NEW YORK STATE SENATE

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REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

REVEREND YOUNG: Thank you, Senator.

Let us pray.

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

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

ACTING PRESIDENT VALESKY: Thank you, Father.

The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, I

have two motions.

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

ACTING PRESIDENT VALESKY: So ordered.

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

ACTING PRESIDENT VALESKY: So ordered.

Senator Klein.

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

ACTING PRESIDENT VALESKY: Senator Libous.

SENATOR LIBOUS: I do, Mr. President.

Thank you, Senator Klein.

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

ACTING PRESIDENT VALESKY: Absolutely. So ordered.

Senator Klein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Congratulations.

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

Senator Maziarz, on the resolution.

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

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

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

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

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

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

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

So I just wanted to join and

congratulate you and wish you luck in the national competition.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Maziarz.

Senator Adams, on the resolution.

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

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

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

It is more than just physical

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

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

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

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

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

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

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

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

do it."

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

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Adams.

Senator Hassell-Thompson, on the resolution.

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

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

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

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

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

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

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

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

I thank you for understanding the

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

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

Thank you, Mr. President.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

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

(Applause.)

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

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

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

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

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

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

guide his life's work; and

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

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

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

"WHEREAS, Like a pilot who lands

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

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

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

"WHEREAS, Father Young's programs

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Breslin, on the resolution.

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

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

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

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

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

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

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

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

in another case.

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

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

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

Father Young has created more

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

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

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

So it is my honor to stand here

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

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

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

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Breslin.

Senator Volker, on the resolution.

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

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

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

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

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

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

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

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

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

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

So I congratulate you again for

50 great years.

ACTING PRESIDENT VALESKY: Thank you, Senator Volker.

Senator Little, on the resolution.

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

congregation were the most important people to them.

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

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

So thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Little.

Senator Padavan, on the resolution.

SENATOR PADAVAN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Father Young.

ACTING PRESIDENT VALESKY: Thank you, Senator Padavan.

Senator Farley. On the resolution.

SENATOR FARLEY: Thank you, Mr. President.

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Farley.

Senator Libous, on the resolution.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

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

(Standing ovation.)

SENATOR LaVALLE: Mr. President.

ACTING PRESIDENT VALESKY: Senator LaValle.

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

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

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

Senator Klein.

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

ACTING PRESIDENT VALESKY: Senator Foley, on the resolution.

SENATOR FOLEY: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Foley.

Are there any other Senators who wish to be heard?

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

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

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

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

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

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

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Johnson.

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

saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

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

Senator Klein.

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

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

The Secretary will read.

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

ACTING PRESIDENT VALESKY:

Substitution ordered.

Senator Klein.

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

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

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The concurrent resolution is adopted.

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

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

I rise because while I absolutely

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

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

So I will vote no. Thank you.

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

Announce the results.

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

Ayes, 59. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

SENATOR LIBOUS: Explanation.

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

SENATOR LIZ KRUEGER: Thank you very much.

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

ACTING PRESIDENT VALESKY: Senator Saland.

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

ACTING PRESIDENT VALESKY:

Senator Krueger, do you yield?

SENATOR LIZ KRUEGER: Certainly, Mr. President.

ACTING PRESIDENT VALESKY: The sponsor yields.

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

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

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

ACTING PRESIDENT VALESKY: Senator Krueger?

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

ACTING PRESIDENT VALESKY:

Continue.

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

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

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

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

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

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

difficult to hear the Senator.

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

Senator Krueger.

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

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

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

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

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

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

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

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

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

SENATOR SALAND: Thank you.

Will Senator Krueger continue to yield?

ACTING PRESIDENT VALESKY: Senator Krueger?

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

ACTING PRESIDENT VALESKY: The sponsor yields.

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

SENATOR LIZ KRUEGER: Well, it's

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

SENATOR SALAND: If Senator Krueger will continue to yield.

ACTING PRESIDENT VALESKY: Senator Krueger?

SENATOR LIZ KRUEGER: Certainly, Mr. President.

ACTING PRESIDENT VALESKY: The sponsor continues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR SALAND: Would Senator Krueger continue to yield?

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

SENATOR LIZ KRUEGER: Certainly, Mr. President.

ACTING PRESIDENT VALESKY: Proceed.

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

outside of New York City.

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

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

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

And what we have found is it does

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

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

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

SENATOR SALAND: Perhaps one last question for the Senator.

ACTING PRESIDENT VALESKY: Senator Krueger?

SENATOR LIZ KRUEGER: Mr. President, absolutely.

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

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

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

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

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

So technically, I suppose it could

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

SENATOR SALAND: Thank you, Senator Krueger.

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

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

New York.

Just on the bill.

ACTING PRESIDENT VALESKY: Senator Saland, on the bill.

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

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

And these laypeople in these types

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

So thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Saland.

Are there any other Senators wishing to be heard?

Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. On the bill.

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

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

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

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

Now, one could argue that nobody

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Krueger.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would the Senator yield to a question.

ACTING PRESIDENT VALESKY: Senator Krueger, do you yield?

SENATOR LIZ KRUEGER: Certainly, Mr. President.

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

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

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

ACTING PRESIDENT VALESKY: Senator Krueger.

SENATOR LIZ KRUEGER: Mr. President, yes.

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

SENATOR LIZ KRUEGER: An excellent question. One moment.

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

SENATOR DeFRANCISCO: On the bill.

ACTING PRESIDENT VALESKY:

Senator DeFrancisco, on the bill.

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

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

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

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

So, I don't know, I think most

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

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator DeFrancisco.

Are there any other Senators who wish to be heard?

Seeing none, the debate is closed.

The Secretary will ring the bells.

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

The Secretary will read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

Ayes, 59. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson.

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Senator Robach.

SENATOR ROBACH: Yes, just very

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Robach.

Senator Klein.

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

ACTING PRESIDENT VALESKY: There is none.

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

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

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

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