NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 2, 2009

3:12 p.m.

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: The invocation today will be delivered by Rabbi Neal Joseph Loevinger, of Temple Beth El in Poughkeepsie, New York.

Rabbi.

RABBI LOEVINGER: Thank you. Senator, Senator Saland, and all of those assembled, thank you for allowing me the honor of being here today.

In my tradition, the Jewish tradition, one of the names for God is "notein da'at," the giver of wisdom, or the source of wisdom. So I will call upon that source of wisdom using these words in the hopes that we can all recognize a source of wisdom, whether we are of varying faiths or of no faith, a

source of wisdom which allows human beings to transcend self-interest and come together and tend towards compassion and justice, mercy and inclusion.

So I ask the notein da'at, the source of our wisdom, to bless this Senate, its leaders and its advisors with the curiosity to seek new knowledge and the fearlessness to implement untried solutions to our state's challenges.

I ask our Source of Wisdom that this Senate should be blessed with the hearts of servants, servants who serve not great powers, but who serve the meekest of our citizens. Bless this Senate to act as servants who can envision the needs of future generations and who are wise stewards of our state's natural and financial resources for future generations.

Please, Source of Wisdom, bless this Senate, its leaders and advisors with humility, so that all who come together here may set aside ego and immediate political consideration in order to forge compromises in

the best interests of as many citizens as possible.

Please, Source of Wisdom, bless those who are gathered here today with openness of heart and openness of mind, to draw upon the insights of all the great faith traditions represented in our state, from those whose moral reasoning is grounded in traditions many thousands of years old, to those whose faith commitments cause them to seek new forms of social change.

Please, Source of Wisdom, bless all who are assembled here in the Senate with the grace of civility, to be examples for our citizenry of learning from our differences.

Please, Source of Wisdom, bless all who are assembled here today with the power of compassion to hear the cries of the broken-hearted and to respond with tenderness, insight, and a desire to heal.

Please, Source of Wisdom, bless all who are gathered here today with the remembrance that in a state as great as New York, our diversity is our strength and

our greatest challenge is to serve all the citizens with all of our heart, all of our soul, and all of our might.

And let us say amen.

ACTING PRESIDENT VALESKY: Thank you, Rabbi, for that beautiful invocation.

Thank you also, Senator Saland, for inviting Rabbi Loevinger for being with us today.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, June 1st, the Senate met pursuant to adjournment. The Journal of Friday, May 29, 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.

Senator Klein.

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

ACTING PRESIDENT VALESKY: There are substitutions, Senator Klein.

The Secretary will read.

THE SECRETARY: On page 25, Senator Krueger moves to discharge, from the Committee on Social Services, Assembly Bill Number 7450 and substitute it for the identical Senate Bill Number 4147, Third Reading Calendar 334.

On page 35, Senator Savino moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 2782 and substitute it for the identical Senate Bill Number 1408, Third Reading Calendar 431.

On page 36, Senator Foley moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7894 and substitute it for the identical Senate Bill Number 4664, Third Reading Calendar 441.

On page 36, Senator Savino moves to discharge, from the Committee on Civil Service

and Pensions, Assembly Bill Number 7864 and substitute it for the identical Senate Bill Number 3399, Third Reading Calendar 443.

On page 37, Senator Klein moves to discharge, from the Committee on Elections, Assembly Bill Number 1308 and substitute it for the identical Senate Bill Number 1836A, Third Reading Calendar 451.

On page 37, Senator Monserrate moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 3319 and substitute it for the identical Senate Bill Number 3793, Third Reading Calendar 454.

On page 37, Senator Schneiderman moves to discharge, from the Committee on Codes, Assembly Bill Number 5516 and substitute it for the identical Senate Bill Number 4452, Third Reading Calendar 456.

And on page 37, Senator Sampson moves to discharge, from the Committee on Codes, Assembly Bill Number 7395 and substitute it for the identical Senate Bill Number 4534, Third Reading Calendar 457.

ACTING PRESIDENT VALESKY:

Substitutions ordered.

For the record, returning to the regular order of business, there are no reports of select committees, no communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, I have two motions.

The first on behalf of Senator Krueger, on page 36, I offer the following amendments to Calendar Number 440, Senate Print 4779A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: The second, Mr. President, on behalf of Senator Montgomery, on page number 26 I offer the following amendments to Calendar Number 344, Senate Print Number 1293, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: Those amendments are received as well.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT VALESKY: Senator Klein, there is a report of the Finance Committee at the desk.

Returning to the order of reports of standing committees, the Secretary will read the report of the Finance Committee.

THE SECRETARY: Senator C. Kruger, from the Committee on Finance, reports the following nominations.

As member of the Administrative Review Board for Professional Medical Conduct, John A. D'Anna, M.D., of Staten Island.

As members of the State Board for Historic Preservation, Randall T. Crawford, of Syracuse; Jay A. Dilorenzo, of Schenectady; and Francis Kowsky, of Buffalo.

As member of the Central New York State Park, Recreation and Historic

Preservation Commission, Gretchen S. Sorin, of Springfield Center.

As members of the board of directors of the New York Convention Center Operating Corporation, Mary A. D'Elia, of New York City, and Sherida Elizabeth Paulsen, of the Bronx.

As members of the State Council on the Arts, Daniel D. Simmons, of Brooklyn.

As members of the Council on Human Blood and Transfusion Services, Joseph T. Chiofolo, of Howard Beach, and Kathleen M. Grima, M.D., of Rye.

And as a member of the State Hospital Review and Planning Council, Arthur Levin, of New York City.

ACTING PRESIDENT VALESKY: Senator Kruger.

SENATOR CARL KRUGER: Please move the nominations.

ACTING PRESIDENT VALESKY: Are there any Senators that wish to be heard on the motion to confirm the nominations?

Seeing none, the question is on the

motion to confirm the nominations of John A. D'Anna, Randall T. Crawford, Jay A. Dilorenzo, Francis Kowsky, Gretchen S. Sorin, M.D., Mary D'Elia, Sherida Elizabeth Paulsen, Daniel D. Simmons, Joseph T. Chiofolo, Kathleen M. Grima, M.D., and Arthur Levin. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The motion carries. The nominees are hereby confirmed.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time adopt the Resolution Calendar in its entirety.

ACTING PRESIDENT VALESKY: All in favor of adopting the Resolution Calendar in its entirety signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we take up the noncontroversial reading of the calendar.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the noncontroversial reading of Senate Calendar Number 53.

THE SECRETARY: Calendar Number 65, by Senator Valesky, Senate Print 1607, an act to amend the General Municipal 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.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 294, by Member of the Assembly Dinowitz, Assembly Print Number 1800, an act to amend the Real Property Tax Law, in relation to excluding.

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, 54.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 313, by Senator Libous, Senate Print 2804, an act to amend the Tax Law, in relation to extending authorization.

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

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, 54.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 322, by Senator Savino, Senate Print --

SENATOR KLEIN: Lay that bill aside for the day.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 329, by Senator Foley, Senate Print 4025B --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 336, by Senator Parker, Senate Print 3711, an act to amend Public Service Law, in relation to definition.

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, 54.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 337, by Senator Thompson, Senate Print 1230, an act to amend the --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 355, by Member of the Assembly Bradley, Assembly Print Number 7561, an act to amend the Domestic Relations Law, in relation to certain matrimonial actions.

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, 54.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 359, by Member of the Assembly Weinstein, Assembly Print Number 2762A, an act to amend the Estates, Powers and Trusts Law, in relation to disposition.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 10th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 360, by Member of the Assembly Aubry, Assembly Print Number 5598, Concurrent Resolution of

the Senate and Assembly proposing an amendment to Article 3 --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The resolution is laid aside.

THE SECRETARY: Calendar Number 361, by Member of the Assembly Weinstein, Assembly Print Number 7570, an act to amend the Domestic Relations Law, in relation to maintenance.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 427, by Member of the Assembly Fields, Assembly Print Number 5788, an act to amend

the Real Property Tax Law, in relation to limiting base proportion.

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, 55.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 428, by Senator Foley, Senate Print 3330, an act to amend the County Law --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

Senator Klein, that completes the noncontroversial reading of Senate Calendar Number 53.

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

ACTING PRESIDENT VALESKY: The Secretary will ring the bells as we proceed to the controversial reading of Senate Calendar 53, beginning with Calendar Number 360.

THE SECRETARY: Calendar Number 360, by Member of the Assembly Aubry, Assembly Print Number 5598, Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 3 of the Constitution.

SENATOR LIBOUS: Explanation, please.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, an explanation has been requested.

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

Briefly, this bill gives the Legislature the authority to pass a law allowing inmates to work for not-for-profit agencies where appropriate and necessary.

ACTING PRESIDENT VALESKY: Senator Bonacic.

SENATOR BONACIC: Thank you. Mr. President, I'd like to ask Senator

Thompson a couple of questions, if I may. If she will yield.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, do you yield?

SENATOR HASSELL-THOMPSON: Yes, I yield to the best of my ability.

ACTING PRESIDENT VALESKY: The sponsor yields to the best of her ability.

SENATOR BONACIC: Thank you, Senator Thompson.

Number one, this is a good bill. Whenever we can help our municipalities and our not-for-profit for volunteer work, that's something commendable.

The only thing I will ask you is this is going to be a constitutional change -- I mean, a constitutional provision, and it's exclusively for those not-for-profits that are religious, charitable, or educational not-for-profits.

So I guess my first question is, should we define who they are?

SENATOR HASSELL-THOMPSON: I'm not clear what -- through you, Mr. President.

Senator Bonacic, I'm not sure -- I mean, I'm not clear what your question is. Define in what manner?

SENATOR BONACIC: Yes, Senator Thompson. I'll give an example. I form a not-for-profit to study the moon, and I get incorporated. And I have a following, I'll call them moon followers, just for the purposes of our discussion.

It may not be, in our traditional sense, what a real not-for-profit is or is deserving. And in our Constitution, it has never defined, nor has this Legislature defined, what is a legitimate religious not-for-profit, educational not-for-profit, or charitable not-for-profit.

And I'm making the suggestion, as this resolution goes forward, maybe we should define who they are. That is my point to you. Is that something that you would give consideration to?

SENATOR HASSELL-THOMPSON: Through you, Mr. President. The short answer to your question, Senator Bonacic, is

absolutely.

The long answer to your question is I guess my concern is that while I think it's important that we all be very clear about who we're talking about, when in fact an organization is given the status of not-for-profit, isn't it then up to the authorizing agency, usually the State Department, to make that determination as to whether or not, through its examination and through its criteria, they have therefore determined that this is in fact a not-for-profit?

Therefore, how do we define, as you put it, legitimacy? Do you understand what I'm saying?

SENATOR BONACIC: I do. I do.

SENATOR HASSELL-THOMPSON: And so that's why I asked you to define the question. Because if in fact they are given the title not-for-profit, and if they actually have the 501(c)(3), 501(c)(6), 10, whatever the category is, they are legitimate as the law prescribes.

If you feel that there is another way in which we need to do that defining, then I'll go back to my short answer: Absolutely.

SENATOR BONACIC: Okay. If Senator Thompson will continue to yield.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, do you continue to yield?

SENATOR HASSELL-THOMPSON: Yes.

ACTING PRESIDENT VALESKY: The sponsor continues.

SENATOR BONACIC: It's my understanding that those officials that receive a not-for-profit application, it is more a legal act of making sure your T's are crossed and your I's are dotted, and no judgment as to whether the purpose of the not-for-profit is legitimate or not within our traditional concepts.

And the reason I am having this discussion with you is, to refresh your recollection, we develop legislation for tax-exempts and the abuses for not-for-profits. And we got into this issue.

And over the last 30 years, the courts have defined what a legitimate not-for-profit could be. And I will give you one example. One man, saying "I believe in God" -- no church, no followers -- got tax-exempt status on hundreds of acres that he bought.

And that was, in my opinion, an abuse of what should be tax-exempt. Because we as a Legislature never defined legitimate not-for-profits in education, in religious or charitable.

So I would only ask you to take a look, to take a look. Because we've spent considerable time trying to do this in Senate bill -- it'll just take a second -- well, it was Assembly Bill Number 1127A. And it was done by this Senate, the January 28, 2003, bill. And there we attempted to give definition to what is religious, what is charitable, and what is educational.

And I would ask you to take a look at that. And if you think it's appropriate, I would ask you to put definitions now as to

what are legitimate not-for-profits in these three categories, because it's a perfect opportunity, so we don't run into legal issues the down the road.

That's all.

SENATOR HASSELL-THOMPSON: Through you, Mr. President. One of the things, as I understand what I'm attempting to do with this, this is really a resolution. And what you're asking for is enabling legislation. That's not what this is. And I think that it's very appropriate for the concern that you raise for us to do that. This just gives very limited authority.

And as we go forward, I would certainly embrace the idea of working with you in terms of creating the kind of legislation that does in fact give a definition that we all can feel comfortable with.

SENATOR BONACIC: Thank you, Senator Thompson. And thank you for bringing this resolution forward.

Thank you, Mr. President.

SENATOR HASSELL-THOMPSON: Thank

you.

ACTING PRESIDENT VALESKY: Thank you, Senator Bonacic.

Senator Fuschillo.

SENATOR FUSCHILLO: I'd like to ask Senator Hassell-Thompson if she will yield for a question.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, do you yield?

SENATOR HASSELL-THOMPSON: Yes, Mr. President.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR FUSCHILLO: Thank you, Mr. President.

You had mentioned who we are talking about with regard to the nonprofits. And this may be way ahead of the game, but just in understanding your explanation. Who are we talking about, what type of prisoners would be applicable to this statute?

SENATOR HASSELL-THOMPSON: I think that -- let me just -- well, let me say this to you. Let me tell you who it excludes.

Maybe that will help you.

SENATOR FUSCHILLO: Sure.

SENATOR HASSELL-THOMPSON: Through you, Mr. President. The eligibility for this excludes inmates that are classified as sex offenders, those that are serving sentences for violent offenses, including murder, and those consistent with present restrictions on eligibility for work-release programs.

That gives you a wide variety of other types of prisoners. But normally these would be those who are eligible for work release and those who are presently in prison camps.

SENATOR FUSCHILLO: And this is all under the guise of probation and the prison officials.

Would the Senator yield for another question, Mr. President?

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, do you continue to yield?

SENATOR HASSELL-THOMPSON: Yes,

Mr. President.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR FUSCHILLO: Thank you, Senator.

Will it be spelled out in greater detail --

SENATOR HASSELL-THOMPSON: Yes.

SENATOR FUSCHILLO: -- of additional -- you know what I'm going to ask you.

SENATOR HASSELL-THOMPSON: Yes, I do.

SENATOR FUSCHILLO: -- additional crimes and offenses? Because that's a limited scope. I understand how broad it could be under the Penal Law in New York State. But there could be other offenses where individuals, we don't want them near children.

And I would hope that as you go forward with this -- and my involvement in a nonprofit before I came to the Senate, there are individuals in jail right now or on a work release that I wouldn't want involved on a

work-release program with children, that either are in counseling programs for drugs or alcohol that I would want a prisoner attached to.

So I would hope that that is as broad and open and wide as you can possibly make it --

ACTING PRESIDENT VALESKY: Senator Fuschillo, excuse me for just one second. Some are having difficulty hearing your comments.

If we could keep the noise level down, please. Thank you.

SENATOR FUSCHILLO: Thank you, Mr. President.

-- and that you would clearly define it going forward on exactly what kind of inmate you're talking about and what offense.

Because, you know, with the reformed drug laws that were done in the budget, we've now seen some things that could be harmful to individuals. So I wouldn't want it just to be language or intent, but rather

you try to spell it out specifically what type of offenses would be excluded, as you mentioned a few.

SENATOR HASSELL-THOMPSON: Through you, Mr. President. Let me extend to you, Senator Fuschillo, the same invitation that I did to Senator Bonacic, that as we go forward I would more than welcome whatever participation that you would like to bring to this. And so that when we have a bill, it will be something that we can all be satisfied with.

SENATOR FUSCHILLO: Mr. President, through you, I appreciate the consideration. Thank you.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Fuschillo.

Senator Volker.

SENATOR VOLKER: Mr. President, I just wanted to say that because this was my legislation from last year, I'm not going to ask any questions.

What occurred is, and the way in which this concurrent resolution occurred was because for years the sheriffs, primarily in upstate New York, and frankly even in this building here, have used inmate labor over the years.

For the most part, they're virtually all minimum-security inmates that do painting of churches and they do all sorts of things. In fact, I think in the flood some years ago there was as many as a thousand inmates from different facilities that participated in the sandbagging and so forth.

The reason that this issue occurred was it had been going on for years, and all of a sudden a judge said: You know, I don't know if you can do this under the present law. I believe you should have a constitutional amendment that would allow both the state and particularly local governments to allow these people to do these jobs.

So that's really where this legislation came from. Senator Hassell-Thompson was good enough to take the

bill. And so frankly, the whole idea -- this bill was really a sheriffs' bill, when you come right down to it. The sheriffs are the ones that wanted it very badly, because so much good has been done throughout the state by the inmate labor.

So that's what this bill is all about. I thank Senator Hassell-Thompson for the bill. And I'm obviously going to vote aye.

ACTING PRESIDENT VALESKY: Thank you, Senator Volker.

Are there any other Senators who wish to be heard?

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. On the bill.

ACTING PRESIDENT VALESKY: Senator Schneiderman on the concurrent resolution.

SENATOR SCHNEIDERMAN: On the concurrent resolution, excuse me.

I just wanted to say that Senator Hassell-Thompson, what she's doing here today

is I think a tremendously important step along a path towards really fixing a broken criminal justice system, not just in New York State but in the country.

We have to acknowledge, as this resolution acknowledges, that they all come home. That's actually the title of a book by Jeremy Travis, the president of John Jay College in the SUNY system: "They All Come Home."

And 30 years ago I worked in a correctional institution that had embryonic work-release programs. And at that time we recognized, and I've recognized ever since, that the not-for-profit sector is a critical part of the path for people to get their lives back on track.

And for us to enable people to volunteer in the not-for-profit sector is a tremendously important step, subject to all appropriate restrictions. This does not mean that people can just show up at any not-for-profit and say, I'm coming in. This provides for selection.

But this is an important step. And I'd urge everyone to support this legislation and to support our efforts to expand this type of opportunity. We're not going to be able to correct the wrongs in our criminal justice system unless we're creative, unless with all steps to protect public safety we are smart about getting people's lives back on track and reintegrating prisoners into the community.

Because they come out sooner or later, and if they don't get into a program such as the one Senator Hassell-Thompson is providing for here, they're coming back that much less ready to participate in society and to become law-abiding, taxpaying citizens.

I urge everyone to vote in support.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Schneiderman.

Are there any other Senators who wish to be heard?

Seeing none, the debate is closed.

The Secretary will ring the bells.

The Secretary will call the roll on

second passage of the concurrent resolution.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY:

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Mr. President, thank you, I rise to explain my vote.

This bill is designed -- this resolution, concurrent resolution is designed to become a constitutional amendment which would ultimately help and assist people who have somehow gone astray and gotten themselves into some trouble. This bill hopefully will make it easier for them to work their way back into society.

We are honored by having some young people in the balcony who are part of Boys and Girls Clubs throughout the state engaged in a competition, if you will, to better themselves. And it's well known that Boys and Girls Clubs already help and seek to make sure that young people do the right thing and are engaged in positive activities.

So, ladies and gentlemen, I suggest

a positive vote on this very important concurrent resolution to let the young people in our balcony -- four of whom are from my district. And I congratulate them for making this long journey and thank and congratulate their mentors and parents for bringing them here and getting them involved with Boys and Girls Clubs, which are extremely important to the youth of our state.

ACTING PRESIDENT VALESKY: Excuse me, Senator Marcellino. It's difficult to hear your explanation.

If we could have members take conversations outside of the chamber, please. Thank you.

SENATOR MARCELLINO: I thank you, Mr. President. It's not often people tell me I speak too softly.

But I just rise to say that I intend to vote for this resolution, and I thank the young people and the people who mentor them in the Boys and Girls Clubs for the great work that they do throughout our state. And I know our whole house

congratulates them as well.

I vote aye.

(Applause.)

ACTING PRESIDENT VALESKY: Senator Marcellino to be recorded in the affirmative.

Senator Farley, to explain his vote.

SENATOR FARLEY: Yes, I rise in support of this concurrent resolution and applaud Senator Hassell-Thompson for bringing it.

This is an example of prisoners working in the community. And we've had an experience, Senator McDonald and myself, with Camp McGregor --

SENATOR LIBOUS: Excuse me, Mr. President.

Mr. President, this resolution is very important. There's a lot of conversations going on. We're honoring some folks here that have come before the Senate chamber. I would ask that members take their conversations outside of the chamber.

ACTING PRESIDENT VALESKY: As I have asked as well.

Senator Farley, we'll wait for quiet before you continue.

SENATOR FARLEY: Thank you very much, Senator Libous and Mr. President.

I do rise in support of this, because this has actually been an experience that has happened in Senator McDonald's district and mine with Camp McGregor where these prisoners worked in the communities to help nonprofits and churches and so forth.

It was beautifully received. As a matter of fact, as they're closing Camp McGregor, there was tremendous concern within the community and within the area at the loss of these workers.

This is an example of something where these people get up, have a good day's work -- many of them had never had a day's work -- and have found themselves refreshed. And it really cuts down on recidivism and so many, many other things.

I think it's an outstanding

concurrent resolution, and I rise in support of it. And I congratulate my colleagues for voting for it, I think unanimously. And I also vote aye.

ACTING PRESIDENT VALESKY: Senator Farley to be recorded in the affirmative.

Senator Libous, to explain his vote.

SENATOR LIBOUS: Mr. President, to explain my vote too.

As Senator Farley, I support this bill. But at the same time, I support it with disappointment, because Camp Pharsalia is closing. And Camp Pharsalia has provided, through the men and women who have worked there throughout the years, and certainly those who were part of the facility, millions of dollars in savings to communities within Chenango and surrounding counties.

It also provided -- and this is something that I think was overlooked -- also provided, in volunteer efforts, savings to the State of New York through the Department of

Environmental Conservation, savings to the State of New York through agencies like the Parks Department and other state agencies.

So while I support the concept of this throughout the state, I think it's a good concept, I stand here extremely disappointed that I will no longer have a facility in my district that will be able to provide those jobs and those services from the men and women who were part of that facility.

I vote aye.

ACTING PRESIDENT VALESKY: Senator Libous to be recorded in the affirmative.

Are there any other Senators who wish to explain their vote?

Seeing none, the Secretary will announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT VALESKY: The concurrent resolution is adopted.

Let the record reflect that was second passage of the concurrent resolution.

The Secretary will continue.

THE SECRETARY: Calendar Number 428, by Senator Foley, Senate Print 3330, an act to amend the County Law, in relation to enhanced emergency telephone system surcharge.

SENATOR LIBOUS: Read the last section.

ACTING PRESIDENT VALESKY: Are there any Senators who wish to be heard on the legislation?

Hearing none, the debate is closed.

The Secretary will ring the bells.

The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2010.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 428 are Senators Lanza, LaValle, Marcellino and Ranzenhofer. Also Senator Saland.

Ayes, 56. Nays, 5.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein, that completes the bills on today's active list.

SENATOR KLEIN: Mr. President, can you please recognize Senator Ruth Hassell-Thompson and then Senator Libous for a brief announcement.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson.

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

I just would like to announce that immediately following session there will be a meeting of the Majority in Room 332.

ACTING PRESIDENT VALESKY: Immediate conference of the Senate Majority in Room 332.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Thank you, Senator Klein.

There will be an immediate Republican conference in Room 315.

ACTING PRESIDENT VALESKY:

Immediate Minority conference in Room 315.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, just briefly. And thank you, Senator Klein. Today --

ACTING PRESIDENT VALESKY: We have not concluded session.

SENATOR FUSCHILLO: Mr. President, it's very noisy in here today.

ACTING PRESIDENT VALESKY: It has been.

SENATOR FUSCHILLO: Thank you very much for the recognition. Just briefly.

Today we passed some resolutions that I had sponsored commending the men and women of the Volunteer Fire Services from the Wantagh Hook and Ladder and Engine Company Number 1. And I want to thank the members of the Senate for passing that.

But I also want to just briefly recognize the men and women that are up in the gallery from the Volunteer Fire Services and welcome them to Albany.

(Applause.)

ACTING PRESIDENT VALESKY: On behalf of Senator Fuschillo and all Senators, we welcome the members of the Volunteer Fire Service who are joining us today, and we thank each and every one of you for your service in your communities.

Senator Klein.

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

ACTING PRESIDENT VALESKY: There is no further business at the desk.

SENATOR KLEIN: There being none, I move that we adjourn until Wednesday, June 3rd, at 3:00 p.m.

ACTING PRESIDENT VALESKY: On a motion by Senator Klein, the Senate stands adjourned until Wednesday, June 3rd, at 3:00 p.m.

(Whereupon, at 3:56 p.m., the Senate adjourned.)