that said bill  
6 retain its place on Third Reading Calendar.

7 THE PRESIDENT: The amendments  
8 are received, and the bill will retain its  
9 place on the Third Reading Calendar.

10 SENATOR FUSCHILLO: Madam  
11 President, on behalf of Senator LaValle, on  
12 page number 25 I offer the following  
13 amendments to Calendar Number 328, Senate  
14 Print Number 1092, and ask that said bill  
15 retain its place on Third Reading Calendar.

16 THE PRESIDENT: The amendments  
17 are received, and the bill will retain its  
18 place on the Third Reading Calendar.

19 SENATOR FUSCHILLO: Madam  
20 President, on behalf of Senator Seward, on  
21 page 19 I offer the following amendments to  
22 Calendar 135, Senate Print Number 593, and ask  
23 that said bill retain its place on Third  
24 Reading Calendar.

25 THE PRESIDENT: The amendments

1 are also received, and that bill will also  
2 retain its place on the Third Reading  
3 Calendar.

4 SENATOR FUSCHILLO: Madam  
5 President, I wish to call up Senate Print  
6 Number 2197, recalled from the Assembly, which  
7 is now at the desk.

8 THE PRESIDENT: The Secretary  
9 will read.

10 THE SECRETARY: Calendar Number  
11 288, by Senator Golden, Senate Print 2197, an  
12 act to amend the General Business Law.

13 THE PRESIDENT: Senator  
14 Fuschillo.

15 SENATOR FUSCHILLO: I now move to  
16 reconsider the vote by which the bill was  
17 passed.

18 THE PRESIDENT: The Secretary  
19 will call the roll upon reconsideration.

20 (The Secretary called the roll.)

21 SENATOR FUSCHILLO: I now offer  
22 the following amendments.

23 THE PRESIDENT: Amendments  
24 received.

25 SENATOR FUSCHILLO: Thank you.

1 THE PRESIDENT: Senator Bruno.

2 SENATOR BRUNO: Madam President  
3 and colleagues, this is our first session  
4 where we will be joined by our newest Senator,  
5 Senator Cathy Young, who joins us from the  
6 Assembly.

7 And all of us here, all of us here  
8 presently are happy to have her here in the  
9 chamber with us.

10 And having said that, there are  
11 some announcements that we're making having to  
12 do with chairs of committee. Cathy will chair  
13 Agriculture. And we are handing that up,  
14 along with the committee assignments, and ask  
15 that they be filed in the Journal.

16 THE PRESIDENT: They will be  
17 filed in the Journal, Senator.

18 SENATOR BRUNO: Thank you.

19 And Senator Paterson, Madam  
20 President.

21 THE PRESIDENT: Senator Paterson.

22 SENATOR PATERSON: Thank you,  
23 Madam President.

24 I'd like to officially welcome  
25 Senator Young to the chamber.

1 I hope that on the other side of  
2 the aisle that they've pointed out that when  
3 we have our fast roll call here, we have the  
4 two leaders, the Deputy Majority Leader, the  
5 chair of the Finance Committee, and the first  
6 and last names in the alphabet. That's the  
7 fast roll call. And by my calculation,  
8 Senator Young may succeed Senator Wright as  
9 being the last name called on the fast roll  
10 call.

11 So it just shows that I'm trying to  
12 help out in the process every way I can. In  
13 fact, the way I helped out in the process is  
14 the reason Senator Young is here. So I think  
15 I deserve some congratulations as well.

16 (Laughter.)

17 SENATOR PATERSON: Thank you.

18 THE PRESIDENT: Senator Young, as  
19 my friend and colleague, I would like to also  
20 congratulate you. I was delighted to hear, as  
21 I came in for session, that you'd just been  
22 sworn in.

23 Welcome aboard. Congratulations.

24 Senator Bruno.

25 SENATOR BRUNO: Madam President,

1 are there any substitutions, other than for  
2 Senator Young, at the desk?

3 THE PRESIDENT: Yes, there are,  
4 Senator.

5 SENATOR BRUNO: There are. Can  
6 we make those at this time.

7 THE PRESIDENT: The Secretary  
8 will read.

9 THE SECRETARY: On page 4,  
10 Senator Oppenheimer moves to discharge, from  
11 the Committee on Corporations, Authorities and  
12 Commissions, Assembly Bill Number 2619 and  
13 substitute it for the identical Senate Bill  
14 Number 1419, First Report Calendar 924.

15 On page 5, Senator Stachowski moves  
16 to discharge, from the Committee on Local  
17 Government, Assembly Bill Number 876 and  
18 substitute it for the identical Senate Bill  
19 Number 338, First Report Calendar 932.

20 On page 5, Senator Valesky moves to  
21 discharge, from the Committee on Local  
22 Government, Assembly Bill Number 3652 and  
23 substitute it for the identical Senate Bill  
24 Number 1738, First Report Calendar 937.

25 On page 5, Senator Alesi moves to

1 discharge, from the Committee on Local  
2 Government, Assembly Bill Number 6853 and  
3 substitute it for the identical Senate Bill  
4 Number 3587, First Report Calendar 941.

5 On page 7, Senator Little moves to  
6 discharge, from the Committee on Local  
7 Government, Assembly Bill Number 1351 and  
8 substitute it for the identical Senate Bill  
9 Number 4909, First Report Calendar 954.

10 On page 7, Senator Bonacic moves to  
11 discharge, from the Committee on Local  
12 Government, Assembly Bill Number 1683 and  
13 substitute it for the identical Senate Bill  
14 Number 5126, First Report Calendar 958.

15 On page 8, Senator Bonacic moves to  
16 discharge, from the Committee on Local  
17 Government, Assembly Bill Number 7625A and  
18 substitute it for the identical Senate Bill  
19 Number 5218A, First Report Calendar 965.

20 And on page 33, Senator Marchi  
21 moves to discharge, from the Committee on  
22 Investigations and Government Operations,  
23 Assembly Bill Number 3469 and substitute it  
24 for the identical Senate Bill Number 2430,  
25 Third Reading Calendar 497.

1 THE PRESIDENT: Substitutions

2 ordered.

3 Senator Skelos.

4 SENATOR SKELOS: Madam President,  
5 at this time could we have Resolution 1805, by  
6 Senator Nozzolio, which was previously  
7 adopted, read in its entirety.

8 THE PRESIDENT: The Secretary  
9 will read.

10 THE SECRETARY: By Senator  
11 Nozzolio, Legislative Resolution Number 1805,  
12 congratulating the Sodus High School Boys  
13 Basketball Team and Coach Jim Sergeant upon  
14 the occasion of capturing the New York State  
15 Class C State Championship.

16 "WHEREAS, Excellence and success in  
17 competitive sports can be achieved only  
18 through strenuous practice, team play and team  
19 spirit, nurtured by dedicated coaching and  
20 strategic planning; and

21 "WHEREAS, Athletic competition  
22 enhances the moral and physical development of  
23 the young people of this state, preparing them  
24 for the future by instilling in them the value  
25 of teamwork, encouraging a standard of healthy

1 living, imparting a desire for success, and  
2 developing a sense of fair play and  
3 competition; and

4 "WHEREAS, This Legislative Body is  
5 justly proud to congratulate the Sodus High  
6 School Boys Basketball Team and Coach Jim  
7 Sergeant upon the occasion of capturing the  
8 New York State Class C State Championship,  
9 held Saturday, March 12, 2005, at the Glens  
10 Falls Civic Center; and

11 "WHEREAS, The Sodus Boys Basketball  
12 Team are the New York State Class C State  
13 Champions; and

14 "WHEREAS, It was the end of a long  
15 run for the Sodus Spartans, who went as far as  
16 they could and finished with a season of  
17 perfection; and

18 "WHEREAS, The Sodus Boys Basketball  
19 Team defeated Faith Heritage by a score of  
20 76-65. The victory gave the Spartans its  
21 first state title in its initial  
22 state-tournament appearance, and it climaxed a  
23 perfect 27-0 season; and

24 "WHEREAS, The athletic talent  
25 displayed by this team is due in great part to

1 the efforts of Coach Jim Sergeant, a skilled  
2 and inspirational tutor, respected for his  
3 ability to develop potential into excellence;  
4 and

5 "WHEREAS, The team's overall record  
6 is outstanding, and the team members were  
7 loyally and enthusiastically supported by  
8 family, fans, friends and the community at  
9 large; and

10 "WHEREAS, The hallmarks of the  
11 Sodus Boys Basketball Team, from the opening  
12 game of the season to participation in the  
13 championship, were a brotherhood of athletic  
14 ability, of good sportsmanship, or honor and  
15 of scholarship, demonstrating that these team  
16 players are second to none; and

17 "WHEREAS, Athletically and  
18 academically, the team members have proven  
19 themselves to be an unbeatable combination of  
20 talents, reflecting favorably on their school;  
21 and

22 "WHEREAS, Coach Jim Sergeant has  
23 done a superb job in guiding, molding and  
24 inspiring the team members toward their goals;  
25 and

1                   "WHEREAS, Sports competition  
2           instills the values of teamwork, pride and  
3           accomplishment, and Coach Jim Sergeant and his  
4           outstanding athletes have clearly made a  
5           contribution to the spirit of excellence which  
6           is a tradition of their school; now,  
7           therefore, be it

8                   "RESOLVED, That this Legislative  
9           Body pause in its deliberations to  
10          congratulate the Sodus Boys Basketball Team,  
11          its members -- Greg Logins, Hauke Bruns,  
12          Dennis Gorobtschuk, Devin Wright, Roderick  
13          Johnson, Antonio Parker, Robert McDowell,  
14          Jerek Konikiewicz, Matt Sombathy, Paul  
15          Morales, Brian Hanagan, Lionel Webber, Jeff  
16          Kuhn, Johnny McCray, and Emanuel Reaves -- and  
17          Coaches Jim Sergeant, Bob Miranda, and Al  
18          Granger on their outstanding season and  
19          overall team record; and be it further

20                   "RESOLVED, That copies of this  
21          resolution, suitably engrossed, be transmitted  
22          to the Sodus Boys Basketball Team and to the  
23          aforementioned coaches."

24                   THE PRESIDENT:        Senator Nozzolio.

25                   SENATOR NOZZOLIO:       Madam

1 President, I have another privileged  
2 resolution at the desk. I ask that it be read  
3 in its entirety, and then I wish to speak on  
4 both of them.

5 THE PRESIDENT: The Secretary  
6 will read.

7 THE SECRETARY: By Senator  
8 Nozzolio, Legislative Resolution Number 1806,  
9 congratulating the Palmyra-Macedon Boys  
10 Basketball Team and Coach John "Chip" Tatro  
11 upon the occasion of capturing the New York  
12 State Class B Championship.

13 "WHEREAS, Excellence and success in  
14 competitive sports can be achieved only  
15 through strenuous practice, team play and team  
16 spirit, nurtured by dedicated coaching and  
17 strategic planning; and

18 "WHEREAS, Athletic competition  
19 enhances the moral and physical development of  
20 the young people of this state, preparing them  
21 for the future by instilling in them the value  
22 of teamwork, encouraging a standard of healthy  
23 living, imparting a desire for success and  
24 developing a sense of fair play and  
25 competition; and

1                   "WHEREAS, The Palmyra-Macedon Boys  
2 Basketball Team are the New York State Class B  
3 Champions; and

4                   "WHEREAS, On Friday, March 11,  
5 2005, the Palmyra-Macedon Boys Basketball Team  
6 narrowly escaped the Class B semifinals with a  
7 victory against Voorheesville. The final  
8 score was 30-28; and

9                   "WHEREAS, The next day, the Red  
10 Raiders won their first state title with a  
11 57-47 triumph over Carle Place; and

12                   "WHEREAS, The athletic talent  
13 displayed by this team is due in great part to  
14 the efforts of Coach John 'Chip' Tatro, a  
15 skilled and inspirational tutor, respected for  
16 his ability to develop potential into  
17 excellence; and

18                   "WHEREAS, The team's overall record  
19 is outstanding, and the team members were  
20 loyally and enthusiastically supported by  
21 family, fans, friends and the community at  
22 large; and

23                   "WHEREAS, The hallmarks of the  
24 Palmyra-Macedon Boys Basketball Team, from the  
25 opening game of the season to participation in

1 the championship, were a brotherhood of  
2 athletic ability, of good sportsmanship, and  
3 honor and of scholarship, demonstrating that  
4 these team players are second to none; and

5 "WHEREAS, Athletically and  
6 academically, the team members have proven  
7 themselves to be an unbeatable combination of  
8 talents, reflecting favorably on their school;  
9 and

10 "WHEREAS, Coach John 'Chip' Tatro  
11 has done a superb job in guiding, molding and  
12 inspiring the team members toward their goals;  
13 and

14 "WHEREAS, Sports competition  
15 instills the values of teamwork, pride and  
16 accomplishment, and Coach John 'Chip' Tatro  
17 and these outstanding athletes have clearly  
18 made a contribution to the spirit of  
19 excellence which is a tradition of their  
20 school; now, therefore, be it

21 "RESOLVED, That this Legislative  
22 Body pause in its deliberations to  
23 congratulate the Palmyra-Macedon Boys  
24 Basketball Team, its members -- Michael Beck,  
25 Jared Boisvert, Jason Clair, Johnathan

1 Denniston, Daniel Gorman, Anthony Hall, Adam  
2 Husk, Sean McGinn, Christopher Milke, Timothy  
3 Patchett, Todd Piccola, Christopher Timbs, and  
4 Andrew Weaver -- and Coaches John 'Chip'  
5 Tatro, Joe Hill, Cory Houser, Craig Ikewood,  
6 and Nate Kenyon on their outstanding season  
7 and overall team record; and be it further

8 "RESOLVED, That copies of this  
9 resolution, suitably engrossed, be transmitted  
10 to the Palmyra-Macedon Boys Basketball Team  
11 and to the aforementioned coaches."

12 THE PRESIDENT: Senator Nozzolio.

13 SENATOR NOZZOLIO: Thank you,  
14 Madam President. On the resolutions.

15 I rise in support of the  
16 resolutions, to congratulate two fine  
17 communities for raising two groups of fine  
18 young men.

19 It's unusual for any community to  
20 have a state champion in its midst at any  
21 levels of competition. But Wayne County, a  
22 county of about a hundred thousand people, has  
23 not one but two basketball state champions  
24 that we are honoring here today -- the Sodus  
25 Boys Basketball Team, winners of the New York

1 State Class C Championship, and the  
2 Palmyra-Macedon Boys Basketball Team,  
3 victorious as Class B State Champions. Two  
4 communities within a few miles apart in the  
5 same county, both raising great basketball  
6 players but, more importantly, raising great  
7 community leaders.

8 I'm extremely appreciative of the  
9 coaching staffs, Jim Sergeant and Bob Miranda  
10 from Sodus and John "Chip" Tatro and Joe Hill  
11 from Palmyra-Macedon, for being here today.

12 Also, a longstanding superintendent  
13 in the Palmyra-Macedon community is retiring  
14 this year after many years of great service to  
15 Palmyra-Macedon, Dr. Jim Tobin, who's here.  
16 Coincidentally, he's also a former classmate  
17 of Senator Alesi, my colleague from Rochester.

18 Fred Ciaburri, director of  
19 athletics; Barbara Persia, high school  
20 principal; and Paul Maier, who came here as a  
21 chaperone and driver to be here with the young  
22 men as they are being honored for this  
23 significant accomplishment.

24 Sodus, a very significant  
25 accomplishment, undefeated 27-0. They beat,

1 I'm very pleased to say -- although he's not  
2 in the chamber to defend himself -- they beat  
3 Faith Heritage High School in Senator John  
4 DeFrancisco's district. I'm very pleased  
5 about that, and I appreciate their great  
6 success. It's all our communities' success.

7 Palmyra-Macedon, outstanding  
8 season. The first time a school championship  
9 had been achieved by that team. They had a  
10 tough road through the semis but cleaned the  
11 clock, absolutely cleaned the clock in the  
12 finals of Carle Place.

13 Now, Carle Place is represented by  
14 my great friend and esteemed colleague Senator  
15 Balboni.

16 But I'm extremely pleased and must  
17 point out that Carle Place is the alma mater  
18 of my fantastic friend in the Senate,  
19 Senator -- he tried to intimidate me, but his  
20 school was intimidated by my  
21 Palmyra-Macedon -- Senator Chuck Fuschillo,  
22 who is an alumni, class of '78, of Carle  
23 Place, a member of the varsity team in his  
24 day.

25 But I'm very pleased that you saw

1 the light when you played Palmyra-Macedon.

2 Ladies and gentlemen, we're here to  
3 recognize athletic accomplishment, but, more  
4 importantly, we're here because these fine  
5 young men have demonstrated leadership  
6 ability, have been great representatives of  
7 their community, have been wonderful teammates  
8 and understand the value of teamwork.

9 For that, Madam President, that's  
10 why we are recognizing these fine athletes and  
11 fine young men from a great community.  
12 Assemblyman Oaks, who has also joined us in  
13 this recognition, shares my sentiments here.  
14 We're very pleased to be hosting such fine  
15 community leaders.

16 Thank you, Madam President.

17 THE PRESIDENT: Senator Balboni.

18 SENATOR BALBONI: You know, Madam  
19 President, a couple of years ago if someone  
20 had gotten up and talked about how they  
21 shellacked one of the teams in my district,  
22 that would have really frosted my cupcakes.

23 But you know what? Lately I've  
24 come to see the beauty and the talent all over  
25 this great state, and all the wonderful people

1 in it.

2 And therefore I'd just like to say  
3 how proud I am of your teams' accomplishments  
4 and what a wonderful job they've done, and  
5 we'll get you next year.

6 (Laughter.)

7 THE PRESIDENT: Both of the  
8 previous resolutions were adopted on May 10.

9 Congratulations and best wishes for  
10 similar success in all your endeavors.

11 (Applause.)

12 THE PRESIDENT: Senator Skelos.

13 SENATOR SKELOS: Madam President,  
14 if we could go to the noncontroversial reading  
15 of the calendar.

16 THE PRESIDENT: The Secretary  
17 will read.

18 THE SECRETARY: Calendar Number  
19 37, by Senator Larkin, Senate Print 853, an  
20 act to amend the General Municipal Law, in  
21 relation to authorizing industrial development  
22 agencies.

23 THE PRESIDENT: Read the last  
24 section.

25 THE SECRETARY: Section 5. This

1 act shall take effect immediately.

2 THE PRESIDENT: Call the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56. Nays,

5 1. Senator Duane recorded in the negative.

6 THE PRESIDENT: The bill is

7 passed.

8 THE SECRETARY: Calendar Number

9 120, by Senator Maziarz, Senate Print 976A, an

10 act to amend the Highway Law, in relation to

11 extending the Niagara Wine Trail.

12 THE PRESIDENT: Read the last

13 section.

14 THE SECRETARY: Section 2. This

15 act shall take effect immediately.

16 THE PRESIDENT: Call the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57.

19 THE PRESIDENT: The bill is

20 passed.

21 THE SECRETARY: Calendar Number

22 339, by Senator Skelos, Senate Print 2724, an

23 act to amend the Penal Law, in relation to

24 failure to report a sexual assault of a child.

25 THE PRESIDENT: Read the last

1 section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the first of  
4 November.

5 THE PRESIDENT: Call the roll.  
6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57. Nays,  
8 1. Senator Montgomery recorded in the  
9 negative.

10 THE PRESIDENT: The bill is  
11 passed.

12 THE SECRETARY: Calendar Number  
13 341, by Senator Spano, Senate Print 28 --

14 SENATOR SKELOS: Lay it aside for  
15 the day.

16 THE PRESIDENT: The bill is laid  
17 aside for the day.

18 THE SECRETARY: Calendar Number  
19 346, by Senator Bruno, Senate Print 3226, an  
20 act to amend the Penal Law and the Highway  
21 Law, in relation to violence committed on  
22 school grounds.

23 THE PRESIDENT: Read the last  
24 section.

25 THE SECRETARY: Section 4. This

1 act shall take effect on the first of  
2 September.

3 THE PRESIDENT: Call the roll.  
4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57. Nays,  
6 2. Senators Montgomery and Parker recorded in  
7 the negative.

8 THE PRESIDENT: The bill is  
9 passed.

10 THE SECRETARY: Calendar Number  
11 429, by Senator Larkin, Senate Print 61A, an  
12 act to amend the Education Law, in relation to  
13 suspending the pay.

14 THE PRESIDENT: Read the last  
15 section.

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

18 THE PRESIDENT: Call the roll.  
19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59.

21 THE PRESIDENT: The bill is  
22 passed.

23 THE SECRETARY: Calendar Number  
24 448, by Senator Larkin, Senate Print 417, an  
25 act to amend the Penal Law, in relation to

1           obscene sexual performance by a child.

2                   THE PRESIDENT:     Read the last  
3           section.

4                   THE SECRETARY:     Section 10.  This  
5           act shall take effect on the first of  
6           November.

7                   THE PRESIDENT:     Call the roll.  
8                   (The Secretary called the roll.)

9                   THE SECRETARY:     Ayes, 59.

10                   THE PRESIDENT:     The bill is  
11           passed.

12                   THE SECRETARY:     Calendar Number  
13           464, by Senator Balboni, Senate Print 3509, an  
14           act to amend the Penal Law, in relation to  
15           disseminating indecent material.

16                   THE PRESIDENT:     Read the last  
17           section.

18                   THE SECRETARY:     Section 16.  This  
19           act shall take effect on the first of  
20           November.

21                   THE PRESIDENT:     Call the roll.  
22                   (The Secretary called the roll.)

23                   THE SECRETARY:     Ayes, 59.

24                   THE PRESIDENT:     The bill is  
25           passed.

1                   THE SECRETARY:     Calendar Number  
2     546, by Senator Saland, Senate Print 3679, an  
3     act to amend the Education Law, in relation to  
4     the provisions of school health services.

5                   THE PRESIDENT:     Read the last  
6     section.

7                   THE SECRETARY:     Section 2. This  
8     act shall take effect on the same date and in  
9     the same manner as Section 2 of Chapter 477.

10                  THE PRESIDENT:     Call the roll.  
11                   (The Secretary called the roll.)

12                  THE SECRETARY:     Ayes, 59.

13                  THE PRESIDENT:     The bill is  
14     passed.

15                  THE SECRETARY:     Calendar Number  
16     592, by Senator DeFrancisco, Senate Print --

17                  SENATOR SKELOS:     Lay it aside for  
18     the day, please.

19                  THE PRESIDENT:     The bill is laid  
20     aside for the day.

21                  THE SECRETARY:     Calendar Number  
22     619, by Senator Leibell, Senate Print 3789, an  
23     act to amend the Penal Law, in relation to  
24     unlawful defilement of a water supply.

25                  THE PRESIDENT:     Read the last

1 section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the first of  
4 November.

5 THE PRESIDENT: Call the roll.  
6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 THE PRESIDENT: The bill is  
9 passed.

10 THE SECRETARY: Calendar Number  
11 623, by Senator Volker, Senate Print 3909, an  
12 act to amend the Criminal Procedure Law, in  
13 relation to sealed photographs.

14 THE PRESIDENT: Read the last  
15 section.

16 THE SECRETARY: Section 3. This  
17 act shall take effect immediately.

18 THE PRESIDENT: Call the roll.  
19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57. Nays,  
21 2. Senators Montgomery and Duane recorded in  
22 the negative.

23 THE PRESIDENT: The bill is  
24 passed.

25 THE SECRETARY: Calendar Number

1           625, by Senator Rath, Senate Print 4036, an  
2           act to amend the Criminal Procedure Law and  
3           others, in relation to providing.

4                   THE PRESIDENT:     Read the last  
5           section.

6                   THE SECRETARY:     Section 7. This  
7           act shall take effect on the first of  
8           November.

9                   THE PRESIDENT:     Call the roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:     Those recorded in  
12           the negative on Calendar Number 625 are  
13           Senators Duane, Hassell-Thompson, Montgomery  
14           and Parker.

15                   Ayes, 55. Nays, 4.

16                   THE PRESIDENT:     The bill is  
17           passed.

18                   THE SECRETARY:     Calendar Number  
19           643, by Senator Robach, Senate Print 3186, an  
20           act to amend the Civil Service Law, in  
21           relation to the authority.

22                   THE PRESIDENT:     Read the last  
23           section.

24                   THE SECRETARY:     Section 2. This  
25           act shall take effect on the first of January.

1 THE PRESIDENT: Call the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58. Nays,

4 1. Senator Connor recorded in the negative.

5 THE PRESIDENT: The bill is

6 passed.

7 THE SECRETARY: Calendar Number

8 649, by Senator Saland, Senate Print 3678, an

9 act to amend the Education Law, in relation to

10 involuntary transfer.

11 SENATOR MONTGOMERY: Lay it

12 aside.

13 THE PRESIDENT: The bill is laid

14 aside.

15 THE SECRETARY: Calendar Number

16 705, by Senator Bonacic, Senate Print 3579, an

17 act to amend Chapter 262 of the Laws of 2002

18 amending the Environmental Conservation Law.

19 THE PRESIDENT: Read the last

20 section.

21 THE SECRETARY: Section 2. This

22 act shall take effect immediately.

23 THE PRESIDENT: Call the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1                   THE PRESIDENT:     The bill is  
2     passed.

3                   THE SECRETARY:     Calendar Number  
4     712, by Senator Alesi, Senate Print 971, an  
5     act to amend the Penal Law, in relation to the  
6     crime of false personation.

7                   THE PRESIDENT:     Read the last  
8     section.

9                   THE SECRETARY:     Section 2.  
10    This --

11                  SENATOR MONTGOMERY:   Lay it  
12    aside.

13                  THE PRESIDENT:     The bill is laid  
14    aside.

15                  THE SECRETARY:     Calendar Number  
16    714, by Senator Maziarz, Senate Print 1160, an  
17    act to amend the Criminal Procedure Law, in  
18    relation to enacting criteria.

19                  SENATOR SCHNEIDERMAN:   Lay that  
20    bill aside, too.

21                  THE PRESIDENT:     The bill is laid  
22    aside.

23                             Senator Skelos, that completes the  
24    noncontroversial reading of the calendar.

25                  SENATOR SKELOS:     Can we go to the

1 controversial reading.

2 THE PRESIDENT: The Secretary  
3 will ring the bell and the members should  
4 return to their seats, please, for the  
5 calendar.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 649, by Senator Saland, Senate Print 3678, an  
9 act to amend the Education Law.

10 SENATOR SCHNEIDERMAN:  
11 Explanation.

12 THE PRESIDENT: Senator Saland,  
13 an explanation has been requested.

14 SENATOR SALAND: Thank you, Madam  
15 President.

16 Madam President, this is a bill  
17 which we have seen in this house on prior  
18 occasion.

19 And what the bill does, it attempts  
20 to respond to a commissioner's ruling as far  
21 back as 1998 in which the Commissioner of  
22 Education -- and when I refer to a  
23 commissioner's ruling, I'm referring to  
24 Commissioner Mills, the Commissioner of  
25 Education -- in a case coming out of the City

1 of Buffalo, ruled that a young man who had  
2 been involved in a physical altercation, for  
3 which he ultimately was suspended from school,  
4 could not be suspended or transferred as a  
5 disruptive student.

6 The purpose of this bill is it  
7 basically provides a means to transfer a  
8 disruptive student, one which takes into  
9 account the educational needs of that student  
10 and also takes into account the needs of his  
11 or her classmates.

12 There's little or nothing to be  
13 gained by suspending a student multiple times,  
14 returning him or her to the very same  
15 classroom in which he or she has been engaged  
16 in the activity that caused that suspension.

17 There is, however, where there is  
18 an alternative school available, certainly  
19 much to be gained in permitting a transfer of  
20 that student, not only to further advance that  
21 student's education, but also, it would seem  
22 to me rather obviously, to benefit the  
23 classmates of that student, who will no longer  
24 find that their lives are being disrupted and  
25 their ability to receive the education to

1           which they are entitled is being disrupted.

2                       That, Madam President, is the  
3           essence of this bill. I believe there are two  
4           or three memos in support. And as far as I  
5           know, there are no memos in opposition.

6                       THE PRESIDENT:       Does any member  
7           wish to be heard on this bill?

8                       Then the debate is closed.

9                       The Secretary will ring the bell.

10                      Read the last section.

11                      THE SECRETARY:       Section 4. This  
12           act shall take effect on the first of  
13           September.

14                      THE PRESIDENT:       Call the roll.

15                      (The Secretary called the roll.)

16                      THE PRESIDENT:       Senator  
17           Montgomery, to explain your vote.

18                      SENATOR MONTGOMERY:    Yes, Madam  
19           President. I see that I have opposed this  
20           legislation in the past, and I'm going to  
21           continue to oppose it.

22                      I just want to be on record to say  
23           that while I am fully sympathetic, empathetic  
24           with the idea that disruptive students who  
25           disrupt the educational environment for other

1 students, we should have some alternatives for  
2 dealing with them.

3 Unfortunately, my experience has  
4 been that our system has not been able to come  
5 to terms with what constitutes an environment  
6 that allows young people, no matter what is  
7 happening with them personally, to be able to  
8 survive and to flourish. And so that's a  
9 problem with the system.

10 The answer that we have given our  
11 schools to date is, at least in New York City,  
12 we've put police in the schools. So the  
13 alternative right now is that they can be  
14 arrested and charged with a felony, and that  
15 is their alternative placement.

16 So I'm going to continue to vote no  
17 on this legislation. I think it is incumbent  
18 upon us as an institution, as well as the  
19 education system as an institution, to try and  
20 figure out how do we meet the needs of a new  
21 generation of young people who are under a  
22 tremendous amount of stress from many, many  
23 different areas in their lives and for whom we  
24 still have no net for them that protects them  
25 from themselves as well as protects us from

1           them.

2                       So I'm going to continue to oppose  
3           this and hope that we can look at our system  
4           as a source of the problem as opposed to  
5           always blaming the exact victim of the system.

6                       Thank you, Madam President. I vote  
7           no.

8                       THE PRESIDENT:       You will be so  
9           recorded as voting in the negative, Senator.

10                      Senator Diaz.

11                      SENATOR DIAZ:       Thank you. Thank  
12           you, Madam President.

13                      I represent a district in the Bronx  
14           where many parents are always complaining  
15           about their children losing interest in  
16           attending school, due to the fact that there  
17           are too many disruptive students -- few, not  
18           too many -- few disruptive students and other  
19           bullies.

20                      And these individuals, these  
21           students, are an impediment for the rest of  
22           the class, for the rest of the students that  
23           would like to come to school, that would like  
24           to learn. They drop out sometimes because the  
25           bullies, they disrupt the students and the

1 bully students are the ones causing them to  
2 lose their interest.

3 For the sake of those students that  
4 want to come to school to study, we have to be  
5 aware that we have to provide an environment  
6 where students feel free, comfortable, and  
7 they will be attending school.

8 So this bill, this bill is a very  
9 good bill. This bill will send a message to  
10 any bullies and to any students that come to  
11 school, if you want to come to school, you  
12 come to school to study. If you come to  
13 school to disrupt the classes and to be an  
14 impediment for the other students, you not  
15 belong there, you belong somewhere else.

16 So yes, I'm voting yes. This is a  
17 good bill. Thank you, Senator Saland, for  
18 that bill.

19 THE PRESIDENT: Senator  
20 Hassell-Thompson.

21 SENATOR HASSELL-THOMPSON: Thank  
22 you, Madam President. On the bill.

23 Each time this bill has come before  
24 us since I've been here in the Senate, I have  
25 voted for the bill.

1                   But I continue to be disturbed by  
2                   one aspect. There is certainly a need for us  
3                   to make provisions for transfers for those  
4                   students that are violent. But to put the  
5                   term "disruptive" and "violent" in the same  
6                   legislation disturbs me a great deal.

7                   I listened to Senator Diaz just  
8                   talk about how the bully and the disruptive  
9                   student should in fact be transferred. I put  
10                  that student in the category of violent  
11                  student, as opposed to disruptive.

12                 We have a lot of students who  
13                 disrupt the classroom. But when you're in  
14                 those classrooms and you've spent some time  
15                 there, part of what you learn is that students  
16                 are disruptive many times because they're  
17                 absolutely bored. And to have them just  
18                 summarily transferred without trying to figure  
19                 out what's happening, then we're really not in  
20                 the business of educating children.

21                 Because part of the boredom may  
22                 have to do with what's going on in the  
23                 classroom in and of itself. And I do not  
24                 believe that we should be discussing  
25                 disruptive students in the same bill with

1 violent students.

2 I will be voting no.

3 THE PRESIDENT: Senator, you will  
4 be so recorded as voting in the negative.

5 The Secretary will announce the  
6 results.

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 649 will are  
9 Senators Duane, Hassell-Thompson, Montgomery,  
10 Parker and A. Smith. Also Senator Andrews.

11 Absent from voting on Calendar  
12 Number 649: Senator Brown.

13 Ayes, 53. Nays, 6.

14 THE PRESIDENT: The bill is  
15 passed.

16 THE SECRETARY: Calendar Number  
17 712, by Senator Alesi, Senate Print 971, an  
18 act to amend the Penal Law, in relation to the  
19 crime of false personation.

20 SENATOR MONTGOMERY: Explanation.

21 THE PRESIDENT: Senator Alesi, an  
22 explanation has been requested.

23 SENATOR ALESI: Thank you, Madam  
24 President.

25 This bill takes the existing law of

1 false personation and it extends the penalties  
2 for giving false information to a police  
3 officer. And it also removes the requirement  
4 that a police officer forewarn someone who is  
5 giving their information about their identity.

6 SENATOR MONTGOMERY: Madam  
7 President, if I may ask if Senator Alesi would  
8 yield for a question.

9 THE PRESIDENT: Senator Alesi, do  
10 you yield for a question?

11 SENATOR ALESI: Yes, I will.

12 THE PRESIDENT: You may proceed  
13 with a question.

14 SENATOR MONTGOMERY: Senator  
15 Alesi, I see that your legislation also would  
16 remove the requirement that a person be  
17 notified of their -- of the fact that they  
18 would be guilty of false personation.

19 SENATOR ALESI: Yes, in my  
20 explanation I did mention that, Madam  
21 President, through you.

22 SENATOR MONTGOMERY: And, Madam  
23 President, if I may -- if Senator Alesi would  
24 continue to yield.

25 THE PRESIDENT: Senator Alesi,

1 will you continue to yield?

2 SENATOR ALESI: Yes, I will.

3 THE PRESIDENT: You may proceed  
4 with a question, Senator.

5 SENATOR MONTGOMERY: Senator  
6 Alesi, why are you looking to remove that  
7 simple requirement that you inform a person  
8 that there is a criminal penalty for engaging  
9 in false impersonation?

10 SENATOR ALESI: The requirement  
11 is being removed simply because it's  
12 unnecessary, it's cumbersome, and it could  
13 really offer somebody a loophole of escape for  
14 giving false information if they're not  
15 forewarned by a police officer.

16 SENATOR MONTGOMERY: Thank you,  
17 Senator Alesi.

18 SENATOR ALESI: You're welcome.

19 SENATOR MONTGOMERY: Madam  
20 President, on this legislation.

21 THE PRESIDENT: You may proceed  
22 on the bill, Senator.

23 SENATOR MONTGOMERY: As I have  
24 stated in the past -- and I voted no in the  
25 past, and I will continue to oppose it -- that

1           there is in my mind no apparent rationale for  
2           removing a requirement that you simply inform  
3           a person.

4                         And particularly in cases where  
5           we're talking about teenagers, who may be  
6           inclined to do something, either by mischief  
7           or to try to avoid problems, they may not  
8           realize that they're creating more problems  
9           for themselves. And therefore are -- it is  
10          important that they understand that there is a  
11          consequence for doing such.

12                        The legislation also changes the  
13          level of the crime from a B to an A  
14          misdemeanor, which is more serious.

15                        And so I think because we're  
16          talking to a large extent about minors,  
17          essentially, this bill is going to hurt those  
18          young people that we would like to, if at all  
19          possible, guide them away from mischief and  
20          away from the criminal justice system.

21                        And if a police officer is able to  
22          just say to them or is required to say to  
23          them, You are going to be charged with a  
24          misdemeanor if you are not telling me the  
25          truth, I don't see where that is a huge

1           problem. I can't imagine a police officer not  
2           even wanting to do that.

3                        So I'm going to oppose this  
4           legislation, because I think it is -- one goes  
5           a little bit too far in creating another trap  
6           for young people in particular.

7                        I vote no.

8                        SENATOR ALESI:        On the bill,  
9           Madam President, if I may.

10                      THE PRESIDENT:        Senator Alesi, on  
11           the bill.

12                      SENATOR ALESI:        From the time  
13           we're raised, most of us know the difference  
14           between right and wrong. Pretty much all of  
15           us understand that if you tell a lie, it's not  
16           the right thing to do.

17                      And as we go through our lives, I  
18           would say almost all of us don't really need  
19           to have some kind of forewarning that if you  
20           tell a lie, there is going to be some kind of  
21           consequence. For those who believe in it,  
22           it's one of the Ten Commandments, in fact.

23                      But I think that this gives certain  
24           protection to general society, in these days  
25           of heightened concern over security. And more

1           importantly, when we talk about identity  
2           theft, by removing this requirement to  
3           forewarn somebody, we're enabling police to do  
4           their job better. And if they know who  
5           they're really dealing with, it's making their  
6           job even safer.

7                         But it also protects people who  
8           have their identity stolen by someone who  
9           gives a false name at the time of being  
10          stopped. And we all know what the pain of  
11          having someone's identity stolen is in terms  
12          of economic and emotional loss.

13                        There isn't anyplace else where  
14          people are required to be forewarned when they  
15          are giving false information or they're about  
16          to do something that's wrong. People know  
17          that. They know it from the time that they're  
18          raised as young children.

19                        And to require a police officer to  
20          warn somebody ahead of time if they give false  
21          information is cumbersome for the police  
22          officer, it could create an unsafe environment  
23          for him, and it would continue to provide a  
24          loophole for anybody who wants to give false  
25          information in the hopes that they'll escape

1           being identified in the commission of whatever  
2           it is that they were stopped for in the first  
3           place.

4                        So I would simply urge my  
5           colleagues to understand that this is a good  
6           bill for everybody involved and urge them to  
7           pass it without reservation.

8                        THE PRESIDENT:       Does any other  
9           member wish to be heard?

10                       Then the debate is closed.

11                       The Secretary will ring the bell.

12                       Read the last section.

13                       THE SECRETARY:       Section 2. This  
14           act shall take effect on the first of  
15           November.

16                       THE PRESIDENT:       Call the roll.

17                       (The Secretary called the roll.)

18                       THE SECRETARY:       Those recorded in  
19           the negative on Calendar Number 712 are  
20           Senators Duane and Montgomery.

21                       Absent from voting on Calendar  
22           Number 712: Senator Brown. Excuse me,  
23           Senator Brown is in attendance.

24                       Ayes, 58. Nays, 2.

25                       THE PRESIDENT:       The bill is

1 passed.

2 THE SECRETARY: Calendar Number  
3 714, by Senator Maziarz, Senate Print 1160, an  
4 act to amend the Criminal Procedure Law, in  
5 relation to enacting criteria.

6 THE PRESIDENT: Senator  
7 Schneiderman.

8 SENATOR SCHNEIDERMAN: Thank you,  
9 Madam President. On the bill.

10 THE PRESIDENT: You may proceed  
11 on the bill.

12 SENATOR SCHNEIDERMAN: I don't  
13 want to deny Senator Maziarz his chance for an  
14 explanation, but we've indicated to Senator  
15 Young -- we've bragged a great deal about how  
16 much more efficient we are than the Assembly,  
17 so we'd like to get out of here quickly today.

18 This is another piece of  
19 legislation that comes before us year in and  
20 year out that I would respectfully submit has  
21 to be redrafted if there's any chance of it  
22 becoming law.

23 This is a response to obviously a  
24 heinous crime, and it is an effort to address  
25 a problem that may very well be a problem.

1                   But this particular statute  
2                   requires -- changes the entire process for the  
3                   setting of bail in this state to require that  
4                   a court undertake an open-ended inquiry, with  
5                   no additional funding provided for the  
6                   prosecution or the defense to call witnesses  
7                   and to assist the court in this evaluation --  
8                   the court to undertake an open-ended inquiry  
9                   as to whether or not a person accused of a  
10                  crime, not even necessarily indicted,  
11                  certainly presumed to be innocent, is a danger  
12                  to the alleged victim in a criminal action,  
13                  members of the community, or to himself or  
14                  herself.

15                  Now, the problem that many of us  
16                  have with this bill is that under the current  
17                  statute governing determination of bail, the  
18                  court is required to consider and take into  
19                  account the principal's character, reputation,  
20                  habits and mental condition, family ties,  
21                  criminal record, record of previous  
22                  adjudication. Everything a court needs to  
23                  take into account to set bail based on the  
24                  perception of a defendant's dangerousness is  
25                  already in the statute.

1                   What this bill does is impose an  
2                   additional requirement on every court setting  
3                   bail throughout the state to make an  
4                   assessment as to the danger this person poses  
5                   to the members of the community. This could  
6                   be someone who's never committed a crime, who  
7                   hasn't even been indicted.

8                   And, frankly, every defense lawyer  
9                   in the state is going to, you know, ask to be  
10                  able to call witnesses in a situation where  
11                  they're concerned that their client is going  
12                  to be held based on an assessment by the court  
13                  that has nothing to do with the charges  
14                  brought against that person.

15                  This takes the issue of bail away  
16                  from the acts committed, the acts that are  
17                  alleged to have been committed, and launches  
18                  us into an unknown territory of hearings on  
19                  really psychological states of people that,  
20                  frankly, our local courts, prosecutors, and  
21                  defense bar are not equipped to deal with.

22                  So while I'm sympathetic to Senator  
23                  Maziarz's concern that there may be a need to  
24                  tighten up the requirements for bail in this  
25                  state so that courts perhaps take into

1 account -- and it could be simply added to the  
2 list of factors that are enumerated in the  
3 existing law -- take into account the person's  
4 potential for dangerousness.

5 But adding the additional  
6 requirement for an open-ended inquiry I think  
7 is a major mistake. I think it prevents it  
8 from ever becoming law, it prevents it from  
9 being passed in the Assembly, and therefore  
10 makes it irrelevant as a matter of our current  
11 procedure.

12 But it also doesn't accomplish its  
13 goal if the goal, as I believe it has been set  
14 forth in the repeated eloquent explanations by  
15 the sponsor on this piece of legislation, is  
16 to try and prevent situations where someone  
17 who poses an extreme danger to the victim of  
18 the alleged crime for which that person is  
19 charged is allowed out without any  
20 consideration of that -- the dangerousness.

21 So I think this is a piece of  
22 legislation that needs more work. I am going  
23 to vote against it, as I have in the past. I  
24 would urge the sponsor that with some  
25 modifications, I think the issues that it

1 raises could be addressed.

2 This is not the way to do it. This  
3 is not going to become law. And it shouldn't  
4 become law. We should not have this sort of  
5 open-ended inquiry about people who have never  
6 been convicted of anything; in some cases,  
7 have never been charged with anything, never  
8 been indicted. That's what this bill would  
9 do.

10 And I'm going to vote no, Madam  
11 President, as I have in the past, and urge my  
12 colleagues also to vote no.

13 Thank you.

14 THE PRESIDENT: Does any other  
15 member wish to be heard?

16 Then the debate, so-called, is  
17 closed.

18 The Secretary will ring the bell.

19 Read the last section.

20 THE SECRETARY: Section 4. This  
21 act shall take effect on the first of  
22 November.

23 THE PRESIDENT: Call the roll.

24 (The Secretary called the roll.)

25 THE PRESIDENT: Senator Maziarz,

1 to explain your vote.

2 SENATOR MAZIARZ: Thank you,  
3 Madam President. To explain my vote.

4 My colleague, Senator Schneiderman,  
5 was wrong about many things. He said this  
6 bill has come up year after year after year.  
7 This is actually the second year that this  
8 bill has come before the Senate.

9 And this bill would expand the  
10 scope of criteria. Actually, this same  
11 criteria is used today in federal court, and  
12 it didn't cost them a whole lot of money when  
13 they expanded their criteria to implement this  
14 new way of setting bail.

15 What this bill would do, it would  
16 allow abusers -- particularly in the area of  
17 domestic violence, it would allow judges to  
18 use past history of an abuser in setting bail.

19 The case that I cite in the  
20 justification for this bill is a case that I  
21 have mentioned on the floor of this Senate  
22 several other times, and I think till the last  
23 day I serve here will always mention it. It  
24 was the case of Jill Cahill, in Syracuse, who  
25 was brutally beaten and murdered by her

1 husband several times.

2 It didn't have to happen. The  
3 criminal justice system failed Jill Cahill.  
4 It continues to fail her children today. And  
5 it failed her because her husband, after  
6 beating her numerous times, numerous times was  
7 let out on bail.

8 There is one thing that I do agree  
9 with Senator Schneiderman on, and I think the  
10 chances of this passing in the New York State  
11 Assembly are extremely remote. And that is  
12 really a shame.

13 You know, last year we had a lot of  
14 talk about the dysfunction in Albany and how  
15 we don't work very well up here. And, you  
16 know, the reality of it is that if this bill  
17 were to be put out on the floor of the  
18 Assembly, 138 members would vote in the  
19 affirmative, 12 liberals from Manhattan would  
20 vote in the negative. But they can hold it up  
21 from coming out.

22 And that's a shame for the  
23 Legislature, it's a shame for the Assembly,  
24 but more than anything it's really -- it's a  
25 shame for Jill Cahill.

1 Thank you, Madam President.

2 THE PRESIDENT: Senator Maziarz,  
3 you will be so recorded as voting in the  
4 affirmative.

5 Senator Schneiderman.

6 SENATOR SCHNEIDERMAN: Thank you,  
7 Madam President.

8 I appreciate my -- the Greek chorus  
9 behind me.

10 I enjoy debating Senator Maziarz on  
11 the facts that are before us. And whether I'm  
12 wrong about a great many things, like the  
13 propriety of children running through the  
14 woods being chased by wounded bears or not, we  
15 can leave for another day. I realize we  
16 disagree on some issues.

17 I do think, however, as long as  
18 we're correcting misstatements, this is not  
19 the rule in the federal court, where I  
20 practiced law for many years and continue to  
21 practice law.

22 There is a potentially huge  
23 economic impact on our local court systems  
24 from this. And I don't think for -- fiscal  
25 conservatives from Manhattan tend to be

1 concerned about these things.

2 This is creating an entire new area  
3 of inquiry, there's no denying it. And all we  
4 have are Senator Maziarz's blanket assertions  
5 that this is not going cost much money.

6 This turns every bail hearing into  
7 a potential evidentiary hearing on an  
8 open-ended issue. It's not the way to address  
9 this problem. I will continue to vote no.

10 And I'm not sure -- I will carry  
11 back to my colleagues from Manhattan his  
12 attribution of extraordinary powers to them in  
13 the Assembly.

14 But I think it's better to be right  
15 than to posture on an issue as serious as  
16 this, and I think that's what we're doing with  
17 this piece of legislation. So I will be  
18 voting no, Madam President.

19 THE PRESIDENT: You will be so  
20 recorded as voting in the negative, Senator.

21 The Secretary will announce the  
22 results.

23 THE SECRETARY: Those recorded in  
24 the negative on Calendar Number 714 are  
25 Senators Andrews, Breslin, Connor,

1 Hassell-Thompson, Montgomery, Parker,  
2 Paterson, Schneiderman and A. Smith.

3 Ayes, 51. Nays, 9.

4 THE PRESIDENT: The bill is  
5 passed.

6 Senator Skelos, that completes the  
7 reading of the calendar.

8 SENATOR SKELOS: Thank you, Madam  
9 President. Is there any further business to  
10 come before the Senate?

11 THE PRESIDENT: No, there isn't,  
12 Senator.

13 SENATOR SKELOS: There being  
14 none, I move we stand adjourned until Tuesday,  
15 May 17th, at 3:00 p.m.

16 THE PRESIDENT: On motion, the  
17 Senate now stands adjourned until Tuesday,  
18 May 17th, 3:00 p.m.

19 (Whereupon, at 4:11 p.m., the  
20 Senate adjourned.)

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