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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 2, 2006

3:06 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

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P R O C E E D I N G S

THE PRESIDENT: The Senate will
please come to order.

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

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

THE PRESIDENT: In the absence of
clergy, may we bow our heads in a moment of
silence, please.

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

THE PRESIDENT: Reading of the
Journal.

THE SECRETARY: In Senate,
Monday, May 1, the Senate met pursuant to
adjournment. The Journal of Sunday, April 30,
was read and approved. On motion, Senate
adjourned.

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

Presentation of petitions.
Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Thank you,
9 Madam President.

10 On behalf of Senator Golden, on
11 page number 13 I offer the following
12 amendments to Calendar Number 44, Senate Print
13 Number 5756A, and ask that said bill retain
14 its place on Third Reading Calendar.

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

18 Senator Skelos.

19 SENATOR SKELOS: Madam President,
20 I believe there's a substitution at the desk,
21 if we could make it at this time.

22 THE PRESIDENT: The Secretary
23 will read.

24 THE SECRETARY: Senator Young
25 moves to discharge, from the Committee on

1 Investigations and Government Operations,
2 Assembly Bill Number 9871 and substitute it
3 for the identical Senate Bill Number 6631,
4 Third Reading Calendar 344.

5 THE PRESIDENT: The substitution
6 is ordered.

7 SENATOR SKELOS: Madam President,
8 if we could adopt the Resolution Calendar,
9 with the exception of Resolution 4887.

10 THE PRESIDENT: All in favor of
11 so adopting the Resolution Calendar please
12 signify by saying aye.

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed, nay.

15 (No response.)

16 THE PRESIDENT: The Resolution
17 Calendar is so adopted.

18 Senator Skelos.

19 SENATOR SKELOS: Madam President,
20 if we could take up Resolution Number 4887,
21 have the title read, move for its immediate
22 adoption, and open it up for cosponsorship.

23 THE PRESIDENT: The Secretary
24 will read.

25 THE SECRETARY: By Senator

1 Maltese, Legislative Resolution Number 4887,
2 commemorating the 58th anniversary of
3 independence of the State of Israel and paying
4 tribute to Prime Minister Ehud Olmert.

5 THE PRESIDENT: All in favor of
6 the resolution please signify by saying aye.

7 (Response of "Aye.")

8 THE PRESIDENT: Opposed, nay.

9 (No response.)

10 THE PRESIDENT: The resolution is
11 adopted.

12 Any member who does not wish to
13 cosponsor the last resolution please notify
14 the desk.

15 Senator Skelos.

16 SENATOR SKELOS: Madam President,
17 there's a privileged resolution, 4940, at the
18 desk by Senator DeFrancisco. If we could have
19 it read in its entirety, move for its
20 immediate adoption, and then open it up for
21 cosponsorship.

22 THE PRESIDENT: The Secretary
23 will read.

24 THE SECRETARY: By Senator
25 DeFrancisco, Legislative Resolution Number

1 4940, mourning the untimely death of New York
2 State Trooper Craig J. Todeschini.

3 "WHEREAS, It is the sense of this
4 Legislative Body to convey its grateful
5 appreciation and heartfelt regret in
6 recognition of the loss of a courageous police
7 officer who dedicated his purposeful life and
8 career in faithful service to his family,
9 community, and the New York State Police
10 Department; and

11 "WHEREAS, 25-year-old Craig J.
12 Todeschini was tragically taken from us on
13 Sunday, April 23, 2006, while performing his
14 duties as a member of the New York State
15 Police. At the time, he was trying to
16 apprehend a speeding motorist; and

17 "WHEREAS, Craig J. Todeschini was a
18 1999 graduate of West Genesee High School. He
19 attended Onondaga Community College, where he
20 graduated with an associate's degree in
21 criminal justice. He then went on to proudly
22 serve with the New York State Police. He was
23 first stationed in Malone and then Hastings.
24 He was most recently assigned to Lafayette,
25 New York; and

1 "WHEREAS, Craig J. Todeschini
2 proved from an early age that he was dedicated
3 to public service. He first exhibited this
4 interest as a member of an Explorer Post at
5 the Camillus Fire Department. Later, he
6 joined the Taunton Fire Department as a Junior
7 Firefighter, where he became a full-time
8 volunteer when he turned eighteen; and

9 "WHEREAS, He ended his service at
10 Taunton when he moved to Solvay in 2003.
11 There, he joined the Solvay Fire Department,
12 where he became a lieutenant; and

13 "WHEREAS, He followed in his
14 father's footsteps when he chose law
15 enforcement as his life's work. His father,
16 Jim Todeschini, is a retired police officer,
17 having served with the Town of Geddes Police
18 Department; and

19 "WHEREAS, Those who knew him best
20 describe Trooper Todeschini as a 'Trooper's
21 Trooper.' According to a superior, everyone
22 that worked alongside of Trooper Todeschini
23 had nothing but praise for him. Among his
24 many attributes, he took his job seriously,
25 was dedicated to all who needed his help, and

1 had unsurpassed compassion; and

2 "WHEREAS, Thousands of individuals,
3 in and out of law enforcement, some of whom
4 knew Trooper Todeschini and many of whom did
5 not, paid tribute to him in the days following
6 his tragic death. That so many did so and
7 stood for hours to pay their respects speaks
8 volumes about what a fine and promising young
9 family man and professional man he was. His
10 loss has been deeply felt by many; now,
11 therefore, be it

12 "RESOLVED, That this Legislative
13 Body pause in its deliberations to mourn the
14 untimely death of New York State Trooper Craig
15 Todeschini, knowing that he has forever left a
16 void in the hearts and minds of those he loved
17 and those he touched, and to convey its
18 sincere condolences to his wife, Kristi; his
19 stepson, Tyler; his parents, Jim and Cindy
20 Todeschini; his sister, Lindsay, and his many
21 other family members; and be it further

22 "RESOLVED, That a copy of this
23 resolution, suitably engrossed, be transmitted
24 to Mrs. Kristi Todeschini and her family."

25 THE PRESIDENT: Senator

1 DeFrancisco.

2 SENATOR DeFRANCISCO: Thank you,
3 Madam President.

4 I rise to speak on this resolution
5 about the tragic circumstances surrounding the
6 death of Trooper Todeschini. He was 25 years
7 old -- 25 years old. I'm looking at the
8 resolution, and it talks about his graduation
9 in 1999 from high school.

10 I mean, it's just unbelievable. We
11 were here a few weeks ago on West Point Day to
12 mourn the death of Tim Moshier, also a
13 25-year-old, who was killed in Iraq who was a
14 recent graduate of West Point. You know, it's
15 a shame that we're here on these occasions so
16 frequently.

17 This young man was chasing a
18 speeding motorcyclist. And there's a group
19 apparently in our area that thinks this is
20 fun; they even have a website that tells how
21 to try to outrace police officers. It's sort
22 of like a game, and they give instruction as
23 to the best way to play this game. Well, this
24 trooper was trying to apprehend that
25 individual, lost control of his car, hit a

1 tree and is now dead.

2 I went to the funeral services last
3 week, and Governor Pataki was there, Eliot
4 Spitzer was there, others were there.

5 Thousands of troopers came from all over the
6 United States, law enforcement officials. And
7 I even saw one, a highway patrolman, from
8 California. Thousands of people.

9 He also was a volunteer fireman,
10 which was -- made it equally attended by
11 volunteer firefighters from throughout the
12 area and in some cases out of state.

13 And Trooper Todeschini was a fine
14 young man. He left, surviving him, his wife,
15 who was eight months pregnant. I mean, how
16 much more tragic can you possibly have a
17 situation.

18 Which is what troopers, what law
19 enforcement officials, what members of the
20 military go through every day of the week, not
21 knowing what the next day is going to bring.

22 His mother spoke at this
23 proceeding. And there was the Superintendent
24 of Troopers, and there was Governor Pataki,
25 all dignitaries spoke. But his mother spoke;

1 I don't know how she did it. And her message
2 was a positive message, Cindy Todeschini. Her
3 message was basically we have to respect each
4 other. These things don't happen if you
5 simply have respect.

6 And unfortunately, this was not the
7 situation which led to this individual's
8 death.

9 Last year the Senate passed a bill
10 sponsored by Senator Alesi -- it didn't pass
11 the Assembly -- which would increase the
12 penalties for irresponsible human beings who
13 try to avoid being stopped by law enforcement
14 officials that place the law enforcement
15 officials' lives in jeopardy. We're going to
16 be -- that particular bill was passed through
17 the Codes Committee today and no doubt will be
18 at the floor very soon. There may be other
19 bills that arise from it.

20 But I guess the message is this.
21 You know, somehow we've got to make sure that
22 individuals realize the seriousness of these
23 offenses so these tragic deaths don't happen
24 again.

25 So to Officer Todeschini's

1 survivors, to his soon-to-be-born child, you
2 know, we're doing everything we can in this
3 Legislature to try to make the streets safe.
4 And our sympathies go out to all of you. And
5 we truly mourn the death of this wonderful
6 young man whose future, bright future was cut
7 off so short by a very, very irresponsible
8 action.

9 So thank you for hearing of this in
10 this Senate chamber, and I offer the
11 resolution for cosponsorship to anyone who
12 chooses to be.

13 And we'll assume, Madam Chairman,
14 if it's okay with you, that if you don't want
15 to be on the resolution, to notify the chair.
16 Otherwise, you will be a cosponsor.

17 Thank you.

18 THE PRESIDENT: Senator Volker.

19 SENATOR VOLKER: Madam President,
20 I just want to say quickly -- thank Senator
21 DeFrancisco for this resolution.

22 And as he said, we just reported a
23 bill today and I expect we will probably pass
24 it next week. We are going to try very, very
25 hard to get the Assembly to agree to a bill.

1 There have been a number of these types of
2 bills relating to chases.

3 I agree with what Senator
4 DeFrancisco said. Unfortunately, I don't
5 think a lot of people realize the dangers that
6 are involved in some of these chases. And I
7 always laugh at reading in the paper there
8 should be a policy and all this stuff. Well,
9 if anybody has ever been involved in these --
10 and I have. I was involved in a lot of chases
11 when I was a police officer, for lots of
12 reasons.

13 And I can tell you, you can have
14 all the policies in the world, but when you're
15 involved in a high-speed chase, you've got to
16 make split-second decisions and sometimes you
17 make the wrong decisions. And unfortunately
18 for this trooper, one way or another -- and he
19 was driving a fairly good-sized vehicle, by
20 the way. But it doesn't matter. When you're
21 driving fast, things can happen.

22 I must tell one quick story to
23 people that don't think you should chase
24 people. A good friend of mine was a police
25 officer in Tonawanda, New York, many years

1 ago, on New Year's Eve, and he was chasing a
2 car that eventually reached speeds of 110
3 miles an hour. He stopped chasing him, saying
4 it was too dangerous. The car went on for two
5 miles and hit a car at an intersection and
6 killed two elderly people.

7 The reason I say that, now the
8 person that was in the car lived, which is
9 unfortunately -- I don't mean unfortunately --
10 but the drunk driver he was chasing. But it
11 taught a lesson to a lot of us. And that is
12 you can say disengage chases, but that doesn't
13 mean that that person is going to slow down.
14 In fact, we always took the position that if
15 there's any way you can get somebody, get them
16 before they kill somebody else.

17 So I just want to say that this is
18 another incident of one of our finest, the
19 New York State Police, giving his life in an
20 attempt to keep things in this state under
21 control. And we should never forget that it
22 doesn't have to be criminal activity as
23 such -- in other words, with a gun or drugs or
24 whatever -- that can bring down and kill a
25 person, but merely things that appear to be

1 innocent but they're not innocent.

2 And the family of this police
3 officer -- from what I understand, a wonderful
4 family -- is without a child. And I can only
5 say that he will never be forgotten. And very
6 shortly, by the way, in the memorial, police
7 memorial, he will be there on the memorial.
8 In fact, next week, Tuesday. And I remind
9 everybody of that also.

10 Thank you.

11 THE PRESIDENT: All in favor of
12 the resolution please signify by saying aye.

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed, nay.

15 (No response.)

16 THE PRESIDENT: The resolution is
17 adopted.

18 Any member who does not wish to
19 cosponsor the resolution please notify the
20 desk.

21 Senator Skelos.

22 SENATOR SKELOS: Madam President,
23 there will be an immediate meeting of the
24 Finance Committee in the Majority Conference
25 Room.

1 And the Senate will stand at ease
2 pending the return of the report.

3 THE PRESIDENT: There will be an
4 immediate meeting of the Finance Committee in
5 the Majority Conference Room, and the Senate
6 will stand at ease.

7 (Whereupon, the Senate stood at
8 ease at 3:19 p.m.)

9 (Whereupon, the Senate reconvened
10 at 3:34 p.m.)

11 SENATOR SKELOS: Mr. President.

12 ACTING PRESIDENT MORAHAN:
13 Senator Skelos.

14 SENATOR SKELOS: Mr. President,
15 if we could return to reports of standing
16 committees for the Finance report at this
17 time.

18 ACTING PRESIDENT MORAHAN:
19 Reports of standing committees.

20 The Secretary will read.

21 THE SECRETARY: Senator Johnson,
22 from the Committee on Finance, reports the
23 following nomination.

24 As Secretary of State, Christopher
25 L. Jacobs, of Buffalo.

1 ACTING PRESIDENT MORAHAN: We
2 recognize Senator Johnson to move the
3 nomination.

4 SENATOR JOHNSON: Move the
5 nomination.

6 ACTING PRESIDENT MORAHAN:
7 Senator Johnson moves the nomination.

8 Senator Volker.

9 SENATOR VOLKER: Mr. President,
10 may I speak just for a second.

11 ACTING PRESIDENT MORAHAN: Did
12 you say to second?

13 SENATOR VOLKER: Yes, I'm
14 seconding. Yes, thank you, Mr. President.

15 I just want to say that Chris
16 Jacobs has been a friend of mine for many,
17 many years, his entire family. His mother was
18 a SUNY Board of Trustees member, the
19 distinguished Pamela Jacobs. His father was
20 one of the most distinguished doctors and
21 researchers in this state, Dr. Larry Jacobs,
22 who died several years ago, one of the real
23 towering experts in multiple sclerosis.

24 I believe Christopher probably is
25 one of the youngest secretaries of state. But

1 I have to tell everyone that he's had a very
2 long and experienced period in Buffalo and
3 Western New York. He's been involved in a lot
4 of not only community activities, but areas
5 where he has showed his expertise and his
6 understanding of human principles and of
7 management. There's no question in my mind
8 that he'll make an excellent secretary of
9 state.

10 And we have had, by the way, some
11 wonderful secretaries of state over the years,
12 including the father of the Minority Leader,
13 who I knew very well many years ago, Basil
14 Paterson. So he follows in the footsteps of
15 giants.

16 And I'm sure that, although he may
17 not be a giant yet, but he certainly is going
18 to be one of the real fine secretaries of
19 state in this country.

20 And congratulations, Chris.

21 ACTING PRESIDENT MORAHAN:

22 Senator Rath.

23 SENATOR RATH: Thank you, Mr.
24 Chairman. I rise, along with Senator Volker,
25 to second the nomination of Chris Jacobs for

1 New York State Secretary of State.

2 Chris I have known for a long time;
3 he's a friend of my son's and a whole group of
4 young men in Buffalo who are taking on a
5 mantle of leadership in Western New York. And
6 to have Chris Jacobs to be nominated and be
7 able to serve in this position will be a
8 shining example for young people that there
9 are opportunities to serve.

10 Chris is experienced, as Senator
11 Volker has said to you about his family. I
12 would add another one that maybe Chris might
13 be surprised I would remember, but his
14 grandfather, Tom Ryan, was the sheriff of Erie
15 County and served with great deal of
16 distinction many years ago. There is a
17 tradition of leadership in the Jacobs family.

18 Chris's own resume will point out
19 to you all of the honors and distinctions that
20 he has had in his relatively short career.
21 And one of the greatest that I will always
22 recall is the BISON Scholarship Fund, which
23 attracts and develops funds and resources for
24 scholarships for inner-city children.

25 So I'm very pleased that the

1 Governor has made this nomination, and I'm
2 very proud to second it.

3 ACTING PRESIDENT MORAHAN:
4 Senator Coppola.

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

7 It's always nice to see somebody
8 not only from my district, from my city of
9 Buffalo -- actually, from my neighborhood --
10 to succeed in a very prestigious position.
11 Chris and I have known each other for about
12 eight to 10 years now. We've grown to be
13 friends. I supported him as an elected
14 official of the school board in Buffalo. I
15 think he's done a great job. And I'm happy to
16 be able to support his nomination today.

17 And again, I say that Chris and I
18 are good friends and I think this is a good
19 position for him. I think he'll serve the
20 state well, and I wish him luck in his new
21 endeavor.

22 Thank you, Mr. President.

23 ACTING PRESIDENT MORAHAN: Thank
24 you, Senator Coppola.

25 Senator Staz -- Stachowski.

1 SENATOR STACHOWSKI: Easy for you
2 to say.

3 Mr. President, thank you very much.
4 I too rise to second the nomination of Chris
5 Jacobs.

6 Fortunately, I've known his family
7 for quite some time. And I related it in the
8 committee meeting that I wasn't sure what I
9 was going to do about this nomination, having
10 not heard from the nominee. But his mom
11 called this morning and said what a wonderful
12 job she thought Chris would do, and so I had
13 no choice but to get up and support him.

14 And I'm proud to support his
15 nomination, and I hope that he does as good a
16 job as secretary of state as his mom did on
17 the SUNY Board of Trustees.

18 ACTING PRESIDENT MORAHAN: Thank
19 you, Senator.

20 The question is on the nomination
21 of Christopher L. Jacobs as Secretary of
22 State. All in favor signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT MORAHAN:
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT MORAHAN:

3 Christopher L. Jacobs is hereby confirmed as
4 Secretary of State.

5 He is joined in the gallery today
6 with his wife, Patti, and his stepson, Max
7 Vitale.

8 Welcome, Mr. Secretary, and good
9 health and best wishes for success. Thank
10 you.

11 (Applause.)

12 ACTING PRESIDENT MORAHAN:

13 Senator Skelos.

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

17 ACTING PRESIDENT MORAHAN: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 344, substituted earlier today by Member of
21 the Assembly Parment, Assembly Print Number
22 9871, an act to amend the Tax Law.

23 ACTING PRESIDENT MORAHAN: There
24 is a local fiscal impact note at the desk.

25 Read the last section.

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

3 ACTING PRESIDENT MORAHAN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MORAHAN:
7 Announce the results.

8 THE SECRETARY: Ayes, 56.

9 ACTING PRESIDENT MORAHAN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 527, by Senator Marchi, Senate Print 6772, an
13 act to amend the Civil Service Law, in
14 relation to credits allowed.

15 ACTING PRESIDENT MORAHAN: Read
16 the last section.

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

19 ACTING PRESIDENT MORAHAN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MORAHAN:
23 Announce the results.

24 THE SECRETARY: Ayes, 56.

25 ACTING PRESIDENT MORAHAN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 650, by Senator Spano, Senate Print 7008, an
4 act to amend the Penal Law and the Public
5 Health Law, in relation to enacting Cynthia's
6 Law.

7 ACTING PRESIDENT MORAHAN: Read
8 the last section.

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

12 ACTING PRESIDENT MORAHAN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MORAHAN:
16 Announce the results.

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT MORAHAN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 675, by Senator LaValle, Senate Print 5166, an
22 act to authorize the Independent Group Home
23 Living Program, Inc.

24 ACTING PRESIDENT MORAHAN: Read
25 the last section.

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

3 ACTING PRESIDENT MORAHAN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MORAHAN:
7 Announce the results.

8 THE SECRETARY: Ayes, 55. Nays,
9 1. Senator Bonacic recorded in the negative.

10 ACTING PRESIDENT MORAHAN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 676, by Senator Balboni, Senate Print 6781, an
14 act authorizing the assessor of the County of
15 Nassau.

16 ACTING PRESIDENT MORAHAN: Read
17 the last section.

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

20 ACTING PRESIDENT MORAHAN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MORAHAN:
24 Announce the results.

25 THE SECRETARY: Ayes, 55. Nays,

1 1. Senator Bonacic recorded in the negative.

2 ACTING PRESIDENT MORAHAN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 727, by Senator Seward, Senate Print 7040, an
6 act in relation to legalizing, validating,
7 ratifying and confirming certain actions.

8 ACTING PRESIDENT MORAHAN: There
9 is a home-rule message at the desk.

10 Read the last section.

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

13 ACTING PRESIDENT MORAHAN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MORAHAN:
17 Announce the results.

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT MORAHAN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 754, by Senator Golden, Senate Print 2737, an
23 act to amend the Executive Law, in relation to
24 certain crime victim compensation.

25 ACTING PRESIDENT MORAHAN: Read

1 the last section.

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

5 ACTING PRESIDENT MORAHAN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MORAHAN:
9 Announce the results.

10 THE SECRETARY: Ayes, 57.

11 ACTING PRESIDENT MORAHAN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 756, by Senator Farley, Senate Print 6397, an
15 act in relation to affecting the health
16 insurance benefits and contributions.

17 ACTING PRESIDENT MORAHAN: Read
18 the last section.

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

21 ACTING PRESIDENT MORAHAN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MORAHAN:
25 Senator Farley, to explain his vote.

1 SENATOR FARLEY: Just to explain
2 my vote.

3 This is one of the most significant
4 pieces of legislation we will pass this year.
5 It is the number-one priority of the retired
6 public employees. It's also a major priority
7 of CSEA, PEF, NYSUT, AFSCME, the Alliance of
8 Public Retired Organizations, the Retired
9 Police Associations and Fire Associations, the
10 Professional Police and Fire Retirees, the
11 New York City Police Department.

12 Let me say something about this.
13 This is the same legislation that we pass for
14 the teachers every year that protects their
15 health insurance when they retire. This bill
16 has been passed by both houses, I think three
17 years in a row. It's been vetoed every year.

18 Unfortunately, it's opposed by the
19 officials of the New York City Police
20 Department, pretty much, and -- because -- and
21 also in the veto message it says that really
22 they don't change this for retired employees.
23 Untrue. I can name a couple of villages and
24 towns where they have changed the health
25 benefits for the retirees.

1 It's a piece of legislation that
2 we've got to get signed this year. So I urge
3 every one of my colleagues to energize and so
4 forth to make sure that we get it signed this
5 year, because it's unfair. There's nothing
6 more important to a retiree than his health
7 insurance, and this is something that is very,
8 very significant.

9 There's almost no opposition to
10 this anywhere, and there's no reason for this
11 to be vetoed. And I'm going to personally
12 contact the Governor, as I wish almost
13 everybody in this chamber would.

14 It's a great piece of legislation,
15 and I urge everybody to support it, as you
16 have in the past. And I thank you for that.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MORAHAN: Thank
19 you, Senator Farley. You will be recorded in
20 the affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT MORAHAN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 757, by Senator Spano, Senate Print 6441, an
2 act to amend the Labor Law, in relation to
3 requiring public employers.

4 SENATOR DUANE: Lay it aside,
5 please.

6 ACTING PRESIDENT MORAHAN: The
7 bill is laid aside.

8 THE SECRETARY: Calendar Number
9 765, by Senator Larkin, Senate Print 2345A, an
10 act to amend the Correction Law, the Criminal
11 Procedure Law, and the Family Court Act.

12 SENATOR DUANE: Lay it aside,
13 please.

14 ACTING PRESIDENT MORAHAN: The
15 bill is laid aside.

16 THE SECRETARY: Calendar Number
17 769, by Senator Saland, Senate Print 4757, an
18 act to amend the Executive Law, in relation to
19 payment of fees.

20 ACTING PRESIDENT MORAHAN: Read
21 the last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the same date as
24 Section 68 of Chapter 264 of the Laws of 2003.

25 ACTING PRESIDENT MORAHAN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MORAHAN:

4 Announce the results.

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT MORAHAN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 771, by Senator Alesi, Senate Print 6366, an
10 act to amend the Correction Law and the Penal
11 Law, in relation to barring sex offenders.

12 SENATOR DUANE: Lay it aside,
13 please.

14 ACTING PRESIDENT MORAHAN: The
15 bill is laid aside.

16 THE SECRETARY: Calendar Number
17 776, by Senator Johnson, Senate Print 7277, an
18 act to amend the Executive Law, in relation to
19 requiring.

20 ACTING PRESIDENT MORAHAN: Read
21 the last section.

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

24 ACTING PRESIDENT MORAHAN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MORAHAN:

3 Announce the results.

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT MORAHAN: The
6 bill is passed.

7 Senator Skelos, that completes the
8 noncontroversial reading of the calendar.

9 SENATOR SKELOS: Mr. President.

10 ACTING PRESIDENT MORAHAN: Yes,
11 Senator Skelos.

12 SENATOR SKELOS: If we could go
13 to the controversial reading of the calendar
14 and start off with Senator Larkin's bill,
15 Calendar Number 765.

16 ACTING PRESIDENT MORAHAN: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 765, by Senator Larkin, Senate Print 2345A, an
20 act to amend the Correction Law, the Criminal
21 Procedure Law, and the Family Court Act.

22 SENATOR DUANE: Explanation,
23 please.

24 ACTING PRESIDENT MORAHAN:
25 Senator Larkin, an explanation has been

1 requested by Senator Duane.

2 SENATOR LARKIN: Senator Duane,
3 this bill would require persons adjudicated as
4 juvenile delinquents and youthful offenders
5 for violent sex offenses to register pursuant
6 to the Sex Offender Registration Act.

7 Unfortunately, today, as we look at
8 the statistics that are developed for us in
9 this area of criminal justice, there are more
10 and more persons who have committed sexually
11 violent offenses that are ages 13, 14 and 15.

12 In my district alone, just recently
13 there was one individual who at the age of 14
14 committed a sexually violent offense. After
15 being released and sent home, he committed the
16 same offense in the same neighborhood in less
17 than three months.

18 It is not a pleasure to have to
19 introduce a bill like this. However, it is
20 important that the community know of the
21 existence of individuals, no matter what their
22 age is, who reside in their communities that
23 have a strong inclination to commit sexually
24 violent offenses.

25 This bill is important because

1 children ages 13 to 15 who are covered by this
2 bill tend to prey on persons of their own age.
3 Hence, the bill attempts to protect our
4 children in middle and junior high schools
5 from violence committed by perpetrators who
6 have been released into their communities.

7 ACTING PRESIDENT MORAHAN: Thank
8 you, Senator Larkin.

9 Senator Montgomery.

10 SENATOR MONTGOMERY: Yes, Mr.
11 President. Would the sponsor, Senator Larkin,
12 yield for a question or two?

13 SENATOR LARKIN: Yes, I will
14 yield for one question, as she asked.

15 SENATOR MONTGOMERY: Oh, no, I
16 said "or two." You'll yield for --

17 SENATOR LARKIN: Go ahead.

18 SENATOR MONTGOMERY: Okay, thank
19 you.

20 Senator Larkin, you talked about --
21 I'm looking at your support memo and I didn't
22 see it indicated here, but in your notes there
23 you talked about that there were 13-year-olds
24 and 14-year-olds in your district who had
25 committed violent sexual acts.

1 SENATOR LARKIN: Yes. Yes.

2 SENATOR MONTGOMERY: Through you,
3 Mr. President, would Senator Larkin continue
4 to --

5 ACTING PRESIDENT MORAHAN:
6 Senator Larkin, will you continue to yield?

7 SENATOR LARKIN: Yes, Mr.
8 President.

9 ACTING PRESIDENT MORAHAN: The
10 Senator yields.

11 SENATOR MONTGOMERY: Thank you,
12 Mr. President.

13 Senator Larkin, did these
14 children -- were they -- subsequent to being
15 charged, were they sentenced at all to any
16 punishment?

17 SENATOR LARKIN: Yes.

18 SENATOR MONTGOMERY: Thank you.
19 Mr. President, just one last
20 question to Senator Larkin.

21 ACTING PRESIDENT MORAHAN:
22 Senator Larkin, will you continue to yield?

23 SENATOR LARKIN: I do.

24 ACTING PRESIDENT MORAHAN: The
25 Senator yields.

1 SENATOR MONTGOMERY: Yes, thank
2 you.

3 Senator Larkin, I'm assuming that
4 once the young people were -- they were
5 sentenced, apparently they served their
6 sentence and were released back into society.
7 My question is, was there any process whereby
8 the young person -- I'm assuming a 13-year-old
9 is about the sixth grade, maybe the seventh
10 grade, I'm not sure.

11 SENATOR LARKIN: They were
12 seventh-graders.

13 SENATOR MONTGOMERY: Seventh-
14 graders, okay.

15 So if they were a seventh-grader,
16 my assumption is that they would have been
17 reintegrated into the school environment as
18 well as the community.

19 And so my question is, was there
20 any process whereby the institution that they
21 were sentenced to communicated with the school
22 where they were returning, and what kind of
23 program in your district is there or was there
24 established to monitor and to continue to work
25 with these young people, under the assumption

1 that they may have needed more treatment
2 beyond the facility that they were being
3 incarcerated in?

4 SENATOR LARKIN: I don't know all
5 the mechanics of it, except that I know this.
6 In this specific case that was brought to my
7 attention, this individual was released to his
8 community and he went back to school. They
9 had said that over the past X months that they
10 had done everything humanly possible to make
11 sure. It was their assumption that he would
12 go back to his community and maybe be good.
13 And when I asked them, they said he could be
14 bad.

15 The question here has to do not
16 with how much we cater to these individuals,
17 but how much are we going to do in order to
18 protect the others? This is not an uncommon
19 thing. You can look at all the criminal
20 justice across the nation and you'll find out,
21 as my good friend Dale Volker told me, you'll
22 find out over and over that these are some of
23 the toughest cases to handle. Because
24 everybody takes an attitude of they didn't
25 mean it, they'll never do it again. Well, we

1 know that they do.

2 And what we're saying here is that
3 put them on a register. In some cases, it's
4 my personal belief that this is the only way
5 you're going to make them stand up and take
6 notice.

7 SENATOR MONTGOMERY: Thank you,
8 Senator Larkin.

9 ACTING PRESIDENT MORAHAN:
10 Senator Montgomery.

11 SENATOR MONTGOMERY: Mr.
12 President, I would like to comment on the bill
13 briefly.

14 ACTING PRESIDENT MORAHAN: On the
15 bill.

16 SENATOR MONTGOMERY: Yes, thank
17 you.

18 Senator Larkin indicates that,
19 number one, he is not aware of there being a
20 program which definitively -- because Senator
21 Larkin's bill does not deal with the universe
22 of sex offenders; it deals with 13-year-olds,
23 14-year-olds and 15-year-olds.

24 But he is not aware and I'm not
25 aware, certainly, of a program that

1 specifically says if a 13-year-old or a
2 14-year-old is engaging in inappropriate
3 sexual activities of any sort, that there is
4 an indication at an early point, early enough
5 point, I would hope, that we would identify
6 that as a serious problem and would treat it
7 as such.

8 And the treatment that I'm talking
9 about is not necessarily and certainly not
10 solely on the criminal justice system. But
11 there needs to be, it seems to me, some way of
12 dealing with this on the psychiatric,
13 emotional level.

14 We don't have that. And even when
15 the young person is incarcerated, charged and
16 incarcerated, they come home to nothing. No
17 treatment, no direct intervention in that
18 young person's situation.

19 And so we have possibly a troubled
20 child -- because these are children -- a
21 troubled child who comes home from having been
22 incarcerated for being sick, having mental
23 issues. And what do they do? They come home
24 to a community that doesn't either know or is
25 not in a position to support them in any way.

1 So I think that is wrong. It's
2 wrong for us to now say, as Senator Larkin
3 implies, that how are we going treat this.
4 Not giving them support, not giving them
5 treatment. How are we going to treat this?
6 We're going to put them in the registry.
7 We're going to put 13-year-olds in the sex
8 offender registry. That's what he wants to
9 do.

10 That's his cure for children who
11 obviously are demonstrating that there is
12 something very wrong going on with them at an
13 early age. And the only answer that Senator
14 Larkin can come up with, Mr. President, is
15 when they come back, let's put them in the
16 registry. And then of course that's going to
17 protect us and keep our children safe and take
18 care of the problem.

19 So I just think with every good
20 intention -- I know that Senator Larkin is
21 looking for something. And certainly we all
22 would like to see solutions. But it's very
23 sad that the only solution that we always seem
24 to be able to come up with is the criminal
25 justice system.

1 So obviously I don't think the
2 citizens in New York State are asking for this
3 kind of solution for children who are clearly
4 illustrating that there is something wrong.
5 And it's very deeply emotional and mental, and
6 we're not offering any other treatment.

7 So, Mr. President, I'm going to
8 oppose this bill, as I have in the past, and I
9 know that some of my other colleagues -- I ask
10 my colleagues to join me in rejecting this
11 program of criminalizing every child in our
12 state.

13 I vote no.

14 ACTING PRESIDENT MORAHAN: Thank
15 you, Senator Montgomery. You will be recorded
16 in the negative.

17 Senator Volker.

18 SENATOR VOLKER: Mr. President, I
19 just want to make a couple of comments.

20 We're not criminalizing anything.
21 And by the way, they're not sent to the same
22 facility. When you say a prison, it's really
23 not a prison. These youth facilities are not
24 exactly prisons.

25 The interesting question about

1 treatment is a fascinating one, because we're
2 not sure exactly how to treat these people.
3 Remember, there is treatment for young people.
4 What he's saying is he's trying to protect the
5 community, I assume at the same time there's
6 some sort of treatment.

7 There's something I think you
8 should understand, though. These children, as
9 you call them -- there was one child, and I
10 forget his name now -- killed 14 people by the
11 time he was 14 years old. He admitted to
12 beginning to kill people at 12. Now, that
13 person, by the way, is now incarcerated in our
14 system. They tried to bring him out to deal
15 with his problems, they unhooked his
16 bracelets, and he actually bit a bunch of
17 people, he was so bitter.

18 Now, I don't know what treatment
19 you would give this kind of a person. He's in
20 jail, he's also in and out of the facilities
21 that we have to try to treat people for
22 problems. But simply because they're young
23 and simply because they're apparently children
24 doesn't mean that they may not be extremely
25 violent and have problems.

1 What Senator Larkin is saying is
2 that there should be some way of identifying
3 these people to the community. Now, we
4 certainly don't say that the only possibility
5 is to go to the registry. But it is one of
6 the ways that we protect other people.

7 One of the things we do know is
8 this, that people in mental health are saying
9 to us that people with these kinds of
10 problems -- that is, sex abuse problems -- are
11 not mentally ill, they're sick. That's what
12 they tell us. Nobody is exactly sure what
13 that means. What they mean is they don't
14 respond to normal mental health treatment.

15 Which is why, by the way, this
16 house is trying so hard to get through a civil
17 confinement bill, a civil confinement bill
18 that would allow us to put people who are not
19 prepared to get out into the community into an
20 intensive-supervision kind of situation,
21 internally, with the best mental health people
22 we can find to try to find out how we deal
23 with these people.

24 So just because they may be young
25 in age does not mean that they should be

1 allowed and the risks should be allowed to
2 other people in the neighborhoods, in the
3 schools, and so forth. Certainly we should
4 treat them. And we've got to find better ways
5 to treat these people. But we also have to
6 watch out for the people that are out there in
7 the streets. And I think that's why Senator
8 Larkin has sponsored this bill.

9 ACTING PRESIDENT MORAHAN: Thank
10 you, Senator Volker.

11 Senator Krueger.

12 SENATOR LIZ KRUEGER: Thank you,
13 Mr. President.

14 If the sponsor would please yield
15 to a question.

16 ACTING PRESIDENT MORAHAN:
17 Senator Larkin, will you yield?

18 SENATOR LARKIN: Yes, Mr.
19 President.

20 ACTING PRESIDENT MORAHAN: The
21 Senator yields.

22 SENATOR LIZ KRUEGER: Thank you.

23 As I read your bill, it says that
24 conviction includes any conviction of a
25 juvenile offender for a sex offense or a

1 sexually violent offense would then fall under
2 your law to be registered as a sex offender
3 for the rest of their life.

4 What is the difference between a
5 violent sex offender and a nonviolent sex
6 offender? Because under your law, this would
7 apply equally to children of 13 and 14 and 15,
8 whether or not their charge was violent or
9 defined as violent under the law.

10 I'm referencing Section 16, the
11 first -- I guess it's lines 5, 6, 7, 8, 9, 10
12 on page 1 of your bill.

13 SENATOR LARKIN: Well, Senator
14 Krueger, the statute defines what we're
15 talking about. That's number one.

16 Number two, we passed this bill
17 last year 57-4. We rattled on about this bill
18 before, what it does and what it doesn't do.

19 For me, I look at 13 grandchildren
20 in my home that we have. And if somebody is
21 going to go out there and commits a violent
22 sexual offense to one of my children, I will
23 be outraged. And my whole community will be.
24 But what I'm getting from your side of the
25 aisle is first let's take care of the person

1 who committed the crime.

2 Thank you, Senator Smith, I will.

3 It's a very serious issue. I take
4 it very serious. We have a responsibility in
5 this chamber to make sure that we introduce
6 and pass legislation for the public safety of
7 our constituents.

8 This is a bill that says if these
9 individuals commit that type of a crime, they
10 will register. What are you so upset about
11 them registering? I think Senator Volker
12 covered it very clearly. I think if you look
13 at the statute -- I'm not an attorney. You
14 don't have to be an attorney to determine what
15 you should do to protect the people of your
16 district. To me, that's the end of it.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MORAHAN: Thank
19 you, Senator Larkin.

20 Senator Krueger.

21 SENATOR LIZ KRUEGER: Thank you,
22 Mr. President. I'll speak on the bill.

23 ACTING PRESIDENT MORAHAN:
24 Senator Krueger, on the bill.

25 SENATOR LIZ KRUEGER: Thank you.

1 Well, I listened to Senator Volker
2 and I listened to Senator Volker discussing
3 someone who was a murderer. And certainly I
4 have no disagreement with my concerns about
5 letting murderers out on the street. I think
6 he was actually referencing somebody who was a
7 serial murderer starting at a young age. And
8 I would assume that his discussion of what is
9 mental illness or not probably correlates to
10 questions about sociopathic behavior and
11 serial murderers that start off young in life.

12 And, clearly, you are verbally and
13 emotionally committed to your bill. My reason
14 for my question between the difference between
15 a violent sexual offense and a nonviolent
16 sexual offense is I think that under the
17 statute, and in our understanding, we might
18 recognize that there are differences. That
19 there are different standards of crimes for
20 adults in the criminal code as there are
21 different standards for penalties and
22 treatment for youthful offenders because of
23 the recognition that 13-, 14-, 15-year-olds
24 may in fact be different than fully formed
25 adults. And that there may be opportunities

1 for treatment and rehabilitation for many
2 young people that perhaps are not available
3 once they get beyond a certain age.

4 I think there's also a
5 well-established history in our criminal code
6 and in our criminal justice system of
7 recognizing the responsibilities in bad
8 behavior of adults versus youthful offenders.

9 So while I will not disagree with
10 outrage at the community level or an
11 individual level -- you referenced if they
12 came after your own grandchildren, I
13 believe -- that all of us would feel about the
14 concept of a violent attack by any one of any
15 age, I do have a problem with the fact that
16 your bill is treating all sexual offenses as
17 if they are violent offenses for purposes of
18 lifelong registration in the sexual offender
19 category.

20 We had earlier debates in this
21 chamber over whether Levels 3, 2, and 1 sex
22 offenders as adults ought to all be treated
23 exactly the same when it came to lifetime and
24 permanent registration with the sexual
25 offender laws of this state. And I think

1 there was reasonable debate and disagreement
2 about not all sex offenses are the same, even
3 for adults, and that's why we established
4 Levels 3, 2 and 1 in the law.

5 This bill doesn't address those
6 differences and in fact says whether this is a
7 violent sex offense or a nonviolent sex
8 offense, even though you are 13, 14, 15 years
9 old, we are going to give you the added
10 penalty of being labeled a sexual offender for
11 the rest of your life.

12 And to point out how right I
13 believe Senator Montgomery was with her
14 concerns about the absence of treatment, I
15 would argue that if you look at the research
16 and you see 13-, 14-, 15-year-olds committing
17 sex offenses, while it may be true that some
18 of the time we're talking about the kinds of
19 sociopaths Senator Volker was describing when
20 addressing murder, not sex offense, that often
21 the research shows that you're talking about
22 children who are coming out of homes where
23 they have been sexually abused, and that in
24 fact what we ought to be doing to stop this
25 horrible cycle of violence and abuse that ends

1 up being generational in our communities is to
2 rapidly intervene on behalf of young children
3 who have been the victims of sexual abuse
4 themselves and then unfortunately sometimes
5 turn into abusers themselves.

6 That labeling for life doesn't
7 necessarily protect our communities or our
8 families, while intense intervention to avoid
9 this cycle continuing and stopping the next
10 generation who have been abused from becoming
11 the abusers would be a far more valuable
12 service to our communities.

13 So as I have voted against this
14 bill before, I will vote against it today,
15 because I do not believe it addresses the real
16 problems when 13-, 14- and 15-year-olds are
17 acting out sexually. And I do not think it is
18 right to pass a bill that labels all sex
19 offenders as violent sex offenders when they
20 clearly are not, and treats them the same. So
21 I'll be voting no.

22 Thank you very much, Mr. President.

23 ACTING PRESIDENT MORAHAN: Thank
24 you, Senator Krueger. You will be recorded in
25 the negative.

1 Does any other member wish to be
2 heard?

3 The debate is closed.

4 The Secretary will ring the bell.

5 Senators, please take your seats.

6 Read the last section.

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

9 ACTING PRESIDENT MORAHAN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MORAHAN:

13 Announce the results.

14 Senator Duane.

15 SENATOR DUANE: Thank you, Mr.
16 President.

17 I'm going to vote against this
18 bill, which makes sexual offenders 13 years or
19 older who are juvenile delinquents juvenile
20 offenders or youthful offenders subject to the
21 sexual offender registry. I just -- the idea
22 of putting a 13-year-old on the sex offender
23 registry permanently is just outrageous.

24 Although I do think we have to ask
25 ourselves why would a 13-year-old be acting

1 out in such an unhealthy manner. Could it be
2 that the family of that child was unable to
3 access mental health treatment because their
4 insurance wouldn't cover it? Well, that
5 wouldn't be the case if we passed Timothy's
6 Law.

7 And so here we are another day in
8 the State Senate. We've yet to see Timothy's
9 Law come to the floor of the State Senate.
10 Many of the ills that face our state, that
11 face the young people as well as adults of our
12 state could actually be dealt with and treated
13 if we had Timothy's Law.

14 So I urge my colleagues to work
15 with me and get Timothy's Law to the floor so
16 that we can vote in the affirmative on that.
17 And then persons such as myself wouldn't be
18 put in the position of having to vote on a
19 bill like this where I'll be voting in the
20 negative.

21 Thank you, Mr. President.

22 ACTING PRESIDENT MORAHAN: Thank
23 you, Senator Duane. You will be recorded in
24 the negative.

25 Announce the results.

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 765 are
3 Senators Duane, L. Krueger, Montgomery and
4 Parker.

5 Those Senators absent from voting:
6 Diaz, Dilan, Flanagan and Gonzalez.

7 Ayes, 49. Nays, 4.

8 ACTING PRESIDENT MORAHAN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 771, by Senator Alesi, Senate Print 6366, an
12 act to amend the Correction Law and the Penal
13 Law.

14 ACTING PRESIDENT MORAHAN: Read
15 the last section.

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

18 ACTING PRESIDENT MORAHAN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MORAHAN:
22 Announce the results.

23 THE SECRETARY: Those recorded in
24 the negative on Calendar Number 771 are
25 Senators Duane, L. Krueger, Montgomery and

1 Parker.

2 Those Senators absent from voting:

3 Diaz, Dilan, Flanagan and Gonzalez.

4 Ayes, 49. Nays, 4.

5 ACTING PRESIDENT MORAHAN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 757, by Senator Spano, Senate Print 6441, an
9 act to amend the --

10 ACTING PRESIDENT MORAHAN: Can we
11 hold it down in the chamber, please.

12 THE SECRETARY: -- an act to
13 amend the Labor Law.

14 SENATOR DUANE: Explanation,
15 please.

16 ACTING PRESIDENT MORAHAN:
17 Senator Spano, an explanation has been
18 requested by Senator Duane.

19 SENATOR SPANO: This is a bill
20 that would require public employers to develop
21 and implement programs to prevent workplace
22 violence.

23 We had this bill, it was passed
24 last year. The Governor, unfortunately,
25 vetoed the bill. We have made some amendments

1 to satisfy some of the portions of the veto
2 message. And hopefully the Governor will look
3 at this bill favorably this year.

4 ACTING PRESIDENT MORAHAN:
5 Senator Savino.

6 SENATOR SAVINO: Thank you, Mr.
7 President. On the bill.

8 ACTING PRESIDENT MORAHAN:
9 Senator Savino, on the bill.

10 SENATOR SAVINO: Thank you.

11 I would like to commend Senator
12 Spano for bringing this measure to the floor.

13 And as he stated in his
14 justification memorandum, workplace violence
15 is now one of the leading causes of death in
16 the workplace and the leading cause of
17 workplace fatalities for women. Each year, an
18 average of 20 workers are murdered and 18,000
19 are assaulted while at work or on duty. In
20 addition to the obvious pain and suffering,
21 nonfatal assault results in millions of
22 dollars in lost work days, insurance costs and
23 lost wages.

24 Mr. President, would Senator Spano
25 yield for a question.

1 ACTING PRESIDENT MORAHAN:
2 Senator Spano, do you yield for a question?

3 SENATOR SPANO: Yes.

4 ACTING PRESIDENT MORAHAN: The
5 Senator yields.

6 SENATOR SAVINO: Thank you.

7 Senator Spano, I see that in your
8 comments you indicated that your present
9 version of the bill addresses some of the
10 issues that were raised by the Governor in his
11 veto of last year, a bill that passed this
12 house unanimously and almost unanimously in
13 the Assembly -- I think it was only five no
14 votes in the Assembly. And I understand that
15 we believe that we have addressed the concerns
16 that the Governor has put forth. And I
17 imagine that this bill is going to pass both
18 houses again.

19 So the question I have is, in the
20 event the Governor vetoes this bill this year,
21 would you lead the override of the Governor's
22 veto?

23 SENATOR SPANO: Would I --

24 SENATOR SAVINO: Would you be
25 willing to lead the call for an override of

1 the Governor's veto?

2 SENATOR SPANO: When the Governor
3 vetoed this bill, there were a number of
4 issues that he had an issue with. Language
5 about increasing staff, that we amended the
6 bill and eliminated that language. Language
7 that he was concerned about possibly putting
8 federal money in jeopardy. And we put
9 notwithstanding language in there to make sure
10 we comply with JCAH standards in the federal
11 government.

12 So I really hope that the Governor
13 will sign this bill this year. But if the
14 Governor decides to veto this bill, certainly
15 we have not been shy in our ability to stand
16 up for whether it be the taxpayers of the
17 state or to stand up for the working men and
18 women of this state. And certainly I would
19 not be shy about overriding the Governor's
20 veto.

21 But I think that we are hopeful
22 that by amending the bill in the way, the
23 fashion that we did, having the great support
24 of every public employee organization across
25 the state being in such support of this bill,

1 that that will be unnecessary.

2 SENATOR SAVINO: Thank you.

3 Mr. President, on the bill.

4 ACTING PRESIDENT MORAHAN: Thank
5 you, Senator Spano.

6 Senator Savino, on the bill.

7 SENATOR SAVINO: Thank you.

8 I'm going to take you at your word,
9 Senator Spano. And in the event, the
10 unfortunate event that the Governor does again
11 veto this critically important piece of
12 legislation, I will be looking to you to lead
13 the call for the override.

14 And I would just like to say that
15 this legislation actually could make a real
16 difference in the lives of working people
17 across New York State. As it's been
18 indicated, it has the support of every
19 public-sector labor union in the state and
20 every employee in the state of New York.

21 I plan to vote for this bill. I
22 hope that everybody in the chamber votes for
23 this bill. And I hope that everybody will
24 urge the Governor to sign the bill this year.

25 Thank you.

1 ACTING PRESIDENT MORAHAN: Thank
2 you, Senator Savino. You will be recorded in
3 the affirmative.

4 The debate is closed.

5 Ring the bells, please.

6 The Secretary will read the last
7 section.

8 THE SECRETARY: Section 5. This
9 act shall take effect on the 120th day.

10 ACTING PRESIDENT MORAHAN: The
11 Secretary will call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MORAHAN: The
14 Secretary will announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 757, those Senators absent
17 from voting: Senators Diaz, Dilan, Flanagan
18 and Gonzalez.

19 Ayes, 53. Nays, 0.

20 ACTING PRESIDENT MORAHAN: The
21 bill is passed.

22 Senator Skelos, that completes the
23 controversial reading of the calendar.

24 SENATOR SKELOS: Mr. President,
25 is there any further business at the desk?

1 ACTING PRESIDENT MORAHAN: There
2 is no other business at the desk, Senator.

3 SENATOR SKELOS: Would you please
4 recognize Senator Serrano.

5 ACTING PRESIDENT MORAHAN:
6 Senator Serrano.

7 SENATOR SERRANO: Thank you very
8 much, Mr. President.

9 I want to thank Senator Bruno,
10 Senator Paterson, and my colleagues on both
11 sides of the aisle for providing unanimous
12 consent for me to speak today on a very
13 important issue.

14 As we all know, I have tremendous
15 respect for this institution. I love being a
16 Senator. I respect the institution, and I
17 respect the concerns and the views of my
18 colleagues on both sides of the aisle.

19 And it's in that vein that I am
20 somewhat disappointed that I was not able to
21 speak on this issue yesterday when it was the
22 Day of the Immigrant, the Day Without
23 Immigrants. It was a very important day, not
24 only across this state but across this nation,
25 as we paused, many in protest, to shed light

1 on a very important problem.

2 I believe firmly that the federal
3 government is doing a very poor job in regards
4 to immigrants. I have said on this floor many
5 a time that I firmly believe that immigrants
6 are the foundation of this society, they are
7 the fabric of this nation, they have built
8 this nation. And I believe that we should do
9 better than some of the onerous proposals that
10 we see coming before Congress now, which would
11 make it a felony for an immigrant who doesn't
12 have proper paperwork.

13 And I ask my colleagues, as we
14 reflect on the protests of yesterday, if we
15 keep in mind that the regulations and the
16 rules that are in place now are not conducive
17 to immigration, are not conducive to allowing
18 immigrants, Americans who want to be here, to
19 gain their citizenship in a timely manner, to
20 gain the American dream, to be part of the
21 engine of this economy in a way that is
22 meaningful for generations to come.

23 So in that vein I ask my colleagues
24 to pause and reflect upon what yesterday
25 meant, and that every day be a day for

1 reflection on the plight and many of the ways
2 that the cards are stacked against immigrants
3 in this nation, and that we do better to make
4 this truly a place where our huddled masses
5 can come to find the American dream, to raise
6 their children, and to seek a better life.

7 And once again, I thank my
8 colleagues for giving me this opportunity.

9 ACTING PRESIDENT MORAHAN: Thank
10 you, Senator Serrano.

11 Senator Skelos, there is no other
12 business at the desk.

13 SENATOR SKELOS: Mr. President,
14 there being no further business, I move we
15 stand adjourned until Wednesday, May 3rd, at
16 11:00 a.m.

17 ACTING PRESIDENT MORAHAN: On
18 motion, the Senate stands adjourned until
19 Wednesday, May 3rd, 11:00 a.m.

20 (Whereupon, at 4:26 p.m., the
21 Senate adjourned.)

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