

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 9, 2007

11:07 a.m.

REGULAR SESSION

SENATOR JAMES S. ALESI, Acting President

STEVEN M. BOGGESS, Secretary

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

ACTING PRESIDENT ALESI: The  
Senate will come to order.

All rise and please repeat with me  
the Pledge of Allegiance.

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

ACTING PRESIDENT ALESI: In the  
absence of clergy, may we observe a moment of  
silence.

(Whereupon, the assemblage  
respected a moment of silence.)

ACTING PRESIDENT ALESI: Reading  
of the Journal.

THE SECRETARY: In Senate,  
Tuesday, May 8, the Senate met pursuant to  
adjournment. The Journal of Monday, May 7,  
was read and approved. On motion, Senate  
adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports from  
4 state officers.

5 Motions and resolutions.

6 Senator Skelos.

7 SENATOR SKELOS: Mr. President,  
8 if we could adopt the Resolution Calendar at  
9 this time.

10 ACTING PRESIDENT ALESI: All in  
11 favor of adopting the Resolution Calendar say  
12 aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT ALESI: Opposed,  
15 nay.

16 (No response.)

17 ACTING PRESIDENT ALESI: The  
18 Resolution Calendar is adopted.

19 SENATOR SKELOS: And I believe,  
20 Mr. President, there's one substitution to be  
21 made at this time.

22 ACTING PRESIDENT ALESI: The  
23 Secretary will read.

24 THE SECRETARY: On page 43,  
25 Senator Volker moves to discharge, from the

1 Committee on Local Government, Assembly Bill  
2 Number 5381 and substitute it for the  
3 identical Senate Bill Number 1963, Third  
4 Reading Calendar 797.

5 ACTING PRESIDENT ALESI:  
6 Substitution ordered.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President,  
9 if we could go to the noncontroversial reading  
10 of the calendar.

11 ACTING PRESIDENT ALESI: The  
12 Secretary will read.

13 THE SECRETARY: Calendar Number  
14 27, by Senator Larkin, Senate Print 224A, an  
15 act to amend the Labor Law, the Arts and  
16 Cultural Affairs Law, and the General Business  
17 Law.

18 SENATOR LARKIN: Lay it aside for  
19 the day.

20 ACTING PRESIDENT ALESI: Lay the  
21 bill aside for the day.

22 THE SECRETARY: Calendar Number  
23 309, by Senator Seward, Senate Print 2397A, an  
24 act to amend the Insurance Law.

25 ACTING PRESIDENT ALESI: Read the

1 last section.

2 THE SECRETARY: Section 3. This  
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT ALESI: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 40.

8 ACTING PRESIDENT ALESI: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 462, by Senator Padavan, Senate Print 3827, an  
12 act to amend the Civil Service Law.

13 ACTING PRESIDENT ALESI: Read the  
14 last section.

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

17 ACTING PRESIDENT ALESI: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 40.

21 ACTING PRESIDENT ALESI: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 476, by Senator Padavan, Senate Print 2045A,  
25 an act to amend the Public Authorities Law.

1                   ACTING PRESIDENT ALESI:     Read the  
2     last section.

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

5                   ACTING PRESIDENT ALESI:     Call the  
6     roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:        Ayes, 42.

9                   ACTING PRESIDENT ALESI:     The bill  
10    is passed.

11                  THE SECRETARY:        Calendar Number  
12    536, by Senator Volker, Senate Print 3909, an  
13    act to amend the Criminal Procedure Law.

14                  ACTING PRESIDENT ALESI:     Read the  
15    last section.

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

18                  ACTING PRESIDENT ALESI:     Call the  
19    roll.

20                  (The Secretary called the roll.)

21                  THE SECRETARY:        Ayes, 41. Nays,  
22    1. Senator Duane recorded in the negative.

23                  ACTING PRESIDENT ALESI:     The bill  
24    is passed.

25                  THE SECRETARY:        Calendar Number

1 582, by Senator Libous, Senate Print 1591, an  
2 act to amend the Religious Corporations Law.

3 ACTING PRESIDENT ALESI: Read the  
4 last section.

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

7 ACTING PRESIDENT ALESI: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 42. Nays,  
11 1. Senator Duane recorded in the negative.

12 ACTING PRESIDENT ALESI: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 583, by Senator Farley, Senate Print 1684, an  
16 act to amend the Public Authorities Law.

17 ACTING PRESIDENT ALESI: Read the  
18 last section.

19 THE SECRETARY: Section 5. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT ALESI: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 43.

25 ACTING PRESIDENT ALESI: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 600, by Senator Morahan, Senate Print 245A, an  
4 act to amend the Real Property Tax Law.

5 ACTING PRESIDENT ALESI: Read the  
6 last section.

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

9 ACTING PRESIDENT ALESI: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Those recorded in  
13 the negative on Calendar Number 600 are  
14 Senators Connor, L. Krueger and Sabini.

15 Ayes, 40. Nays, 3.

16 ACTING PRESIDENT ALESI: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 620, by Senator Little, Senate Print 1052, an  
20 act to establish a blue ribbon commission.

21 ACTING PRESIDENT ALESI: Read the  
22 last section.

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

25 ACTING PRESIDENT ALESI: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT ALESI: Senator  
4 Bonacic, to explain his vote.

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

7 I'm going to support this bill, but  
8 I'm voting with frustration. This is a bill  
9 to form a blue ribbon commission on property  
10 tax reform. Don't you think it's time that we  
11 stopped studying and we start acting on  
12 legislation?

13 Now, this is no reflection on our  
14 sponsor, because I know she is frustrated  
15 wanting to change the property tax system, the  
16 way we finance education.

17 You know, many times people will  
18 say there is no difference between the Senate  
19 and the Assembly. On the issue of property  
20 taxes, there is a dramatic difference between  
21 the Senate and the Assembly.

22 I don't know of any issue that's  
23 more important on the Island, Hudson Valley,  
24 than school property taxes. And this Senate  
25 has at least on four occasions done study

1 bills, and on two occasions we actually voted  
2 on solutions.

3 For example, Senator Leibell,  
4 Senator Saland, and myself last year, in June  
5 of 2006, passed a bill to phase out the  
6 property taxes for primary homeowners.

7 What does the Assembly do? The  
8 representatives from the Island, the  
9 representatives from the Assembly, they do  
10 nothing. And if they're doing nothing on this  
11 important issue, maybe they shouldn't be here.  
12 Maybe they're pretending. But they're putting  
13 their head in the sand. They're not looking  
14 for a solution.

15 Let me just tell you what the  
16 Assembly is studying, if I may, real quick.  
17 Bill 1677, last year, studied the feasibility  
18 of developing a regulatory system to achieve  
19 sustainable development. Assembly 8557, in  
20 June of 2005, passed a bill requiring the  
21 Comptroller to study the deferred retirement  
22 option plans of public employees. Let me tell  
23 you, New Yorkers are deferring retirement for  
24 having to pay the property taxes.

25 And get a load of this one. In

1 Assembly 8873, last March, a study by the  
2 Electronic Procurement Council on the  
3 implementation of a statewide electronic  
4 procurement notification system. I don't even  
5 know what this is, but they're studying it.

6 I don't mean to be glib. I know  
7 it's important to some sponsors. But on  
8 May 15th our voters are going to have to  
9 decide: Better-quality education, more  
10 expensive housing?

11 I will end this by saying how long  
12 are we going to wait for the Assembly to act.  
13 A newspaper last year entitled, ironically,  
14 the Sullivan County Democrat stated: "The  
15 New York Senate has done its part for school  
16 property tax reduction. Now it's the  
17 Assembly's turn."

18 We're waiting for Sheldon Silver.  
19 We're waiting for the Assembly majority. I  
20 vote aye.

21 Thank you, Mr. President.

22 ACTING PRESIDENT ALESI: Senator  
23 Bonacic will be recorded in the affirmative.

24 Senator Marcellino, to explain his  
25 vote.

1                   SENATOR MARCELLINO:     Yes, thank  
2     you, Mr. President.  I rise to explain my vote  
3     on this issue.

4                   This issue, combined with Senator  
5     Bruno's bill that we debated the other day on  
6     rebate checks for seniors, Senator Morahan's  
7     bill we just passed a few moments ago on  
8     capping the property tax on seniors for school  
9     taxes, a whole host of other measures that  
10    have passed -- I know other members of this  
11    house have legislation relating to property  
12    tax relief.  This is an important issue.  This  
13    is a very important issue to our constituents.

14                  And I share my colleagues'  
15    frustration at the inaction of the other  
16    chamber.  We need to get some motion.  People  
17    are in need.  We have senior citizens on fixed  
18    incomes that are making choices between food,  
19    medication, or paying their bills.  This is  
20    not the way we should be.  This is not -- this  
21    should not happen in this great country and in  
22    this great state.

23                  We need to find a way to ease the  
24    burden on the hard-pressed, overburdened  
25    taxpayers of this state.  Property tax is the

1 most onerous of the taxes that we have, and we  
2 should find a way to relieve that burden. And  
3 we ask the other house to step up to the  
4 plate, come to the table, pass some version of  
5 these bills, let's get it to conference  
6 committees so we can get some resolution to  
7 this issue.

8           The public is screaming for  
9 results. My mail -- and I bet each and every  
10 one of you are getting the same mail that I'm  
11 getting, both email and snail mail. It's all  
12 coming the same way: Help us with property  
13 taxes. Help us with property taxes. That's  
14 the scream, that's the cry from all of our  
15 residents, and it doesn't matter what their  
16 age range.

17           We need to do something, or we're  
18 going to drive everyone out of this state --  
19 businesses, older generations, and the young  
20 who won't be able to come here because they  
21 won't be able to afford to live here.

22           I support this bill, the others  
23 that were mentioned. I intend to vote aye and  
24 urge us all to do so, and let's send a message  
25 and get the other house moving.

1 Thank you, Mr. President.

2 ACTING PRESIDENT ALESI: Senator  
3 Marcellino will be recorded in the  
4 affirmative.

5 Senator Little, to explain her  
6 vote.

7 SENATOR LITTLE: Thank you,  
8 Mr. President.

9 Obviously property taxes are not  
10 just the number-one issue in my district but  
11 the number-one issue in many of your districts  
12 as well.

13 And in the last few years, I have  
14 had a number of property tax organizations  
15 crop up within the district because people are  
16 so concerned about their ability to pay their  
17 property taxes and to be able to remain in  
18 their home.

19 Just yesterday I had a woman in my  
20 office who bought a house four years ago for  
21 \$130,000. She has done absolutely nothing to  
22 her house -- I mean, keep it clean and all  
23 that kind of good stuff -- but as far as  
24 improvements or changes to the house. She  
25 received her new assessment this week,

1           \$230,000 assessed value on her home. Her  
2           taxes will increase. Her ability to pay those  
3           taxes has not increased at the same rate.

4                         Now, I sponsor a myriad of bills.  
5           I have bills on "circuit breaker," cycle bill  
6           for assessment, deferments for senior  
7           citizens. We have all kinds of bills, and all  
8           of my colleagues have important property tax  
9           bills. I sponsor tax-exempt bills with my  
10          colleague Senator Bonacic. We're looking at  
11          every possible way of helping relieve our  
12          citizens of property taxes.

13                        And we need consensus. We need to  
14          know how we can do this the best way so that  
15          that it helps the entire state. This blue  
16          ribbon commission is so critical. These will  
17          be experts, financial experts who will address  
18          the issue, who will look at all the ideas, who  
19          will look at what other states do, who will  
20          come up with a new way of doing property taxes  
21          in our state, a new way of funding our  
22          schools, a better way of assessments and real  
23          property values.

24                        Assemblywoman Sandra Galef sponsors  
25          this bill in the Assembly. We have an

1 opportunity to not only pass this bill here  
2 but to encourage our Assembly colleagues to  
3 pass this bill in the Assembly so that we can  
4 move forward and have real property tax relief  
5 and get rid of this label that New York State  
6 has as having the highest local property  
7 taxes, among the highest local property taxes  
8 in the entire country.

9 I certainly will vote aye on this  
10 bill and hope everyone else will as well.

11 Thank you.

12 ACTING PRESIDENT ALESI: Senator  
13 Little will be recorded in the affirmative.

14 Senator Craig Johnson, to explain  
15 his vote.

16 SENATOR CRAIG JOHNSON: Thank  
17 you, Mr. President.

18 I rise to support this bill and the  
19 creation of a blue ribbon panel. It's  
20 interesting that my colleague Senator Little,  
21 who is the chairwoman of the Local Governments  
22 Committee -- and every week when we meet in  
23 the Local Governments Committee, we see time  
24 and time again bills coming before our  
25 committee talking about property tax exemption

1 for various groups. And the bills are getting  
2 longer and the calendar is growing longer for  
3 people seeking exemptions.

4 And we go home and we talk with our  
5 residents, who -- May 15th is coming up in the  
6 school budget votes. And the schools are  
7 nervous because they have to raise taxes,  
8 notwithstanding our hard efforts to bring more  
9 school aid to our localities. They're nervous  
10 about whether or not these budgets are going  
11 to pass, because they have to raise property  
12 taxes to meet the growing healthcare costs and  
13 the pension costs and the utility costs that  
14 our schools face.

15 This bill is very simple. It's  
16 just asking us to talk about it, talk about  
17 property tax reform. We're not being asked to  
18 do anything other than create a commission to  
19 talk about alternatives, examine alternatives.

20 Senator Little and I have been  
21 appointed -- for Senator Little, by Senator  
22 Bruno; and for myself, by my leader, Senator  
23 Smith -- to the Governor's commission on  
24 examining efficiencies in local government.  
25 And that's one aspect to help reduce the

1 property taxes facing our citizens.

2 What a perfect complement is this  
3 commission to address property taxes as a  
4 whole, all throughout, and explore the  
5 alternatives, the possible alternatives. All  
6 we're saying to our brethren in the Assembly  
7 is let's talk about it, let's go around the  
8 state, let's have people appointed to the  
9 commission, present testimony and address the  
10 issue.

11 In Suffolk County they appointed a  
12 commission to study the issue on the property  
13 taxes, and they came back with an interesting  
14 report about what may or may not be  
15 appropriate. But they did it. We should do  
16 the same thing all across the state in our  
17 other counties, because it's important to talk  
18 about and address the issues. And a lot of  
19 unknowns. And it's very simple to say this is  
20 an answer when we don't know if it's going to  
21 be based upon the empirical evidence.

22 I urge the Assembly majority to  
23 pass this bill, to move it on to the Governor,  
24 for the Governor to sign it into law and to  
25 create this commission so we can get the hard

1 evidence, the hard answers to address this  
2 issue. Because it's time we provide real  
3 relief and real reform to our residents.

4 I vote aye on the bill,  
5 Mr. President.

6 ACTING PRESIDENT ALESI: Senator  
7 Craig Johnson will be recorded in the  
8 affirmative.

9 Senator Klein, to explain his vote.

10 SENATOR KLEIN: Thank you,  
11 Mr. President.

12 I too rise in favor of this  
13 legislation. But I do agree with my colleague  
14 Senator Bonacic. I think the public wants  
15 some answers. And I think it's rather  
16 frustrating that even though we increased  
17 state aid in this year's budget, a very  
18 interesting article came out in the New York  
19 Times where property taxes are still  
20 increasing. Even in my district, while maybe  
21 they're not higher than they were the year  
22 before, property taxes still increase.

23 So I think part of me says we need  
24 to have action, but another part of me says we  
25 need a study like this. Because I think

1       there's no one answer to the problem of rising  
2       property taxes.

3                   I think it's a combination of maybe  
4       looking towards something like an income tax,  
5       which was proposed by Senator Saland in his  
6       legislation, giving the individual school  
7       district the authority to -- they're looking  
8       at increasing sales taxes, as I said, a local  
9       income tax, giving them full authority to  
10      decide how they want to raise money.

11                   This is also a problem, as I see  
12      it, in Westchester County and I think around  
13      the state. I never get a complaint about  
14      local school districts as far as education is  
15      concerned in any of my communities. They love  
16      the school system, they all agree their  
17      children are getting a first-rate education.  
18      But at the same time, they are complaining  
19      about forever-increasing property taxes.

20                   So I think it's a combination of  
21      things. I think we have to take a good hard  
22      look on how we can sort of shift the burden to  
23      another source of state revenue to pay for  
24      education. And I think also, as Senator  
25      Johnson said, we do have to take a close look

1 on how local school districts spend the  
2 taxpayers' money.

3 You know, I'm not saying they're  
4 doing the wrong thing, because as I said  
5 before, the education in these school  
6 districts is second to none. But at the same  
7 time, maybe they can do a better job. Maybe  
8 they can do a more efficient job. But I think  
9 certainly it's incumbent upon us to do  
10 something, because the taxpayers are watching.

11 I vote yes on this legislation.

12 ACTING PRESIDENT ALESI: Senator  
13 Klein will be recorded in the affirmative.

14 Senator Liz Krueger, to explain her  
15 vote.

16 SENATOR LIZ KRUEGER: Thank you,  
17 Mr. President.

18 I also rise to support the bill and  
19 to thank the sponsor.

20 You know, it's not that simple.  
21 Yes, the public wants a reduction in property  
22 taxes. Yes, property taxes have gotten out of  
23 hand. But to disagree with my esteemed  
24 colleague Senator Bonacic, I think one of the  
25 reasons that we haven't moved bills through

1 both houses is because we attempt individual  
2 bills that might sound good but leave other  
3 big gaps in answering the question.

4 And so what I like about this bill  
5 and this commission, task force, is it says we  
6 need to look at property taxes in relationship  
7 to other alternative sources of funding.

8 As I've said many times, we won't  
9 get to the underlying problems of inequity and  
10 skyrocketing property taxes or school funding  
11 until we're prepared to look at the entire  
12 state tax policy system and its relationship  
13 to our local taxes.

14 And so this blue ribbon commission,  
15 while it's specific to property taxes, talks  
16 about looking at the alternative sources of  
17 funding to property taxes. I would argue it  
18 even explores the question is taxing property  
19 the most equitable and progressive way to meet  
20 our government's responsibilities to provide  
21 public services, because I'm a big believer in  
22 reevaluating the regressive nature of our tax  
23 policy at the state and local level and  
24 shifting us to a progressive model of tax  
25 policy.

1 I also appreciate that this task  
2 force or commission would be looking at  
3 assessments. Because we all know that we have  
4 serious problems with inequitable modeling of  
5 assessments. We all know that we've got too  
6 many different units of government doing  
7 assessments in the state of New York, which is  
8 driving up administrative costs and increasing  
9 inequities not just from county to county but  
10 sometimes from township to township just next  
11 door to each other.

12 I also like that this bill says we  
13 have to look at how we put controls on  
14 spending, how we evaluate how these monies are  
15 being used in school budgets and at the local  
16 level.

17 So I don't think it's as simple as  
18 some of my colleagues might like it to be.  
19 And I want to applaud both Assemblywoman Galef  
20 and Senator Betty Little for continuing year  
21 after year to try to move this legislation so  
22 that legislators, experts sit down and try to  
23 answer these very tough questions in a  
24 holistic manner of bringing together all the  
25 questions about how do we ensure that we have

1 the adequate revenue to provide the public  
2 services at the local level and the state  
3 level that we must and we all support, in the  
4 most equitable, fair and progressive way that  
5 we can through our tax policies.

6 So I actually think it's a big job,  
7 and I hope we do get started on it. And so  
8 I'm very happy to support this bill and look  
9 forward to working with my colleagues on this.  
10 Thank you, Senator.

11 ACTING PRESIDENT ALESI: Senator  
12 Liz Krueger will be recorded in the  
13 affirmative.

14 Announce the results, please.

15 THE SECRETARY: Ayes, 54. Nays,  
16 0.

17 ACTING PRESIDENT ALESI: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 648, by Senator Volker, Senate Print 4034, an  
21 act to amend the Criminal Procedure Law.

22 ACTING PRESIDENT ALESI: Read the  
23 last section.

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

1                   ACTING PRESIDENT ALESI:     Call the  
2     roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 53. Nays,  
5     2. Senators Duane and Montgomery recorded in  
6     the negative.

7                   ACTING PRESIDENT ALESI:     The bill  
8     is passed.

9                   THE SECRETARY:     Calendar Number  
10    656, by Senator Volker, Senate Print 4212, an  
11    act to amend the Civil Practice Law and Rules.

12                  ACTING PRESIDENT ALESI:     Read the  
13    last section.

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

16                  ACTING PRESIDENT ALESI:     Call the  
17    roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY:     Ayes, 55.

20                  ACTING PRESIDENT ALESI:     The bill  
21    is passed.

22                  THE SECRETARY:     Calendar Number  
23    708, by Senator Volker, Senate Print 1653, an  
24    act to amend the Executive Law.

25                  ACTING PRESIDENT ALESI:     Read the

1 last section.

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

4 ACTING PRESIDENT ALESI: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 55.

8 ACTING PRESIDENT ALESI: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 737, by Senator Wright, Senate Print 4728, an  
12 act to amend the Family Court Act.

13 ACTING PRESIDENT ALESI: Read the  
14 last section.

15 THE SECRETARY: Section 3. This  
16 act shall take effect on the first of  
17 November.

18 ACTING PRESIDENT ALESI: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT ALESI: Senator  
22 Montgomery.

23 SENATOR MONTGOMERY: Yes,  
24 Mr. President. I want to explain my vote.

25 ACTING PRESIDENT ALESI: Senator

1           Montgomery, to explain her vote.

2                         SENATOR MONTGOMERY:        Yes.

3           Mr. President, I have voted no in the past,  
4           along with a number of my colleagues, and I  
5           continue to oppose this legislation.

6                         And one of the reasons is it seems  
7           to remove conditional discharge, which often  
8           is used, it's my understanding, by district  
9           attorneys and possibly judges to create an  
10          alternative to a criminal charge. And since  
11          this legislation is specifically targeting  
12          juveniles, it creates a criminal offense which  
13          will remain with them for life for desecration  
14          of a cemetery.

15                        I think that we need to rethink how  
16          many different ways we in this Legislature,  
17          this legislative body, are creating pathways  
18          to criminal charges. Now, we just the last  
19          vote taken, or the last vote that I voted no  
20          on, would make it possible for anyone who is  
21          hiring a police officer or peace officer to  
22          open up juvenile records and for petty crimes,  
23          as it is described in the memo, they would be  
24          able to deny employment.

25                        So we need to really think about

1           how many ways we create problems for young  
2           people, just based on the fact that they have  
3           poor judgment and are mischievous and get into  
4           various and sundry activities that they should  
5           not, but nonetheless we make them pay for the  
6           rest of their lives.

7                        So I'm going to continue to vote in  
8           the negative on this legislation, and I urge  
9           my colleagues to join me in opposing this  
10          legislation.

11                       ACTING PRESIDENT ALESI:        Senator  
12          Montgomery will be recorded in the negative.

13                       Announce the results.

14                       THE SECRETARY:        Those recorded in  
15          the negative on Calendar Number 737 are  
16          Senators Duane, Hassell-Thompson, L. Krueger  
17          and Montgomery.

18                       Ayes, 53.   Nays, 4.

19                       ACTING PRESIDENT ALESI:        The bill  
20          is passed.

21                       THE SECRETARY:        Calendar Number  
22          759, by Senator Bonacic, Senate Print 480, an  
23          act to amend the Vehicle and Traffic Law.

24                       ACTING PRESIDENT ALESI:        Read the  
25          last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect on the 120th day.

3 ACTING PRESIDENT ALESI: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT ALESI: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 761, by Senator Larkin, Senate Print 578, an  
11 act to amend the Vehicle and Traffic Law.

12 ACTING PRESIDENT ALESI: Read the  
13 last section.

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

17 ACTING PRESIDENT ALESI: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT ALESI: Senator  
21 Stewart-Cousins, to explain her vote.

22 SENATOR STEWART-COUSINS: Yes, to  
23 explain my vote.

24 I want to rise to support this  
25 legislation and thank Senator Larkin for

1 talking about safety on baseball fields and  
2 football fields and all-terrain vehicles not  
3 being able to be driven on those fields  
4 without permission.

5 And because we're talking about  
6 baseball and football and school fields, I  
7 wanted to certainly acknowledge the fact that  
8 there is a class, a student government class  
9 here from the great city of Yonkers, from  
10 Emerson Middle School, with their teacher,  
11 Ms. Hartwell.

12 So I want you all to enjoy your  
13 time in Albany. Be very, very careful in  
14 terms of how you drive when you eventually  
15 drive. And know that we are here making laws  
16 that will benefit you.

17 So I thank you and of course want  
18 to be recorded in the affirmative.

19 ACTING PRESIDENT ALESI: Senator  
20 Stewart-Cousins will be recorded in the  
21 affirmative.

22 Announce the results.

23 THE SECRETARY: Those recorded in  
24 the negative on Calendar Number 761 are  
25 Senators Farley, Griffo, Libous, Little,

1 Maziarz, Seward, Winner and Young.

2 Ayes, 49. Nays, 8.

3 ACTING PRESIDENT ALESI: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 763, by Senator Trunzo, Senate Print 885, an  
7 act to amend the Vehicle and Traffic Law.

8 ACTING PRESIDENT ALESI: Read the  
9 last section.

10 THE SECRETARY: Section 5. This  
11 act shall take effect on the 90th day.

12 ACTING PRESIDENT ALESI: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 ACTING PRESIDENT ALESI: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 764, by Senator Winner, Senate Print 903, an  
20 act to amend the Highway Law.

21 ACTING PRESIDENT ALESI: Read the  
22 last section.

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

25 ACTING PRESIDENT ALESI: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 56. Nays,

4 1. Senator Duane recorded in the negative.

5 ACTING PRESIDENT ALESI: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 765, by Senator Trunzo, Senate Print 1485, an  
9 act to amend the Vehicle and Traffic Law.

10 ACTING PRESIDENT ALESI: Read the  
11 last section.

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

14 ACTING PRESIDENT ALESI: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT ALESI: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 766, by Senator Libous, Senate Print 1655, an  
22 act to amend the Highway Law.

23 ACTING PRESIDENT ALESI: Read the  
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT ALESI: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT ALESI: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 791, by Senator Maziarz, Senate Print 514, an  
10 ability to incorporate the Hartland Volunteer  
11 Exempt Firefighter's Benevolent Association.

12 ACTING PRESIDENT ALESI: Read the  
13 last section.

14 THE SECRETARY: Section 8. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT ALESI: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT ALESI: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 794, by Senator Little, Senate Print 1138, an  
24 act to amend the Local Finance Law.

25 ACTING PRESIDENT ALESI: Read the

1 last section.

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

4 ACTING PRESIDENT ALESI: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT ALESI: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 796, by Senator Larkin, Senate Print 1481, an  
12 act to amend the Village Law.

13 ACTING PRESIDENT ALESI: Read the  
14 last section.

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

17 ACTING PRESIDENT ALESI: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT ALESI: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 797, substituted earlier today by Member of  
25 the Assembly Schimminger, Assembly Print

1 Number 5381, an act to amend the Local Finance  
2 Law.

3 ACTING PRESIDENT ALESI: There is  
4 a home-rule message at the desk.

5 Read the last section.

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

8 ACTING PRESIDENT ALESI: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT ALESI: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 800, by Senator Wright, Senate Print 2772, an  
16 act to amend the General Municipal Law.

17 ACTING PRESIDENT ALESI: Read the  
18 last section.

19 THE SECRETARY: Section 3. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT ALESI: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT ALESI: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 801, by Senator Winner, Senate Print 3229, an  
4 act to amend the General Municipal Law.

5 ACTING PRESIDENT ALESI: Read the  
6 last section.

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

9 ACTING PRESIDENT ALESI: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT ALESI: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 802, by Senator Winner, Senate Print 3232, an  
17 act to amend the General Municipal Law.

18 ACTING PRESIDENT ALESI: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect on the first of July  
22 next succeeding.

23 ACTING PRESIDENT ALESI: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT ALESI: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 807, by Senator Winner, Senate Print 3878, an  
6 act in relation to authorizing the Town of  
7 Potter, County of Yates.

8 ACTING PRESIDENT ALESI: Read the  
9 last section.

10 THE SECRETARY: Section 3. This  
11 act shall take effect immediately.

12 ACTING PRESIDENT ALESI: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT ALESI: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 823, by Senator LaValle, Senate Print 3903, an  
20 act to amend the Education Law.

21 ACTING PRESIDENT ALESI: Read the  
22 last section.

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

25 ACTING PRESIDENT ALESI: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Those recorded in  
4 the negative on Calendar Number 823 are  
5 Senators Adams, Duane, Hassell-Thompson,  
6 Montgomery and Sampson.

7 Ayes, 53. Nays, 5.

8 ACTING PRESIDENT ALESI: The bill  
9 is passed.

10 Senator Wright, that completes the  
11 noncontroversial reading of the calendar.

12 SENATOR WRIGHT: Thank you,  
13 Mr. President.

14 Is there any other business at the  
15 desk?

16 ACTING PRESIDENT ALESI: Thank  
17 you, Senator Wright. Senator Nozzolio has a  
18 motion.

19 Senator Nozzolio.

20 SENATOR NOZZOLIO: Thank you,  
21 Senator Alesi.

22 Mr. President, I'd like to call up  
23 my bill, Print Number 3672, recalled from the  
24 Assembly, which is now at the desk.

25 ACTING PRESIDENT ALESI: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number  
3 529, by Senator Nozzolio, Senate Print 3672,  
4 an act to amend the Penal Law.

5 SENATOR NOZZOLIO: Mr. President,  
6 I now move to reconsider the vote by which  
7 this bill was passed and ask that the bill be  
8 restored to the order of third reading.

9 ACTING PRESIDENT ALESI: The  
10 Secretary will call the roll on  
11 reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 58.

14 SENATOR NOZZOLIO: Mr. President.  
15 I now move to recommit Senate Print Number  
16 3672, Calendar Number 529 on the order of  
17 third reading, to the Committee on Codes, with  
18 instructions to said committee to strike the  
19 enacting clause.

20 ACTING PRESIDENT ALESI: So  
21 ordered.

22 Senator Wright.

23 SENATOR WRIGHT: Mr. President,  
24 there being no further business, I move we  
25 adjourn until Monday, May 14th, at 3:00 p.m.,

1           intervening days being legislative days.

2                           ACTING PRESIDENT ALESI:     On  
3           motion, the Senate stands adjourned until  
4           Monday, May 14th, at 3:00 p.m., intervening  
5           days being legislative days.

6                           (Whereupon, at 11:43 a.m., the  
7           Senate adjourned.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25