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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 5, 2007

3:09 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, 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  
come to order.

I would ask all assembled to rise  
and recite with me the Pledge of Allegiance.

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

THE PRESIDENT: Our invocation  
for the day will be offered by Rabbi Rubin,  
and Rabbi Rubin is from the Chabad here in  
Albany, New York.

RABBI RUBIN: The honorable  
members of the Senate assembled here represent  
widespread areas and districts with differing  
views, issues, and concerns. But crossing the  
disparate regions across the state, the  
Northway and Thruway symbolically unite us  
New Yorkers from Albany to Buffalo, New York  
City up to the Canadian border.

Indeed, last week's Northway  
tragedy brought together upstate and downstate  
concerns to build and expand vital  
communications.

Inspired by the Tu B'Shvat, New  
Year for Trees, we recite the Biblical verse

1 "Man is as a tree in the field," as both a  
2 statement and also as a question.

3 O God, grant us the vision and  
4 wisdom to balance environmental protection  
5 with vital communication to best serve the  
6 people of this great state.

7 Amen.

8 THE PRESIDENT: Thank you, Rabbi  
9 Israel Rubin, of Chabad House here in Albany,  
10 New York.

11 The reading of the Journal.

12 THE SECRETARY: In Senate,  
13 Friday, February 2, the Senate met pursuant to  
14 adjournment. The Journal of Thursday,  
15 February 1, was read and approved. On motion,  
16 Senate adjourned.

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

20 Presentation of petitions.

21 Messages from the Assembly.

22 Messages from the Governor.

23 Reports of standing committees.

24 Reports of select committees.

25 Communications and reports from

1 state officers.

2 Motions and resolutions.

3 Senator Bruno.

4 SENATOR BRUNO: Mr. President, I  
5 have a privileged resolution at the desk,  
6 Number 352. I would ask that it be read in  
7 its entirety and move for its immediate  
8 adoption.

9 THE PRESIDENT: The Secretary  
10 will read.

11 THE SECRETARY: By Senator Bruno,  
12 Legislative Resolution Number 352, commending  
13 Donald Baker, Jr., for his courageous actions  
14 as a member of the New York State Police and  
15 his valued contributions to the community.

16 "WHEREAS, Within every community of  
17 the State of New York there are certain  
18 individuals who, by virtue of their commitment  
19 and dedication, command the respect and  
20 admiration of their community for their  
21 exemplary contributions and service on behalf  
22 of others; and

23 "WHEREAS, The quality and sanctity  
24 of community life are cherished values, worthy  
25 of safeguarding, and this Legislative Body is

1 moved to honor those individuals who serve to  
2 preserve and protect such values, lauding  
3 particularly their unwavering courage and  
4 dedication in the daily performance of their  
5 duties; and

6 "WHEREAS, Attendant to such  
7 concern, and in full accord with its  
8 long-standing traditions, this Legislative  
9 Body is justly proud to commend Donald Baker,  
10 Jr., for his courageous actions as a member of  
11 the New York State Police and his valued  
12 contributions to the community; and

13 "WHEREAS, A 38-year-old resident of  
14 Clifton Park, New York, and a former Army  
15 medic, Donald Baker has wanted to be a  
16 New York State trooper since attending  
17 Shenendehowa High School; and

18 "WHEREAS, A member of the elite  
19 New York State Police Mobile Response Team,  
20 Donald Baker, Jr., was critically wounded on  
21 August 31, 2006, while tracking a fugitive  
22 from the Erie County Correctional Facility who  
23 was wanted in the shooting of another trooper;  
24 and

25 "WHEREAS, Members of the New York

1 State Police put their lives on the line every  
2 day in service to the great State of New York.

3 It is appropriate to recognize and commend  
4 such outstanding law enforcement officers as  
5 Donald Baker, Jr.; and

6 "WHEREAS, With him throughout has  
7 been his wife of 15 years, Tracy, who feels  
8 privileged to be a part of his life and  
9 rejoices in his many achievements; and

10 "WHEREAS, It is the sense of this  
11 Legislative Body that those dedicated public  
12 servants who unselfishly devote their lives to  
13 the preservation of order and the protection  
14 of others are worthy and do full praise for  
15 that are commitment and noble endeavors; now,  
16 therefore, be it

17 "RESOLVED, That this Legislative  
18 Body pause in its deliberations to commend  
19 Donald Baker, Jr., for his courageous actions  
20 as a member of the New York State Police and  
21 his valued contributions to the community; and  
22 be it further

23 "RESOLVED, That a copy of this  
24 resolution, suitably engrossed, be transmitted  
25 to Donald Baker, Jr., of Clifton Park,

1 New York."

2 THE PRESIDENT: The chair  
3 recognizes, to be heard on the resolution, our  
4 Majority Leader, Senator Bruno.

5 SENATOR BRUNO: Thank you,  
6 Mr. President and colleagues.

7 I rise, in respect, to honor Donald  
8 Baker, who is here with us, and his wife,  
9 Tracy. Donald Baker, as you heard, was there  
10 with Joseph Longobardo when Joseph Longobardo,  
11 Trooper Longobardo, was killed, killed by a  
12 demented coward who snuck up behind them and  
13 shot them from behind.

14 Donald Baker really represents, as  
15 did Joseph Longobardo, all that's good about  
16 those that put on the uniform. And they put  
17 on the uniform and every single day, every  
18 night, Sundays, Saturdays, anytime, put  
19 themselves out there to help, to support, to  
20 protect all of us and all the people who are  
21 out there who can't take care of themselves.

22 So we as a body thank Trooper  
23 Baker, thank Tracy, thank Teri Longobardo, who  
24 is here. And she is looking after her  
25 18-month-old son, Louis, who is keeping her

1 pretty busy these days.

2 We are going to do another  
3 resolution honoring everyone in uniform, the  
4 second one. But we wanted to call special  
5 attention to Trooper Baker, who's gone through  
6 six operations, I believe, so far, has been in  
7 physical therapy, is now on his feet. And  
8 he's on his feet through courage, just plain  
9 guts.

10 And he's an ex-Army medic, he's  
11 part of, with Trooper Longobardo, the Mobile  
12 Response Unit, that is a team that goes out to  
13 meet any situation that presents itself  
14 anywhere in the state. And Trooper Baker is  
15 stationed here up in Clifton Park, out of  
16 here.

17 He went out west when Bucky  
18 Phillips was hiding out in the woods, and  
19 offers everyday -- and what he is working  
20 towards and getting himself back in shape for  
21 is to go back out there on that Mobile  
22 Response Team, which is the leading edge of  
23 all law enforcement throughout the troops.

24 So we thank you. Thank you for  
25 what you do every hour of every day, fighting

1 the battles against the enemy, the criminals  
2 out there that would do harm to our families,  
3 children, to everyone. So you're our first  
4 line of defense.

5 And your families, like Tracy and  
6 Teri, who assist you, support you, and help  
7 you do your job. Because without that kind of  
8 support, it would be pretty difficult, I would  
9 think, to be out there with the time and the  
10 energy and the efforts and everything that you  
11 have to do exposing yourself, voluntarily, to  
12 dangers such as you encountered out there.

13 So we thank the good Lord and thank  
14 all the good support that you've had, and all  
15 the troopers and everyone that wears a uniform  
16 in law enforcement for what you do,  
17 voluntarily. You don't have to; you could be  
18 doing other things. But you do it because  
19 that's what your heart is, that's where your  
20 spirit is.

21 And we know that you're going to  
22 have a speedy recovery because you are doing  
23 it all to get yourself back to where you were.

24 So thank you for your good works.

25 And thank you, Mr. President. And

1           thank you, colleagues.

2                   THE PRESIDENT:       On the resolution  
3 sponsored by Senator Bruno, we will now hear  
4 from Senator Farley.

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

7                   I rise to salute you, Trooper  
8 Baker, and what you've been going through, and  
9 also your wife, Tracy.

10                   His partner was Joseph Longobardo,  
11 who was my constituent, who was brutally  
12 murdered in a cowardly way. These two  
13 troopers, athletes, part of the most elite  
14 organization in the New York State Police,  
15 were out there on their own. Cowardly  
16 murdered.

17                   And you know, Donald, I'm confident  
18 that Joe is up there looking out for you to  
19 make sure that you're going to have a one  
20 hundred percent recovery.

21                   I'd also like to pay tribute to  
22 Teri, Joe's widow, who is up in the balcony  
23 with us. I think I spent one of the saddest  
24 afternoons of my life at his funeral, totally  
25 supported by the entire State Police, and all

1           that was said about this remarkable man,  
2           Joseph Longobardo, who was not only my  
3           constituent but a remarkable father. And to  
4           not to be able to see his child grow up, it  
5           was very, very sad.

6                         Teri, I wish you all the very best.

7                         And, Trooper Baker, I salute you  
8           and wish you a complete recovery. And I know  
9           that you and your family are very, very proud  
10          of what you've accomplished.

11                        God bless you.

12                        THE PRESIDENT:        Senator Volker,  
13          on the resolution.

14                        SENATOR VOLKER:       Mr. President, I  
15          just want to be part of this resolution. I  
16          commend Senator Bruno for doing this  
17          resolution.

18                        Some of the members have asked me  
19          what this pin is that I've worn since last  
20          year. And actually, I started wearing this  
21          pin at the time that Trooper Longobardo was  
22          killed. It is a pin that is the symbol of the  
23          loss of police officers throughout this  
24          country.

25                        This was one of the worst years,

1       2006, for the loss of law enforcement people  
2       in my time. And in fact, with state troopers,  
3       it was a very tragic year. And obviously  
4       there were accidents and there was the chase.  
5       And unfortunately culminating in this terrible  
6       incident down in Western New York, actually  
7       the Southern Tier of Western New York, that  
8       involved Trooper Baker and Trooper Longobardo.

9               Contrary to some popular belief, I  
10       was not a trooper; I was a local police  
11       officer for a number of years. Did a lot of  
12       task forces with the State Police, which I  
13       guess is one reason why a lot of people  
14       thought I was a state trooper. I combined a  
15       number of large task forces.

16               My cousin was a senior  
17       investigator, Martin Hockey, in the State  
18       Police. And his son now, Michael Hockey, is a  
19       sergeant and runs a barracks in Western  
20       New York.

21               The only reason I mention that is I  
22       think it's important to my lifetime. I've had  
23       a number of law enforcement people that have  
24       been close to me; several who were killed.  
25       Myself, fortunately I was shot at but I was

1           able to avoid injury.

2                         But I think the thing we all have  
3           to understand is that -- and this chamber is  
4           very, very sympathetic to you. And, I want to  
5           tell you, Republicans and Democrats. Please  
6           understand that. You may hear debates here  
7           about law enforcement and all those sorts of  
8           things, but there is nobody in this chamber  
9           who doesn't feel that the job that you're  
10          doing is critically important. Whether it's  
11          in Western New York, Central New York,  
12          New York City, wherever it is, I know how the  
13          people of this chamber feel. So let's make  
14          that clear.

15                        This house has, I think, done more  
16          legislation to protect the average public than  
17          any house probably in the United States of  
18          America. But we have also done more  
19          legislation to protect law enforcement people,  
20          I am convinced, than any house in the United  
21          States of America.

22                        And well we should. Because what  
23          you have given -- and as I said in a letter  
24          that I think I sent to you, Trooper Baker, and  
25          to Trooper Longobardo's widow, it's not just

1 the troopers, it's their families. You're  
2 part of this whole thing.

3 The fight between good and evil --  
4 and I know this sounds a little strange, but  
5 it's true. This fight has been going on long  
6 before any of us were born here. And there  
7 are those that are willing to get out there  
8 and take the risks that are involved and the  
9 necessity of protecting not just the people of  
10 this chamber and their families but the people  
11 of this entire state.

12 I am proud to be in the same  
13 chamber with you. I'm proud not only to be  
14 with you, Trooper Baker, and your wife, but  
15 also the widow of Trooper Longobardo, who will  
16 not be forgotten. And when we have the  
17 memorial this year, well, certainly he will be  
18 some person who is put on the wall and so  
19 forth.

20 But more than that, the loss of  
21 troopers during this year will be part of our  
22 culture for as long as the people of this  
23 state feel so strongly about the necessity to  
24 protect our state.

25 And I can assure you that I

1 personally will do everything within my power  
2 to make sure that not only the State Police  
3 but all the law enforcement people in this  
4 state are protected. And before this session  
5 is over, we're going to move with a number of  
6 things to even make your life, we hope, better  
7 and to enhance the security of the law  
8 enforcement people of this state.

9 Thank you, and congratulations to  
10 all of you. As regrettable as it may be, what  
11 happened, you're a hero, and you'll continue  
12 to be heroes, both you, Trooper Baker,  
13 Mrs. Baker, and Mrs. Longobardo. As long as  
14 truth and justice survive, you'll be heroes.

15 THE PRESIDENT: Senator Young.

16 SENATOR YOUNG: Thank you.

17 I rise to, first of all, extend my  
18 deepest condolences to Teri Longobardo on the  
19 loss of your husband, and also to give my  
20 sincerest and deepest gratitude to Trooper  
21 Donald Baker.

22 Everyone across the state read  
23 about this past summer in the newspapers or  
24 watched it on television. In my district,  
25 that includes Chautauqua County, we lived it

1 every single day. We lived through the  
2 checkpoints. We lived through the lockdowns  
3 at the schools. We lived through knowing that  
4 there was someone on the loose who was  
5 extremely dangerous.

6 And our troopers went out every  
7 single day, and Trooper Baker and Trooper  
8 Longobardo went to work knowing that they were  
9 after a career-criminal thug, someone who had  
10 stolen an arsenal from a local gun shop,  
11 someone who was a violent cop-hater, someone  
12 who had already shot Trooper Sean Brown near  
13 Elmira, someone who they knew would harm them  
14 if he got the chance. And despite that  
15 dynamic, they still very bravely went to work  
16 every single day to protect the public,  
17 because they believed so strongly in what they  
18 were doing.

19 I have never seen in my life a more  
20 dedicated, committed, professional group of  
21 individuals than the state troopers while they  
22 conducted the largest manhunt in the history  
23 of New York State.

24 And it was very, very tough, and I  
25 know that my constituents felt so badly,

1 especially after the troopers were shot. We  
2 held fundraisers, benefits to raise money.  
3 Hundreds of people came because they wanted to  
4 show their appreciation for the sacrifices  
5 that you made.

6 So I just want to say to you, Teri  
7 Longobardo, Trooper Baker, how much we  
8 appreciate you. We hold you in the highest  
9 esteem. We salute you. And most of all, we  
10 thank you from the bottom of our hearts for  
11 protecting us.

12 THE PRESIDENT: Senator Winner.

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

15 I rise to echo Senator Young's  
16 remarks. As a representative of the Southern  
17 Tier, our districts were terrorized by the  
18 antics if not the horrific behavior and  
19 unacceptable treatment that was exhibited by  
20 Bucky Phillips to society in general and  
21 certainly to the State Police community as a  
22 whole.

23 That individual, you know, started  
24 his mayhem, obviously, after breaking out of  
25 the Erie County jail, but then committed that

1 horrible crime, attempted murder on Trooper  
2 Sean Brown in my area, coming on the heels of  
3 the horrific murder of Trooper Andy Sperr. We  
4 were horrified in our district that another  
5 assault and another attempted murder could be  
6 done on a New York State trooper.

7 There is no acceptable behavior  
8 that could even be attributed to an individual  
9 like that who draws the line in the sand  
10 between chaos and anarchy and law-abiding  
11 citizens and an assault on our law enforcement  
12 personnel.

13 And so when those dedicated  
14 troopers such as Trooper Baker came to protect  
15 us and came to apprehend that individual, I  
16 mean, they were the people that we -- we  
17 didn't know what to do except for, you know,  
18 embrace your efforts and look to you to be  
19 able to help us and be able to protect us.

20 Because our communities were  
21 terrorized by the behavior of this individual,  
22 who, despite the great efforts, was able to  
23 continue to elude law enforcement personnel  
24 and, you know, unbelievably in some quarters  
25 receive aid and encouragement from some

1 individuals, including the media, for his  
2 behavior.

3 And so under those circumstances,  
4 for you to be able to behave in the fashion  
5 and the professionalism that you did and still  
6 protect us and still be able to apprehend that  
7 individual and bring some peace and quiet to  
8 our neighborhoods and our communities and some  
9 effort to try to heal, well, I thank you from  
10 the bottom of my heart. And I know all of the  
11 residents of the State of New York thank you  
12 for your efforts.

13 And certainly our heart goes out to  
14 Teri Longobardo for the sacrifice that her  
15 family has endured. And to that extent, I can  
16 only say thank you again.

17 And thanks to all the members of  
18 the State Police for enduring what was just a  
19 horrendous 2006.

20 THE PRESIDENT: Senator Duane.

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

23 I want to associate myself  
24 particularly with Senator Volker's remarks and  
25 Senator Bruno's remarks and to say that our

1 appreciation for those officers who put their  
2 lives on the line every day for New Yorkers  
3 are perhaps the bravest people we have in this  
4 state. In fact, they are really among the  
5 only public servants that put their lives on  
6 the line every day for us.

7 And on behalf of our entire  
8 conference, our deepest sympathies go out to  
9 Teri Longobardo and her family and his family,  
10 and also recovery for Officer Baker and best  
11 wishes to his family. And our profound  
12 appreciation for the amazing work that has  
13 been done on behalf of all New Yorkers.

14 Thank you, Mr. President.

15 THE PRESIDENT: The question is  
16 on the resolution. All those in favor please  
17 indicate so by saying aye.

18 (Response of "Aye.")

19 THE PRESIDENT: Opposed, nay.

20 (No response.)

21 THE PRESIDENT: The resolution is  
22 adopted, Senator Bruno.

23 (Extended applause.)

24 THE PRESIDENT: Trooper Baker,  
25 you have just listened to six of the voices of

1 the New York State Senate, including Leader  
2 Bruno and Senator Farley, Senator Volker,  
3 Senator Young, Senator Winner and Senator  
4 Duane. And they in many respects echo the  
5 collective feelings of all of the Senators and  
6 the thoughts of our related staff and visitors  
7 to this chamber and the caring of residents of  
8 New York all around this state.

9 We appreciate not only your great  
10 effort but the effort that you and your  
11 colleagues always give thinking about others  
12 other than yourself and protecting and  
13 defending the rights of New Yorkers all around  
14 this state.

15 Senator Farley talked about the  
16 terrible afternoon, morning and afternoon of  
17 September 12th when, very close to here, we  
18 came to bury Trooper Longobardo. At that time  
19 it was very difficult to watch his family --  
20 his parents, his wife, Teri, also with an  
21 infant son -- and all those who came to share  
22 grief with each other and to try to find a way  
23 to aid this family.

24 If there was a silver lining around  
25 that dark cloud, it may have been the

1 collective and strong feeling that evoked from  
2 that room the prayer for Trooper Baker's  
3 recovery. I never thought that on that day in  
4 September that the trooper would be strong  
5 enough, resilient enough, and miraculously  
6 healthy enough to join us in this chamber.

7 We all salute the effort that you  
8 have waged. We all are happy that you and  
9 your family can be reunited. And we all mourn  
10 the passing of those who gave their lives in  
11 law enforcement in service to New Yorkers.  
12 Thank you for joining us here in the chamber  
13 today.

14 Senator Bruno.

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

17 I believe I have another resolution  
18 at the desk that had been previously passed,  
19 Resolution Number 263. I would ask at this  
20 time that it be read in its entirety and again  
21 move for its immediate adoption.

22 THE PRESIDENT: The Secretary  
23 will read.

24 THE SECRETARY: By Senators Bruno  
25 and Farley, Legislative Resolution Number 263,

1 recognizing February 9, 2007, as "Blue  
2 Friday."

3 "WHEREAS, The State of New York  
4 takes great pride in participating in  
5 significant days of recognition; and

6 "WHEREAS, Albany radio station WGNA  
7 has teamed up with the Capital District  
8 chapter of Concerns of Police Survivors, Inc.  
9 (COPS) in recognizing February 9, 2007, as  
10 'Blue Friday' in honor of police officers who  
11 have sacrificed their lives in the line of  
12 duty and those who are currently bravely  
13 serving communities across New York State; and

14 "WHEREAS, COPS, organized in 1984  
15 with approximately 110 members, has grown into  
16 a nationwide nonprofit organization with  
17 48 chapters throughout the United States and  
18 an affiliate in the United Kingdom. Its  
19 mission is to help rebuild the lives of  
20 survivors of law enforcement officers killed  
21 in the line of duty by serving as a  
22 clearinghouse for federal and state benefits  
23 information and resources that may be  
24 available to the surviving families; and

25 "WHEREAS, COPS also provides

1 training to law enforcement agencies on  
2 survivor victimization issues and educates the  
3 public of the need to support the law  
4 enforcement profession and its survivors; and

5 "WHEREAS, Each year between 140 and  
6 160 officers are killed in the line of duty,  
7 and their families and coworkers are left to  
8 cope with the tragic loss; and

9 "WHEREAS, Today COPS' membership --  
10 including spouses, children, parents,  
11 siblings, significant others and coworkers of  
12 officers killed in the line of duty --  
13 consists of more than 12,000 families; and

14 "WHEREAS, February 9th is a  
15 reminder to pay tribute to those in the law  
16 enforcement community who have made the  
17 ultimate sacrifice; and

18 "WHEREAS, On February 9, 2007, from  
19 6:00 a.m. to 10:00 a.m., COPS will be taking a  
20 Donation for a Carnation, selling blue  
21 carnations and special edition 'Blue Friday'  
22 T-shirts. All proceeds will go directly to  
23 COPS; and

24 "WHEREAS, The State of New York is  
25 eternally grateful for the service of its

1 brave men and women in law enforcement and  
2 applauds the efforts of COPS to assist the  
3 families of those who have made the ultimate  
4 sacrifice; now, therefore, be it

5 "RESOLVED, That this Legislative  
6 Body pause in its deliberations to recognize  
7 February 9, 2007, as 'Blue Friday' and to  
8 extend its heartfelt appreciation and  
9 admiration to its law enforcement officials;  
10 and be it further

11 "RESOLVED, That copies of this  
12 resolution, suitably engrossed, be transmitted  
13 to WGNA and COPS."

14 THE PRESIDENT: Senator Bruno.

15 SENATOR BRUNO: Thank you,  
16 Mr. President and colleagues.

17 We've just heard another resolution  
18 that relates to people in blue, officers like  
19 Trooper Baker, like Trooper Meltz that is here  
20 assisting him.

21 And when you think about what we're  
22 commemorating here, with COPS, a  
23 not-for-profit organization that helps the  
24 surviving families get reacclimated to life,  
25 the people that we're talking about -- and the

1 sad fact is there's 140 to 160 law enforcement  
2 people that are killed every year.

3 Now, all of us, when there's a  
4 commemoration, when names are added over at  
5 the monument here, hope and pray that there  
6 won't be another person. But that's what  
7 their lives are about, being prepared to make  
8 the ultimate sacrifice, as did Trooper  
9 Longobardo, as did Trooper Craig Todeschini  
10 out in the western part of the state just this  
11 past year.

12 And with COPS, there are a number  
13 of representatives that are here locally. And  
14 I know Station WGNA is here; they're going to  
15 be helping. DeNooyer Chevrolet is going to be  
16 helping. People like Pizzeria Uno. They're  
17 going to be raising money this Friday, these  
18 days, with blue carnations. Last year I think  
19 around here they raised about \$11,000.

20 But when you think about 12,000  
21 families throughout the United States that are  
22 being assisted -- and I just want to recognize  
23 here, the president of COPS is Albany Police  
24 Officer Pat Fox. And he's here with his  
25 chief, Chief Tuffey, that is here with our

1 very esteemed Mayor Jennings, of Albany, that  
2 hosts the Capitol and all of us here. And the  
3 vice president, Troy Police Officer Bob  
4 Fitzgerald.

5 And from radio station WGNA, Bob  
6 Ausfeld, regional VP; Buzz Brindle, program  
7 director; radio DJs Sean McMaster, Richie  
8 Phillips, and Casey Danton; Chris Sousis,  
9 manager; and Selena Dutcher, marketing  
10 director.

11 We really want to thank you for the  
12 extraordinary service that you perform on  
13 behalf of people locally and for all those  
14 throughout the United States, but especially  
15 reflecting on the service of people in blue.

16 All of us every minute should bear  
17 in mind that when we see people who are out  
18 there, they're out there prepared to literally  
19 put their life on the line, out of love for  
20 their neighbor and for others, each and every  
21 day. And unfortunately, too many of them get  
22 called to me that supreme sacrifice.

23 So, Mr. President, thank you, and  
24 colleagues, thank you. And to everyone in law  
25 enforcement, we thank you all, and God bless

1           you.

2                         THE PRESIDENT:        Senator Farley.

3                         SENATOR FARLEY:        Thank you,  
4           Mr. President.

5                         I also rise to speak to this  
6           resolution with Senator Bruno.

7                         In 2005, working with WGNA, we  
8           started this organization to honor fallen  
9           police officers. And this year it's taking on  
10          a broader scope to honor everybody that serves  
11          in the police business. And I think that's  
12          very significant.

13                        WGNA, the number-one radio station  
14          in this area, has really done a great job with  
15          this. And I'll be calling you --  
16          incidentally, I was going to introduce all of  
17          these guys up there. You can all wave.  
18          They're all up in the balcony. And I will be  
19          calling the station to try to promote this,  
20          because on Friday we're going to see what we  
21          can do to raise even more money than we did  
22          last year.

23                        And this is a great organization,  
24          but it honors every single police officer that  
25          serves, and especially those that have lost

1           their lives in the line of duty.

2                       It's my pleasure to support this  
3 resolution and to wish everybody on Friday to  
4 thank a police officer when you see him for  
5 his service.

6                       Thank you very much, Mr. President.

7                       THE PRESIDENT:       Senator Morahan,  
8 on the resolution.

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

11                      I rise to congratulate COPS for  
12 what they do for the families of police  
13 officers, in particular those who have been  
14 slain in the line of duty.

15                      It's particularly moving to me, in  
16 that my wife's father, a New York City police  
17 officer, in 1935, on Fifth Avenue in the  
18 Borough of New York, was killed in a holdup.  
19 My wife was 18 months old, her sister was just  
20 about 5, and her mother was in her late 20s.  
21 Her dad, who was slain, was only 29 years old,  
22 Patrolman James Killion.

23                      I met my wife when she was 15. And  
24 as we talked about our family background, she  
25 told me when she was a little kid her mother

1 received \$125 a month, and that was it, for  
2 the loss of their dad. There were no special  
3 programs. There were no special funds. The  
4 mother raised those two children by herself,  
5 as well as cared for her aging parents. She  
6 worked all her life.

7           It seems to me that had  
8 organizations like COPS and so many others  
9 that have started since -- in particular, the  
10 National Law Enforcement Association in  
11 Washington, D.C., of which my wife is a  
12 founding member -- and all of the other good  
13 organizations and benefits that now come into  
14 play, had they been available, maybe her life,  
15 my wife's -- her sister's and her mom's --  
16 would have been totally different.

17           She explained to me she had  
18 difficulty going through school, didn't  
19 know -- every time she had to write down her  
20 parents, to write down where it said "Father,"  
21 "deceased," she didn't know what it meant.  
22 And she didn't realize till years later how  
23 tough it was.

24           So I congratulate COPS for what  
25 they do. I congratulate all of our law

1 enforcement people for what they do to keep us  
2 safe.

3 And I commend all the families that  
4 stand behind our law enforcement community to  
5 give them support, and also for the anguish  
6 they face just about every day, knowing that  
7 their spouse, husband or wife, who go out to  
8 protect our community, may or may not come  
9 back. And those children of those officers  
10 who may or may not ever see their dad or know  
11 the love of a mother or father again.

12 So congratulations to COPS. I wish  
13 you all the best. I think this resolution  
14 recognizing your formation and all that you do  
15 is a tribute to you and a sentiment from this  
16 body.

17 Thank you, Mr. President.

18 THE PRESIDENT: This resolution  
19 was unanimously adopted on January 30th, but  
20 we thank Senator Bruno for bringing it back up  
21 at this particular time. So this resolution  
22 is already adopted.

23 We would therefore like to thank  
24 all of those associated with COPS for the  
25 appreciation day for all of those who serve in

1 the line of duty on February 9th, this coming  
2 Friday.

3 And we particularly thank Senator  
4 Morahan for his poignant remarks, which put  
5 this entire opportunity that we've shared this  
6 afternoon in perspective.

7 Senator Bruno.

8 SENATOR BRUNO: Mr. President,  
9 can we offer everyone in the chamber the  
10 opportunity to join in the resolution for  
11 Trooper Baker and for this resolution, if  
12 that's possible at this date.

13 And anyone that would like not to  
14 be on, would you please just privately  
15 approach the desk.

16 Thank you, Mr. President.

17 THE PRESIDENT: All the members'  
18 names will be listed on this resolution. Any  
19 of those who would decide not to be may report  
20 so at the desk.

21 This is a procedural matter; we've  
22 never had anyone indicate that in this type of  
23 situation.

24 The resolution is adopted.

25 Senator Bruno.

1                   SENATOR BRUNO:     And,  
2           Mr. President, I believe there is a resolution  
3           at the desk, Number 261, by Senator Golden. I  
4           would ask that its title be read. It's  
5           already been adopted.

6                   Thank you, Senator Golden.

7                   THE PRESIDENT:     The Secretary  
8           will read.

9                   THE SECRETARY:     By Senator  
10          Golden, Legislative Resolution Number 261,  
11          commemorating the 92nd anniversary of the Boy  
12          Scouts of America.

13                  THE PRESIDENT:     Senator Golden,  
14          on the resolution.

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

17                  We talked about men and women in  
18          uniform today that work hard across this state  
19          and some of them that have perished. Well,  
20          we're going to talk about another group of men  
21          and women in uniform.

22                  And many of these young men and  
23          women in uniform go on to be police officers,  
24          military leaders, CEOs of corporations,  
25          leaders in education and physics, the medical

1 world. And these are our young Boy Scouts and  
2 Girl Scouts of America, who have, for the past  
3 hundred years, been a part of the fabric of  
4 this great nation. This organization was  
5 started in 1910 and given a charter by  
6 Congress in 1916.

7 Scouting instills values in our  
8 citizens of tomorrow, and its goal is to  
9 create citizens that are physically, mentally,  
10 and emotionally fit. And the Scout Law states  
11 that a Scout is trustworthy, loyal, helpful,  
12 friendly, courteous, kind, obedient, cheerful,  
13 thrifty, brave, clean and reverent.

14 I have an 8-year-old who's a Cub  
15 Scout, and he can't wait to go on Monday  
16 nights.

17 And in this Boy Scout program that  
18 we have here in this great state and across  
19 this nation, there are almost one million  
20 young men and women, 543,000 adult volunteers,  
21 and over 50,000 teams or troops.

22 And this group here I'm about to  
23 introduce here, and what this legislation is  
24 all about, they not only work in this great  
25 state but they also accepted a Peace Light

1 from Israel, which we had here last year and  
2 again this year. And that Peace Light goes  
3 around the world. And this troop was the one  
4 that greeted it at Kennedy Airport and brought  
5 it to the State of New York.

6 And I'm proud here to point to  
7 these great individuals: a Cub Scout, Robert  
8 Papandrea; our Eagle Scouts, Peter Inga and  
9 Thomas Colasanto, and our Venturer, Caitlin  
10 Long, all belonging to the Troop Group 99 of  
11 St. Athanasius.

12 This is what our future is about.  
13 It's about getting involved with our youth and  
14 guiding them down a path that will be good for  
15 them and good for this great city and this  
16 great nation.

17 And I ask and open it up to all of  
18 my colleagues to make sure that they too can  
19 be part of this great resolution.

20 Thank you, Mr. President.

21 THE PRESIDENT: This resolution  
22 was unanimously adopted on Tuesday,  
23 January 30th.

24 And we will include all the names  
25 of Senators on the resolution unless otherwise

1 indicated by the members.

2 And we congratulate the Troop  
3 Group 99 and all concerned, and thank Senator  
4 Golden for his words and the resolution.

5 That completes the Resolution  
6 Calendar. And, Senator Skelos, what is your  
7 pleasure?

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

11 THE PRESIDENT: The Secretary  
12 will read the noncontroversial calendar.

13 THE SECRETARY: Calendar Number  
14 4, by Senator Padavan, Senate Print 84, an act  
15 to amend the Penal Law, in relation to the  
16 definition of the term "retail value."

17 THE PRESIDENT: Read the last  
18 section, please.

19 THE SECRETARY: Section 2. This  
20 act shall take effect on the first of  
21 November.

22 THE PRESIDENT: Call the roll.

23 (The Secretary called the roll.)

24 THE PRESIDENT: Results.

25 THE SECRETARY: Ayes, 54. Nays,

1           1. Senator Duane recorded in the negative.

2                   THE PRESIDENT:       The bill is  
3 passed.

4                   THE SECRETARY:       Calendar Number  
5 19, by Senator DeFrancisco, Senate Print 56,  
6 an act to amend the Penal Law, in relation to  
7 demonstrating.

8                   THE PRESIDENT:       Last section.

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

11                   THE PRESIDENT:       Call the roll.

12                   (The Secretary called the roll.)

13                   THE SECRETARY:       Ayes, 55.

14                   THE PRESIDENT:       The bill is  
15 passed.

16                   THE SECRETARY:       Calendar Number  
17 20, by Senator Padavan, Senate Print 69, an  
18 act to amend the Penal Law, in relation to  
19 seizure and forfeiture.

20                   THE PRESIDENT:       The Secretary  
21 will read the last section.

22                   THE SECRETARY:       Section 2. This  
23 act shall take effect on the first of  
24 November.

25                   THE PRESIDENT:       Call the roll.

1 (The Secretary called the roll.)  
2 THE PRESIDENT: Results.  
3 THE SECRETARY: Ayes, 55.  
4 THE PRESIDENT: The bill is  
5 passed.  
6 THE SECRETARY: Calendar Number  
7 24, by Senator Morahan, Senate Print 122, an  
8 act to amend the Penal Law and the Criminal  
9 Procedure Law, in relation to fixing  
10 sentences.  
11 THE PRESIDENT: Read the last  
12 section.  
13 THE SECRETARY: Section 8. This  
14 act shall take effect on the first of  
15 November.  
16 THE PRESIDENT: Call the roll.  
17 (The Secretary called the roll.)  
18 THE PRESIDENT: Results.  
19 THE SECRETARY: Those recorded in  
20 the negative on Calendar Number 24 are  
21 Senators Dilan, Duane, Hassell-Thompson,  
22 Montgomery, Parker and Perkins. Also Senator  
23 Huntley.  
24 Ayes, 48. Nays, 7.  
25 THE PRESIDENT: The bill is

1 passed.

2 THE SECRETARY: Calendar Number  
3 32, by Senator Young, Senate Print 378, an act  
4 to amend the Criminal Procedure Law, in  
5 relation to eligibility.

6 THE PRESIDENT: Last section.

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

10 THE PRESIDENT: Call the roll.

11 (The Secretary called the roll.)

12 THE PRESIDENT: The Secretary  
13 will announce the results.

14 THE SECRETARY: Those recorded in  
15 the negative on Calendar Number 32 are  
16 Senators Duane, Hassell-Thompson, Huntley,  
17 L. Krueger, Montgomery, Parker, Perkins,  
18 Schneiderman, and Stewart-Cousins.

19 Ayes, 46. Nays, 9.

20 THE PRESIDENT: The bill is  
21 passed.

22 That completes the noncontroversial  
23 reading of the calendar.

24 Senator Skelos.

25 SENATOR SKELOS: Mr. President,

1 is there any further business at the desk?

2 THE PRESIDENT: No, there is not.

3 SENATOR SKELOS: There being  
4 none, I move we stand adjourned until Tuesday,  
5 February 6th, at 10:00 a.m.

6 THE PRESIDENT: The Senate will  
7 adjourn until Tuesday, February 6th, at  
8 10:00 a.m., 10:00 a.m.

9 (Whereupon, at 3:57 p.m., the  
10 Senate adjourned.)

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