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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

November 18, 2009

12:17 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

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

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

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

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

9 ACTING PRESIDENT VALESKY: In the
10 absence of clergy, may we bow our heads in a
11 moment of silence.

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

14 ACTING PRESIDENT VALESKY: The
15 reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Monday, November 16, the Senate met in
19 Extraordinary Session pursuant to adjournment.
20 The Journal of Sunday, November 15, was read
21 and approved. On motion, Senate adjourned.

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

1 Senator Smith.

2 SENATOR SMITH: Yes,
3 Mr. President. Good afternoon to you.

4 Would you please recognize Senator
5 Neil Breslin.

6 ACTING PRESIDENT VALESKY:
7 Senator Breslin.

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

10 I rise to ask for a moment of
11 silence for the first woman from my district
12 who was killed in action in Iraq, Amy Seyboth
13 Tirador, a staff sergeant, on November 4th,
14 wounded in action, a former Bronze Medal award
15 winner, someone who had served in action as a
16 medic and then transferred to become a
17 linguist.

18 But someone who served her country
19 and served it well, and died at the young age
20 of 29 doing our country's work.

21 Thank you, Mr. President.

22 ACTING PRESIDENT VALESKY: The
23 Senate will rise for a moment of silence.

24 (Whereupon, the assemblage

1 respected a moment of silence.)

2 ACTING PRESIDENT VALESKY:

3 Senator Smith.

4 SENATOR SMITH: Yes,

5 Mr. President, there will be an immediate
6 meeting of the Rules Committee in the Majority
7 Conference Room, 332.

8 Pending the return of the Rules
9 Committee, we will stand at ease. But I do
10 ask that all members stay very near to the
11 chamber because it will be a very brief Rules
12 Committee meeting.

13 ACTING PRESIDENT VALESKY: An
14 immediate meeting of the Committee on Rules in
15 Majority Conference Room 332.

16 The Senate will stand at ease
17 pending the report of the Rules Committee.

18 (Whereupon, the Senate stood at
19 ease at 12:20 p.m.)

20 (Whereupon, the Senate reconvened
21 at 12:47 p.m.)

22 ACTING PRESIDENT VALESKY: The
23 Senate will return to order.

24 Senator Smith.

1 SENATOR SMITH: Mr. President, I
2 believe there is a report of the Rules
3 Committee at the desk.

4 ACTING PRESIDENT VALESKY: There
5 is a report of the Rules Committee.

6 The Secretary will read.

7 THE SECRETARY: Senator Smith,
8 from the Committee on Rules, reports the
9 following bill direct to third reading:

10 Extraordinary Session Senate Print
11 Number 8, by Senator Dilan, an act to amend
12 the Vehicle and Traffic Law and the Penal Law.

13 ACTING PRESIDENT VALESKY:
14 Senator Smith.

15 SENATOR SMITH: Mr. President, I
16 move that we accept the report of the Rules
17 Committee at this time.

18 ACTING PRESIDENT VALESKY: All in
19 favor of accepting the report of the Rules
20 Committee signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT VALESKY:
23 Opposed, nay.

24 (No response.)

1 ACTING PRESIDENT VALESKY: The
2 report of the Rules Committee is adopted.

3 Senator Smith.

4 SENATOR SMITH: Yes,
5 Mr. President. At this time could we please
6 move to the reading of the calendar.

7 ACTING PRESIDENT VALESKY: The
8 Secretary will proceed with a reading of
9 Extraordinary Session Calendar Number 3.

10 Senator Smith, we have a
11 substitution at the desk.

12 SENATOR SMITH: Yes, Mr.
13 President, I believe there is a substitution
14 at the desk.

15 ACTING PRESIDENT VALESKY: There
16 is.

17 The Secretary will read.

18 THE SECRETARY: In relation to
19 Calendar Number 7, Senator Dilan moves to
20 discharge, from the Committee on Rules,
21 Assembly Bill Number 8 and substitute it for
22 the identical Senate Bill Number 8, Third
23 Reading Calendar 7.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 THE SECRETARY: Calendar Number
3 7, by the Assembly Committee on Rules,
4 Assembly Print Number 8, an act to amend the
5 Vehicle and Traffic Law and the Penal Law.

6 ACTING PRESIDENT VALESKY:
7 Senator Smith.

8 SENATOR SMITH: Yes,
9 Mr. President. Could we wait one moment as
10 they deliver the calendars? Give us about a
11 minute.

12 Mr. President, could you please
13 recognize Senator Volker.

14 ACTING PRESIDENT VALESKY:
15 Senator Volker.

16 SENATOR VOLKER: Mr. President, I
17 just want to inform the members that although
18 Senator Tauriello was a member here some years
19 ago, Senator Joseph Tauriello, a former member
20 of this house and former Parole
21 Commissioner -- an uncle who was a
22 Congressman, one of the most distinguished
23 families in the Buffalo region -- died during
24 the night.

1 And I'd just like to inform the
2 members we have no information yet on the
3 arrangements. And of course we will prepare a
4 resolution as soon as we can. But I'd just
5 like to notify the members.

6 ACTING PRESIDENT VALESKY: Thank
7 you, Senator Volker.

8 Senator Smith.

9 SENATOR SMITH: Yes,
10 Mr. President. Is there a message of
11 necessity at the desk?

12 ACTING PRESIDENT VALESKY: There
13 is a message from the Governor at the desk.

14 SENATOR SMITH: Mr. President, I
15 move that we accept the message of necessity.

16 ACTING PRESIDENT VALESKY: All in
17 favor of accepting the message of necessity
18 please signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT VALESKY:
21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT VALESKY: The
24 message of necessity is accepted.

1 Read the last section.

2 THE SECRETARY: Section 15. This
3 act shall take effect on the 30th day.

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT VALESKY:
8 Senator Smith, to explain his vote.

9 SENATOR SMITH: Yes,
10 Mr. President. Thank you very much.

11 Colleagues, members of our body,
12 today the Senate, in its continued leadership
13 on this issue, is taking up a bill, Leandra's
14 Law, which we both know without the leadership
15 of Senator Martin Dilan and Senator Fuschillo
16 this bill would not be on the floor of this
17 chamber today.

18 We have Mr. Rosado, who is with us
19 today.

20 And, colleagues, what we are about
21 to pass is a bill that will make this the
22 toughest law in the country, second to
23 Arizona, one which will have tremendous impact
24 not only on New York State but the rest of the

1 country.

2 Mr. President, I am clear about how
3 important this bill is. I want to thank
4 Mr. Rosado for all the effort that he has put
5 forward, the time he has placed. He was here
6 yesterday, went home, came back today, was in
7 our offices, spent a lot of time with Senator
8 Fuschillo, a lot of time with Senator Dilan.

9 And I want to thank our leadership
10 Senator Sampson as well, Senator Skelos, all
11 of which gave part to this effort, one of
12 which I think we can be very proud, but more
13 importantly, the fact that this is going to
14 save lives.

15 I do again, Mr. President, want to
16 underscore the importance of Senator Dilan and
17 Senator Fuschillo. I think that bipartisan
18 effort speaks to what this house is about,
19 speaks to what this house should be about, and
20 makes a clear example of what we can do as a
21 body in terms of doing the right thing by the
22 people of the State of New York.

23 At this time, Mr. President, I ask
24 that you would recognize Senator Dilan and

1 then Senator Fuschillo.

2 ACTING PRESIDENT VALESKY:

3 Senator Smith to be recorded in the
4 affirmative.

5 Senator Dilan.

6 SENATOR DILAN: Yes, thank you
7 very much, Mr. President.

8 First of all, to our leader Malcolm
9 Smith, I would like to say thank you for the
10 opportunity of pushing this legislation
11 through.

12 I first want to just indicate that
13 once we pass this bill today -- and at some
14 point it will be signed by the Governor
15 today -- it will be the toughest DWI law in
16 the nation. And it will be protecting the
17 lives of children and other individuals.

18 It will provide for a felony charge
19 for a blood alcohol content level of .08. And
20 also it would require an interlock device on
21 vehicles.

22 So I just want to say thank you
23 very much to Governor Paterson for proposing
24 this legislation. Again, I'd like to thank

1 our leadership and Senators Malcolm Smith and
2 John Sampson for providing the support that
3 they did.

4 And I want to also reach across the
5 other side of the aisle and thank a special
6 thanks to Senator Fuschillo, who was really a
7 prime mover in this legislation. Earlier this
8 year, this house passed Senator Fuschillo's
9 bill for interlocking devices.

10 And I want to thank you for your
11 help and strong leadership on this issue. And
12 I want to say that with your help and your
13 support is one of the reasons why this
14 legislation is coming to fruition. Also
15 because of your support, we in a bipartisan
16 way were successful in getting the Assembly to
17 move this bill through and not weaken this
18 bill.

19 So, Senator Fuschillo, special
20 thanks to you, your staff.

21 And we also have to mention that
22 the media was very influential in getting the
23 Assembly to do the right thing. And yes,
24 Mr. Ken Lovett, I want to thank the Daily News

1 for all the work they did on this issue also.
2 So the media does do some good things
3 sometimes. Thank you.

4 (Laughter.)

5 SENATOR DILAN: I also want to
6 thank some advocate groups. We had Mothers
7 Against Drunk Driving, MADD. They were very
8 helpful on this issue. I want to thank all
9 the advocates that were involved. The
10 District Attorneys Association throughout the
11 State of New York were also involved with this
12 issue.

13 I want to thank the central staff,
14 especially Kathy Grainger, Ken Dow, Aly
15 Paulino; my staff, Matt Trapasso and Tom
16 Benware, for all their help. And I know at
17 some point Senator Schneiderman will be
18 thanking the staff from the Codes Committee
19 for their help on this issue.

20 And to everyone here, I just want
21 to say thank you.

22 And to Lenny Rosado, I want to say
23 congratulations and thank you for your
24 daughter.

1 ACTING PRESIDENT VALESKY:

2 Senator Dilan to be recorded in the
3 affirmative.

4 Senator Fuschillo.

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

7 And Senator Dilan, thank you very
8 much for your support and your leadership.

9 Senator Smith, Senator Skelos,
10 special thanks to both of you as well. You've
11 kept your word. We wouldn't water the bill
12 down. We wouldn't go to .18, we stayed at
13 .08, and that's why it was critically
14 important.

15 When our kids are born and we take
16 them out of the hospital, that's when our
17 guard of protection starts; we put them in a
18 child's seat when we drive away from the
19 hospital. When they first walk in our houses
20 or apartments, we start clearing everything,
21 because we don't want them to hit anything.
22 When they start to learn how to ride a
23 bicycle, we do it on a grass field somewhere,
24 and we hold onto that seat with our dear life,

1 and they have a helmet, some have kneepads or
2 elbow pads. And God forbid they fall -- we're
3 there to pick them up right away.

4 And when they get older and learn
5 how to drive -- (gasping) -- we go, Oh, my
6 God. It's our biggest fear. But we drive
7 with them until we feel comfortable. And now
8 I have a kid in college, and I'm still
9 worried. And some of my colleagues who have
10 grandkids say it gets worse when you have
11 grandkids because you worry even more.

12 Well, the kids that are in the car
13 of an adult who is so irresponsible that
14 they're drunk deserve even greater protection.
15 And that's why we're here today.

16 You know, this summer we witnessed
17 one of the most bloodiest times of our lives
18 with the Taconic Parkway crash, where seven
19 people were murdered. And that's what they
20 were, murdered by a drunk driver. Innocent
21 people.

22 And then on October 11th, another
23 drunk driver murdered a young girl that I
24 never met, but I feel like I've known her.

1 And probably all of New York, if they've been
2 following this crash and tragic event, knows
3 this little girl, Leandra Rosado.

4 And I got to know her father a
5 couple of weeks ago, Lenny, who is relentless
6 in his pursuit to make sure that a tragic
7 event like this never happens again.

8 You know, Lenny got sole custody of
9 his daughter, Leandra, probably when she was
10 five or six. And she was everything to him --
11 sole custody, single parent of a beautiful
12 girl. And I carry this around with me, that
13 Lenny gave this to me. This is her, ladies
14 and gentlemen. She was murdered by a drunk
15 driver who under current laws, one of the
16 charges would have been just a misdemeanor.

17 But today, all of us in a
18 bipartisan fashion are making this work that
19 individuals who drive drunk with children in
20 the car will face a felony.

21 And as Senator Dilan said, we did
22 the ignition interlock before. We're doing it
23 again. Toughest laws in the nation, and it
24 should start here in New York State.

1 Let me thank my colleague in the
2 Assembly as well, Harvey Weisenberg, who says
3 I always give him bills and jam him. But I
4 know he'll get it done in that house as well.
5 He wouldn't give up.

6 And I must say, regrettably, that I
7 think the media shamed the Assembly into doing
8 this.

9 And such a commonsense approach
10 into protecting and saving people's lives, we
11 should have done it a long time ago.

12 Mr. Rosado, God bless you. Thank
13 you for all you've done. And God bless your
14 daughter.

15 I'll be voting in the affirmative.
16 Thank you, Mr. President.

17 ACTING PRESIDENT VALESKY:
18 Senator Fuschillo to be recorded in the
19 affirmative.

20 Senator Duane.

21 SENATOR DUANE: Thank you,
22 Mr. President.

23 I too want to thank Senator Dilan
24 for his really great work and just his

1 steadfastness on this issue, and Senator
2 Fuschillo also for his work on this, beginning
3 with also the horrible, horrible tragedy on
4 the Taconic from earlier this year, and also
5 the Governor on his leadership on this issue.

6 I think that Leandra's death,
7 horrible and tragic, did something else. It
8 brought out the best in us here in
9 government -- the executive branch, the
10 legislative branch, both houses, both parties.

11 I also want to thank Leandra's dad,
12 Lenny, for -- you know, just for allowing
13 us -- and pushing us, but really more allowing
14 us to use this tragedy as a way to try to make
15 something better going forward and to provide
16 prevention going forward and to make it so
17 that perhaps -- not perhaps, we will be saving
18 lives.

19 It is really sad to think that a
20 child really has no control over their destiny
21 in a case like this and their only choice is
22 to trust a parent or the adult in their lives.
23 And when we let them down, it's a terrible,
24 terrible thing that we do.

1 I think that the -- something I've
2 been very supportive and passionate about, the
3 idea, the policy of using interlock devices is
4 very, very important. And I have never seen a
5 downside to it, and I'm glad that we'll be
6 mandating the use of interlocking devices.

7 You know, the death of someone
8 because of substance abuse, it affects entire
9 families and in this case entire communities.
10 And in the tragic death of Leandra, my
11 community is continuing to mourn her death.
12 And, you know, alcoholism, substance abuse, it
13 kills people. It ruins families, it ruins
14 lives, it ruins communities.

15 Now, you know, we passed a great
16 piece of legislation here, Timothy's Law. We
17 have to finish our work, make sure that
18 substance abuse is covered as well. We have
19 to make sure that when a problem of substance
20 abuse is identified -- not just for the person
21 who may be the addicted one, but because of
22 its impact on the entire family -- that help
23 is there, that help is paid for, that help is
24 covered. That's the other side of prevention.

1 We of course have to punish people
2 that do terrible things, no matter what the
3 reasons are that they did it. People need to
4 be responsible, made responsible for their
5 actions. And when someone is ready to admit
6 that they have a problem or when a family is
7 ready to deal with a problem, a problem with
8 someone in that family, we also have to be
9 ready with the help that they need.

10 So this is a tremendous thing that
11 we did today. It's a great thing that we did
12 today. And we get to mark it today. And
13 tomorrow, we have to redouble our efforts to
14 do even more to prevent a tragedy like this
15 from ever happening again.

16 I'm voting yes. And again, thank
17 you to all of the parties that were involved
18 in this. From a personal and from a
19 government place, I vote yes, Mr. President.
20 Thank you.

21 ACTING PRESIDENT VALESKY:
22 Senator Duane to be recorded in the
23 affirmative.

24 Senator Stachowski.

1 SENATOR STACHOWSKI: Yes,
2 Mr. President, I too would like to rise to
3 commend Senator Dilan on his leadership on
4 this, and thank Senator Fuschillo for all the
5 help he provided to Senator Dilan.

6 I'd also like to congratulate
7 Assemblyman Weisenberg and the Governor for
8 their involvement with this bill.

9 It's very important that we make
10 sure that crimes of this nature have the
11 punishment that they deserve, and here we're
12 finally doing that. But we're also trying to
13 send a message and a preventive piece with the
14 Breathalyzer piece.

15 But also, by strengthening the law
16 this way, maybe somebody that's going to be
17 going out will have a second thought about
18 having a cocktail or a glass of wine when they
19 know they're going to either be picking their
20 children up or they're taking their children
21 someplace. Because sometimes just the
22 strength of the penalty will hopefully save
23 somebody's life.

24 And it doesn't just affect the

1 family that loses a child. I think every time
2 any of us see a story on the news, either read
3 about it or see it on television, it bothers
4 you. And it bothers you a lot. And
5 especially when you see something that
6 involves a senseless death that didn't have to
7 happen, that could have been prevented just by
8 somebody not getting behind a wheel or giving
9 the keys to somebody else.

10 This bill will go a long way,
11 hopefully, to not only strengthen the
12 penalties, stop people that have a problem
13 from driving, but also giving second thought
14 to many people that might have had a beer or
15 might have had a glass of wine or whatever
16 drink of choice they would have had when they
17 know they're going to be either picking up
18 their child, driving their child, or have
19 anything to do with their car and their
20 children.

21 So I'd like to congratulate once
22 again all the people involved in putting this
23 together, and I'm proud to be voting for it
24 today.

1 Thank you, Mr. President.

2 ACTING PRESIDENT VALESKY:

3 Senator Stachowski to be recorded in the
4 affirmative.

5 Senator Schneiderman.

6 SENATOR SCHNEIDERMAN: Thank you,
7 Mr. President.

8 Thanks to all involved in this
9 effort. And I just want to say, in addition
10 to thanking our great Transportation chair and
11 our leader on this, Senator Dilan, Senator
12 Fuschillo, all the people who have worked for
13 this -- and I do share Senator Fuschillo's
14 sentiment that Harvey Weisenberg fought the
15 power and won in the other house.

16 But, Mr. Rosado, I just want to
17 make sure that you understand that this is not
18 just a matter of saving lives with this bill.
19 This is a horrific problem, but this is a
20 problem we can fix. And I deal a lot of law
21 enforcement issues all the time. Sometimes
22 they're issues you think, well, we can
23 minimize the problem, we can't ever eliminate
24 it.

1 We are in the process right now, I
2 believe -- and this bill is an important step
3 in that process -- of changing public
4 awareness in the United States. This is a
5 matter that 10 years from now, ladies and
6 gentlemen, people will look back and say, How
7 on earth did they let millions of people drive
8 around drunk, injuring and killing people?
9 How did they do it?

10 We have the ability to fix this
11 problem. We have the ability to stop this.
12 We have the ability for everyone in the United
13 States to say, I wouldn't even think about
14 getting in a car drunk and trying to drive.
15 That's the trajectory we are on, ladies and
16 gentlemen. We are going to change public
17 awareness this way.

18 Think of the changes in public
19 awareness about other issues relating to
20 safety. When I was a kid, no one wore seat
21 belts. It was just sort of an afterthought,
22 it was an irritation, it was just something
23 you'd sit on. Now you wouldn't even think of
24 getting in your car without putting on a seat

1 belt.

2 This bill expanding the penalties,
3 expanding the use of interlock devices, makes
4 a huge difference. But I assure you,
5 Mr. Rosado, this is just a part of a process
6 that we're engaged with that will only end
7 when here in the United States we have the
8 attitude that's actually prevalent in some
9 European countries, that no one would even
10 think of getting behind the wheel after
11 drinking.

12 We will solve this problem. We
13 will save many, many more lives. I thank you
14 and your friends and family for your courage.
15 You have taken your tragedy and brought it
16 forward to benefit all the people of the State
17 of New York.

18 I vote yes, and I'm committed to
19 working with my colleagues here to continue
20 this process until the day when there are no
21 drunk driving accidents in the State of
22 New York. We can achieve this. I'm honored
23 to support this bill, Mr. President.

24 ACTING PRESIDENT VALESKY:

1 Senator Schneiderman to be recorded in the
2 affirmative.

3 Senator Huntley.

4 SENATOR HUNTLEY: Yes,
5 Mr. President.

6 I would like to first congratulate
7 Senator Dilan for this bill, and all my other
8 colleagues who had input.

9 And it's -- unfortunately, it took
10 a bill of this nature to come after all these
11 years. Many years ago, 1977, to be exact, a
12 family that I personally knew who left on a
13 trip for Easter to see her mother -- her, her
14 husband, and two very cute little boys. And
15 we all said goodbye to them, and we never saw
16 them again.

17 On their way back home, they were
18 hit by a drunk driver, two college youngsters
19 who were also headed to see their relatives.
20 And they were hit over an embankment into the
21 water, and they drowned. We never saw them
22 again.

23 So this is a bill that took a long
24 time coming. But again, Senator Dilan, I

1 thank you. And I thank all the colleagues.
2 And I do hope that this will put an end to
3 some of the drunk driving.

4 Thank you.

5 ACTING PRESIDENT VALESKY:

6 Senator Huntley to be recorded in the
7 affirmative.

8 Senator Marcellino.

9 SENATOR MARCELLINO: Thank you,
10 Mr. President.

11 I would like to add my
12 congratulations to the hard work. And I know
13 how hard the job was for Senator Dilan and for
14 Senator Fuschillo and their
15 stick-to-it-iveness in working with the
16 family.

17 And I want to thank the family for
18 coming up here and keeping our feet to the
19 fire, because it was important to do that.

20 And the leadership for having the
21 courage to bring this bill forward, both sides
22 of the aisle. This is a good thing we're
23 doing today.

24 This is a tough law, no doubt about

1 it. This is a very tough law with very tough
2 penalties. So I suggest to you, ladies and
3 gentlemen -- and to the media -- that our work
4 is not done here. We cannot just go home
5 after taking this vote and say, you know,
6 We've done our job, it's over, our
7 responsibility is finished.

8 We have a responsibility to go out,
9 use all of our visible means to spread the
10 word that this bill is going to be law
11 immediately when the Governor signs it. And
12 I'm assuming that's going to be as soon as he
13 gets it on his desk.

14 This is a tough law which we have
15 to spread the word to our constituents, to
16 everyone in this state that if you drink and
17 you're carrying your children -- and frankly,
18 whether you're carrying your children or
19 not -- if you drink and you are legally drunk,
20 there are going to be some extremely tough
21 penalties that you're going to pay.

22 This bill makes it a felony. This
23 is not a slap on the wrist. This is not a
24 misdemeanor. This is a tough, tough law.

1 Anybody in this chamber gets convicted of a
2 felony, we're out of here. And you know it.
3 If you carry a license -- an attorney, a
4 doctor, a CPA, a real estate agent -- you lose
5 your license or potentially could lose your
6 license.

7 This is a tough bill. We must
8 spread the word that there are severe
9 penalties if you violate this law.

10 Ladies and gentlemen, I will vote
11 yes. I'm very proud to vote yes for this bill
12 because it's going to, I believe, save lives
13 in the long run. But the sooner we get the
14 word out to our constituents and the sooner
15 that people realize that this is the law of
16 the land today for the State of New York, the
17 sooner that saving of lives will start.

18 So I'm proud to vote yes, and I
19 again extend my congratulations to the efforts
20 of both my colleagues for their hard work and
21 their willingness to be bipartisan and
22 collegial in this nature.

23 Thank you, Mr. President.

24 ACTING PRESIDENT VALESKY:

1 Senator Marcellino to be recorded in the
2 affirmative.

3 Senator Johnson.

4 SENATOR CRAIG JOHNSON: Thank you
5 very much, Mr. President.

6 I too rise this afternoon in
7 support of this piece of litigation. I want
8 to add my thank yous and kudos to Senator
9 Dilan for his leadership on this bill and
10 especially standing firm and tough with the
11 State Assembly when they made it clear that
12 they wanted to water this thing down.

13 I want to also commend my very good
14 friend on the other side of the aisle, Chuck
15 Fuschillo, who for years before I entered this
16 body has been known on Long Island and all
17 throughout New York State as a leader in
18 combatting drunk driving.

19 I obviously thank the leadership,
20 both on the Majority side, on our side, as
21 well as the Minority, for pushing this bill,
22 and thank the Governor, Assemblyman
23 Weisenberg, another friend from Long Island.

24 I also want to thank Mothers

1 Against Drunk Driving, who have been
2 spearheading and shepherding this bill for a
3 long time.

4 I want to welcome and thank for his
5 advocacy Mr. Rosado. Mr. Rosado, like Senator
6 Fuschillo, I've kept Leandra's photo on my
7 desk ever since you gave it to me last week.
8 I've kept it here as a reminder to make sure
9 that we got this legislation done and done
10 right, for the memory of your daughter.

11 But I want also want to talk a
12 little bit, if I can, about this legislation
13 and how it affects my district in particular.
14 Because that tragic crash on July 26, 2009,
15 rocked the world of a small community in my
16 district, of Floral Park, the village of
17 Floral Park, where on that day, that community
18 saw the tragic deaths of not one, not two, but
19 three little girls. Emma Hance, age 9, Alison
20 Hance, age 7, and Kate Hance, age 5, who were
21 killed in a minivan being driven by their
22 aunt, an aunt whose toxicology report revealed
23 that she had a blood alcohol level of .19.

24 Now, I think what's very critical

1 about this bill is it does two things for the
2 State of New York. It's about punishment and
3 it's about prevention. The punishment is very
4 clear. It strengthens a law, a necessary law
5 to protect our most vulnerable.

6 Senator Fuschillo commented about
7 having a son now at Binghamton and commented
8 about the grandparents who serve in this
9 august body. Well, I have three children,
10 none of whom are even close to college, who
11 are part of those most vulnerable. The
12 children who are just 7 and 4« and seven
13 weeks.

14 And their voice oftentimes, as
15 parents -- we know when we hear our children
16 their voice oftentimes can be loud and at
17 times ignored. And the problem here is that
18 when children are stuck in a situation where
19 they try as hard as they can to warn that
20 there may be a driver who may be drunk,
21 they're ignored.

22 If you look at what happened in the
23 Taconic Parkway accident, during the situation
24 when Mr. Hance, the father of those three

1 kids, was on the phone with his sister, one
2 daughter warned him and informed him that the
3 driver, her aunt, seemed to be having
4 problems. And yet she was ignored.

5 We as a body, as a legislature and
6 as elected officials, have to act when parents
7 don't seem want to act in the best interests
8 of their children. And that's what we're
9 doing today. We're passing a law to protect
10 our children. When their voice may be ignored
11 or, more importantly, they may not even be
12 aware.

13 And so we need this legislation. I
14 thank you, Senator Dilan, for passing it.

15 But equally as important is the
16 prevention angle, the notion of interlocutory
17 devices. For years Senator Fuschillo has had
18 a bill, I've had a bill, others in the Senate
19 have had competing bills, all with the same
20 purpose -- to mandate, mandate the use of
21 these devices.

22 And now one piece of this critical
23 legislation is adding the word "shall" when it
24 comes -- if you are convicted or even get a

1 conditional discharge involving a drinking and
2 driving incident, you shall have one of these
3 devices put on and put in your car to prevent
4 further drunk driving incidences, to prevent
5 it.

6 So finally today we are taking a
7 new step in a new direction to prevent
8 drinking and driving in this state. So again,
9 I thank the sponsors of this legislation. I
10 thank the leadership. This is a good day for
11 the State Senate, it's a good day for the
12 State of New York that we are making it tough
13 on those who put all of us at risk on the
14 road.

15 I'll be voting aye. Thank you very
16 much, Mr. President.

17 ACTING PRESIDENT VALESKY:
18 Senator Craig Johnson to be recorded in the
19 affirmative.

20 Senator Stavisky.

21 SENATOR STAVISKY: Thank you,
22 Mr. President.

23 Five years ago I sat on the other
24 side of the aisle urging passage of what was

1 then known as Vasean's Law. And for weeks we
2 brought Vasean's mother -- Vasean was a child
3 in my district who was hit by a drunken
4 driver. And we roamed the halls with Monique
5 Dixon and others and a lot of people. And it
6 took many, many weeks to convince the Assembly
7 that this legislation was needed. It
8 increased the penalties for DWI.

9 I am proud to stand here today,
10 after a relatively short period of time,
11 watching the Senate a bipartisan manner enact
12 this legislation. To the family of Leandra,
13 we can only say, as parents -- and as aunts
14 and uncles -- that what happened is almost
15 unimaginable. I don't think there's a worse
16 situation than when a parent loses a child.

17 And I was listening to what people
18 were saying, and what occurred to me is that
19 we're not really talking as legislators so
20 much as people with families who empathize
21 with what happened to you. And we just try to
22 make things a little bit better.

23 And I'm very proud today that we
24 are working together. Because it's because of

1 Senator Fuschillo and certainly because of
2 Senator Dilan and Senator Smith and Senator
3 Sampson that we're going to enact this
4 legislation. And it shows that when we want
5 to, we can act in the best interests of
6 everybody without regard to partisanship, work
7 together in best interests of the people of
8 our state.

9 I vote aye.

10 ACTING PRESIDENT VALESKY:

11 Senator Stavisky to be recorded in the
12 affirmative.

13 Senator Savino.

14 SENATOR SAVINO: Thank you,
15 Mr. President.

16 First, I want to thank both
17 Senators Dilan and Fuschillo for bringing this
18 bill. And of course our Assembly colleague,
19 Harvey Weisenberg, for pushing it. And the
20 Daily News for taking on this campaign.

21 To Mr. Rosado, my profound
22 sympathies on the loss of your daughter.

23 A lot has been said about this
24 bill, that it achieves the goals of

1 prevention, deterrence, and the
2 appropriateness of punishment. And all those
3 things are true.

4 But I want to pick up on the
5 comments of Senator Marcellino, who talked
6 about our obligation after this bill is
7 passed, about making sure that people
8 understand the ramifications of this.

9 I have held a lot of titles in my
10 life. State Senator now. Before this, I was
11 the vice president of a union. Before that, I
12 was a caseworker.

13 At the age of 18, I obtained the
14 title of adult child of an alcoholic after my
15 mother finally went into treatment. But
16 before that, I was the daughter of a drunk.
17 Not one, but two.

18 My mother loved her children. But
19 she was in the grips of a disease that robbed
20 her of her judgment every day. She put us at
21 risk time and time again, whether it was in a
22 car or through neglect. And while she did
23 that, family members and neighbors ignored
24 what they were seeing under their nose.

1 And so, Senator Marcellino, you are
2 right. Just passing this bill will not change
3 the behavior of anybody who is incapable of
4 rational thought. We have an obligation to
5 not turn a blind eye to our family members who
6 we know are alcoholics or drug addicts. And
7 we all know them.

8 We have an obligation not to turn a
9 blind eye to our neighbors who we see behaving
10 in a way that puts their children at risk
11 because of a disease that they inherited. It
12 is a biopsychosocial disease; we know that.
13 But it is a disease that devastates families
14 and lives every day.

15 So while this bill is important, we
16 have to make sure that we make people aware of
17 it and we step in and we do something to
18 prevent a Leandra Rosado from being killed
19 because we didn't want to confront that person
20 that we know is an active alcoholic. We have
21 that obligation.

22 I vote aye on this bill and I hope
23 that we all take up our call that we must
24 answer to prevent this from happening to any

1 other family.

2 Thank you.

3 ACTING PRESIDENT VALESKY:

4 Senator Savino to be recorded in the
5 affirmative.

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

8 Seeing none, the Secretary will
9 announce the results.

10 THE SECRETARY: Ayes, 58. Nays,
11 0.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 Mr. Rosado, thank you for your
15 tireless advocacy in helping to ensure this
16 bill become law.

17 (Standing ovation.)

18 ACTING PRESIDENT VALESKY:

19 Senator Smith, that completes the
20 noncontroversial reading of Senate
21 Extraordinary Session Calendar Number 3.

22 SENATOR SMITH: Thank you,
23 Mr. President.

24 Is there any further business at

1 the desk?

2 ACTING PRESIDENT VALESKY: There
3 is none.

4 SENATOR SMITH: Mr. President, I
5 ask that we will stand at ease, colleagues. I
6 ask that we stay as close to the chamber as we
7 can, and we will have further notice of
8 today's action a short period of time.

9 So we should stand at ease.

10 ACTING PRESIDENT VALESKY: The
11 Senate will stand at ease.

12 (Whereupon, the Senate stood at
13 ease at 1:24 p.m.)

14 (Whereupon, the Senate reconvened
15 at 3:19 p.m.)

16 ACTING PRESIDENT VALESKY:
17 Senator Klein.

18 SENATOR KLEIN: Mr. President, I
19 have an announcement to make.

20 There will be session at 6 o'clock.
21 Again, session will convene at 6:00 p.m. And
22 there will be, first, a Majority conference at
23 5:30.

24 Again, a Majority conference at

1 5:30, session at 6:00 p.m.

2 ACTING PRESIDENT VALESKY:

3 Majority conference at 5:30. Session will
4 reconvene at 6:00 p.m.

5 The house will stand at ease until
6 then.

7 (Whereupon, the Senate stood at
8 ease at 3:20 p.m.)

9 (Whereupon, the Senate reconvened
10 at 6:31 p.m.)

11 ACTING PRESIDENT VALESKY:

12 Senator Klein.

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

15 I'd like to adjourn at the call of
16 the Temporary President. I repeat, adjourn at
17 the call of the Temporary President.

18 ACTING PRESIDENT VALESKY: On a
19 motion by Senator Klein, the Senate stands
20 adjourned subject to the call of the Temporary
21 President.

22 (Whereupon, at 6:32 p.m., the
23 Senate adjourned.)

24