NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 27, 2007

3:04 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

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 please rise and recite with me the Pledge of Allegiance.

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

THE PRESIDENT: I would like to welcome for the first time to the chamber Reverend Carley Touchstone, who presides at the Glad Tidings Church in Rochester.

Welcome.

REVEREND TOUCHSTONE: Thank you.

Shall we pray.

Almighty God, we thank You for your creation. We thank You for allowing us to be custodians of the environment around us, to do the work of the people and to assume the responsibilities thereof.

Guide this awesome group of men and women as they serve You and serve the purposes of the State of New York. May they be empowered with wisdom beyond their age. May they be endowed with courage and strength to

do the work that they need to do on a daily basis.

We pray for You to reach into the families of each person, comfort and strengthen their relationships with each other, help them to grow stronger in their relationships.

And we pray back for the people to whom these people represent. Bless each locality, Lord, and may prosperity and goodwill come to all the corners of the State of New York.

And may Your presence rest upon this chamber today in a unique way as the business is done, for we pray it in the name of Jesus.

Amen.

THE PRESIDENT: Thank you, Reverend Touchstone.

The reading of the Journal.

THE SECRETARY: In Senate, Monday March 26, the Senate met pursuant to adjournment. The Journal of Sunday, March 25, was read and approved. On motion, Senate adjourned.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Griffo.

SENATOR GRIFFO: Mr. President, on page 17 I offer the following amendments to Calendar Number 309, Senate Print 2397, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Griffo.

SENATOR GRIFFO: Mr. President, on page 19 I offer the following amendments to Calendar Number 335, Print Number 2140, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Griffo.

SENATOR GRIFFO: Mr. President, on page 24 I offer the following amendments to Calendar Number 390, Senate Print Number 2695, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Wright.

SENATOR WRIGHT: Are there any substitutions at the desk? If we could please enter them now.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 24, Senator LaValle moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 6579 and substitute it for the identical Senate Bill Number 3689, Third Reading Calendar 387.

And on page 27, Senator Maltese moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 6621 and substitute it for the identical Senate Bill Number 3039, Third Reading Calendar 421.

THE PRESIDENT: Substitutions ordered.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

Could we adopt the Resolution Calendar, with the exception of Resolution Number 1135.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Senator Wright.

SENATOR WRIGHT: We're going to stand at ease for a few minutes.

THE PRESIDENT: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:11 p.m.)

(Whereupon, the Senate reconvened at 3:16 p.m.)

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

Could we return to reports of standing committees for the report of the Rules Committee, please.

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Restored, Senate Print 2102A, Senate Budget Bill, an act making appropriations for the legal requirements of the state debt service;

And reported, Senate Print 3945, by Senator Nozzolio, an act to amend Chapter 113 of the Laws of 2006, amending the Civil Service Law.

Both bills ordered direct to third reading.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: I move to accept the report of the Rules Committee.

THE PRESIDENT: All those in favor of accepting the report of the Rules Committee please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

Could we have some order in the chamber, please.

SENATOR WRIGHT: Thank you, Mr. President.

Could we return to motions and resolutions. And I ask that Resolution 1135, by Senator Volker, be read in its entirety, please.

THE PRESIDENT: Motions and resolutions.

The Secretary will read.

THE SECRETARY: By Senator Volker, Legislative Resolution Number 1135, commemorating the 90th anniversary of Lions Clubs International and April 21, 2007, as New York State Lions "Walk for Sight" Day.

"WHEREAS, It is the sense of this Legislative Body to pay tribute to those renowned organizations which devote their energy, resources and thoughtful care to improving the quality of life in their communities; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the sense of

this Legislative Body to commemorate the 90th Anniversary of Lions Clubs International and April 21, 2007, as New York State Lions 'Walk for Sight' Day; and

"WHEREAS, The New York State Lions Club members are to be commended as they begin to celebrate the International Association of Lions Clubs' 90th anniversary with a statewide 'Walk for Sight' to benefit their Sight First II program, on Saturday, April 21, 2007. On this special day, Lions Clubs from Goat Island in Niagara Falls across New York State to Long Island will participate in this first ever statewide walk; and

"WHEREAS, Lions Clubs International, established in 1917, is the largest service organization in the world, with over 1.3 million men and women in over 45,000 clubs in 200 countries and geographic areas that conduct vision and health screenings, build parks, support eye hospitals, award scholarships, assist youth, provide help in time of natural and unnatural disaster, and much more; and

"WHEREAS, Lions Club members have

answered the call for unselfish service with the motto 'We Serve' and the association's main tenet, 'No club shall hold out the financial betterment of its members as its object'; and

"WHEREAS, There are 17,000 Lions Club members in over 600 Lions Clubs throughout 12 districts of New York State that work together to answer the needs that challenge their local communities, the State of New York, and around the world; and

"WHEREAS, In 1925, Helen Keller addressed the Lions International Convention in Cedar Point, Ohio. She challenged Lions to become 'knights of the blind in the crusade against darkness.' From this time, Lions Clubs have been actively involved in service to the blind and visually impaired; and

"WHEREAS, For 90 years, Lions have provided eyeglasses, exams and surgery for those in need in their communities. They have incorporated the Lions Quest program in local schools to educate students on avoiding drugs and alcohol and started LEO Clubs giving the opportunity for young adults to volunteer and

give back to their communities. Lions have been the leader in battling diabetes and assisting those with diabetes; and

"WHEREAS, Lions have saved the sight of 24 million people worldwide through their SightFirst program. It is the first ever initiative to combat childhood blindness in partnership with the World Health Organization, which was established in 1991 and restored sight to 7 million people by providing cataract surgeries; and

"WHEREAS, 80 million people received treatment for river blindness, improved eye care services for hundreds of millions, built or expanded 258 eye hospitals and clinics, upgraded 300 eye centers with equipment and trained 68,000 ophthalmologists, ophthalmic nurses and other professional eye-care workers; and

"WHEREAS, With the benefits of the world senior population living longer, the world's blind population could increase from 37 million to 74 million by 2020, and 80 percent of the blindness is reversible or could have been prevented. Millions of

children are blind, and a child goes blind every minute; and

"WHEREAS, It is the sense of this Legislative Body that when organizations of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of the great State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 90th Anniversary of Lions Clubs International, and April 21, 2007, as New York State Lions 'Walk for Sight'; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Lions Club International."

THE PRESIDENT: Senator Volker, on the resolution.

SENATOR VOLKER: Mr. President, we are honored today to have a group of 12 district governors of the Lions Club International Multiple District 20 in the front of the chamber here, to the right.

These people come from all across the state, including Kimberly Stribing, who is a personal friend of mine, who is I guess the first woman Lion Club leader, governor in my region. Although there are a number of women Lion governors now -- which in the old days wouldn't happen, but it does happen now, and it happens all over the state.

And what I would like to do is say that you heard the resolution. In case you don't realize how much the Lions Club of America and of this country have done to help sighted and unsighted people, I call them -- people who don't have sight -- they have worked tirelessly over the years to help people to get what they need for purposes of sight and also for all sorts of general benefit programs all over this nation and in particular, of course, in this state.

And what I'd like to do is read the names of the 12 district governors who, as I say, come from actually all over the state: Kimberly A. Stribing, Rena Haigh, Charles P. Wallace, Joyce Maier, Nilsa Caiano Moreno, Andrew "Andy" Umreiko, Dr. Steven Tremaroli,

JoAnn V. Rodgers, H. Dick Dingman, Joseph "Jace" Tuccio, James Overby, Oswald "Ozzie" Torres, and Tony Cuteri.

And I'd like to say that I'm proud to be able to be a part of this resolution, and my colleagues who have taken pictures with them and spoken with them.

We're proud to have you here, and we're proud to say that you're citizens of this great state.

Thank you.

(Applause.)

THE PRESIDENT: The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution carries.

On behalf of Senator Bruno and all in the chamber, and Senator Volker, who sponsored this resolution, we thank all those from the Lions Club who marched for the "Walk for Sight" for being in the chamber today.

Welcome.

Senator Volker.

SENATOR VOLKER: This resolution, as is traditional, is open to anyone who wishes to be a sponsor, unless they would prefer not to be and they notify the desk.

THE PRESIDENT: The resolution will be open to all members all. Those not wishing to be on the resolution can indicate so at the desk.

By the way, if I was not legally blind, I might have seen all the children from Bellmore who are here, along with their principal, Christie Augusto, from the Shore Elementary School in Bellmore. But since I couldn't see them from here, I could not have broken the rules by introducing them.

Senator Wright.

SENATOR WRIGHT: Thank you for your adherence to the rules, Mr. President.

May we please have the noncontroversial reading of the calendar.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Mr.

President, first of all, I want to thank you. Because I know the rules that you can't stand up on the floor and introduce guests that are here.

So if it was the rules -- but it's not the rules -- we would recognize the kids from Shore Road Elementary School. They spent the day here, one bus got stuck in the mud back at the school, took them over three hours' delay, but they made the journey.

And if I was able to welcome them, Mr. President, I would say welcome to Albany and thank you very much for coming here today.

Thank you, Mr. President.

(Applause.)

THE PRESIDENT: Senator Wright, are you a witness to what he just did?

(Laughter.)

SENATOR WRIGHT: I am, Mr. President. And I would like to proceed with the reading of the noncontroversial calendar, as much as I too love children and welcome them to the Senate chambers.

THE PRESIDENT: Well, if there any children in the chamber they can listen

now, along with the adults, as the Secretary will conduct the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 87, by Senator Maziarz, Senate Print 1628, an act to amend the Labor Law, in relation to state apprenticeship.

THE PRESIDENT: Last section.

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

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 56. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 230, by Senator Farley, Senate Print 2745, an act to amend the Banking Law, in relation to requirement.

THE PRESIDENT: The Secretary will read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the first of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 255, by Senator Larkin, Senate Print 540, an act to amend the Agriculture and Markets Law, in relation to establishing the Whitetail Deer Mitigation Task Force.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Serrano.

SENATOR SERRANO: Yes, to explain my vote, Mr. President.

THE PRESIDENT: Senator Serrano, to explain his vote.

SENATOR SERRANO: I expressed concern last year at this bill. This task

force, I fear, will just become another excuse for broadening hunting throughout the State of New York.

I think the real concern should be over development in our great state and how that is taking away from the natural beauty and the natural wonders of this state and actually invading upon much of the natural habitat of these whitetail deer.

And I think it's important that we look at preserving their natural habitat and that will, in turn, keep them off of our roadways and keep them away from our backyards.

So I think that this is really the wrong way to go. We all know about the dangers of hunting. And I don't think that's the way that we solve this problem. I think the best way that we solve it is by preserving the natural habitats of these deer.

I'll be voting no.

THE PRESIDENT: Senator Serrano will be recorded in the negative.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Mr. President, to explain my vote.

We can do both, preserving habitat, open space, proper development and all the rest of that. But we should also preserve and protect the heritage of this state and of this country, which is in hunting, hunting properly with families, appropriate sport. It's a good, clean sport that provides families and children to get together and go out and enjoy themselves.

This is a long-standing tradition in this country that this bill would help enhance. So I vote aye and urge everyone else to vote aye as well.

THE PRESIDENT: Senator Marcellino will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 56. Nays, 1. Senator Serrano recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

276, by Senator Golden, Senate Print 1569, an act to amend Chapter 929 of the Laws of 1986 amending the Tax Law and others.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 299, restored to the calendar earlier today, Senate Budget Bill, Senate Print 2102A, an act making appropriations for the legal requirements.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

320, by Senator DeFrancisco, Senate Print 1826, an act to amend the Civil Rights Law, in relation to confidentiality.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 321, by Senator Rath, Senate Print 1868, an act to amend the Penal Law, in relation to repeat offender status.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The Secretary is recording the negatives and will announce the

results.

THE SECRETARY: Those recorded in the negative on Calendar Number 321 are Senators Duane, Montgomery and Parker.

Ayes, 54. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 323, by Senator Farley, Senate Print 2744, an act to amend the Penal Law, in relation to increasing the penalty.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 323 are Senators Duane, Montgomery and Parker.

Ayes, 55. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

330, by Senator Robach, Senate Print 3145, an act to amend the Penal Law, in relation to criminally using drug paraphernalia.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 334, by Senator Saland, Senate Print 1087, an act to amend the Family Court Act, the Penal Law and the Criminal Procedure Law, in relation to including.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 370, by Senator LaValle, Senate Print 1568, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 6 of Article 5 of the Constitution.

THE PRESIDENT: The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The resolution is adopted.

THE SECRETARY: Calendar Number 371, by Senator Hannon, Senate Print 1659, an act to amend the Lien Law, in relation to allowing service.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 387, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 6579, an act to amend the Social Services Law and Chapter 160 of the Laws of 2003.

THE PRESIDENT: The Secretary will read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 406, by Senator Golden, Senate Print 3684, an act to amend the Penal Law, in relation to vulnerable elderly persons.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Golden, to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

As we've seen those children that were up there today looking down at this conference, we have legislation in this great state that would charge anybody that would assault a child with a D felony.

And I've found it somewhat troubling when we see the assaults on our elderly going up across this nation. And only this past Monday where we see the assault of an 89-year-old individual in St. Louis -- who was about to celebrate his 90th birthday and his 60th wedding anniversary -- assaulted, beaten, robbed while he was collecting cans for charity and he's taking care of his Alzheimered wife.

And here in New York last week we

see Rose Morat, 101 years of age, punched in the face three times, shots to the face that would have knocked a grown man as myself or anybody in this chamber to the floor. And as she went to reach for her pocketbook to try to get her pocketbook back, he turned and he rapped her again, and he knocked her to the floor. That was an obvious robbery, an obvious assault on a senior.

And then he went a half hour later and he assaulted Mrs. Elizee and robbed her, an 85-year-old woman.

Now, had he not taken anything from Rose or Mrs. Elizee and not robbed that individual and had just hit her and he didn't cause serious physical injury, there would be no Assault 2. And therefore it would be an A misdemeanor and that individual would serve less than a year in jail.

We pass legislation here today, ladies and gentlemen, that would guarantee that an individual that strikes a senior like he struck Rose Morat, that he would go to jail for a D or an E felony for striking that senior. Because that senior is as vulnerable

and it is as life-threatening to hit that individual senior as for that senior to break a hip. That would be a life-threatening break for that individual. That is as vulnerable as those children that were up there today looking down at us.

This legislation will stop the assaults on our seniors here in this great state, of which we have 3 million seniors today. That will grow to 5.5 million seniors over the next 10 to 12 years. And, you know, it's a shocking statistic that only one in 14 of these crimes are actually reported. Rape, robbery, assault -- one in 14 is reported.

Legislation like this is long overdue in this state. And I thank my colleagues for voting for this bill tonight. And I'm hoping that the Assembly will do the same, that it too will vote for this legislation and pass this into law.

There are between 1 million and 2 million seniors that have been assaulted, beaten, robbed and hurt in this great nation. We have to put an end to it, and this state will lead with this legislation. And

hopefully other states across this great nation will do the same thing.

So this bill -- some call it the "Granny Bill." But this bill is for Rose Morat, for Mrs. Elizee, for Mr. Richert from St. Louis, and for all of those seniors that are assaulted and beaten here in this great state.

I vote yes, and I thank my colleagues for voting yes as well.

Thank you, Mr. President.

THE PRESIDENT: Senator Golden will be recorded in the affirmative.

Senator Maltese, to explain his vote.

SENATOR MALTESE: Mr. President, I commend Senator Golden for this legislation. And I feel impelled to make a statement explaining my vote.

I was involved in law enforcement as a district attorney in Queens County and deputy chief of the homicide bureau, and I saw a lot of terrible things and worked on a number of heinous crimes. Thank God these two spunky ladies survived this vicious attack.

But talking to both of them this past weekend and honoring them, you couldn't but hold back your own emotions. You wouldn't be a human being and be able to not be affected by these two ladies.

Rose Morat, the 101-year-old who said that 15 years ago he would have had quite a tussle, speaking about this person, this reprehensible human being that, after taking the $33 from Rose Morat, who was using a walker at the time, attempting to go through her own hallway on her way to church, struck her again, knocking her down.

How terrible a commentary on this one person. I, unlike some others, say this is not a commentary on society. This is one terrible human being that doesn't deserve the title of human being.

And then a half an hour later, going on to Solange Elizee, who also I spoke to this weekend and met with and honored. Solange told me with tears in her eyes that he took her wedding ring, and her husband is now deceased. And she said as he tried to take her other ring off her finger, she attempted

to tell him that this had been given to her by her son, who is now deceased, on his deathbed, and she was trying to appeal to whatever is good left in this man.

And obviously there was nothing left in this person, because he went ahead, in addition to taking the paltry $32 from her, receiving less than $70 on the two crimes and taking not only her wedding ring but her only remembrance of her passed-away son.

Ray Kelly, in the Police Department, has circulated this video to all the members of the New York State Police Department. We're hoping it gets publicity throughout the country as a reminder that our senior citizen citizens are vulnerable.

This legislation specifies that it's for our vulnerable elderly and protects them by increasing the penalty.

Mr. President, I vote aye in homage to these two brave ladies, who fortunately and thank God survived these vicious attacks.

THE PRESIDENT: Thank you, Senator Maltese.

Senator Maltese will be recorded in

the affirmative.

To explain his vote, Senator Adams.

SENATOR ADAMS: Mr. President, I too rise in support of this bill, and I thank Senator Golden. He continues to show why ex-law enforcement officers make great state legislators.

This bill clearly shows how we must play a major role in protecting two of the most what I call the extreme ends of vulnerability in our society; one, our young people -- and some of the bills we've passed do that -- but we have ignored our seniors and some of the individuals who prey and actually target our seniors.

I am hoping -- as soon as I heard that Senator Golden introduced this bill, I too sent a letter off to the district attorneys so they can institute a policy within the local municipalities that they will not allow any plea bargaining.

Because often we will pass great laws here, and by the time it reaches our local prosecutors, they will allow the laws we pass to be pled down. And people who prey on

our elders and our seniors, they're able to plea for a lesser charge.

When you strike a senior or an elder in the manner that we saw in the video, it's a clear indication that this person or anyone who attacks our elderly community has little or no respect for the residents of the state at large.

So I too want to stand in support of this bill, and I vote aye to the bill.

Thank you.

THE PRESIDENT: Senator Adams will be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

We have recently seen on every TV channel the vicious and brutal and senseless attack suffered by Rose Morat, a Queens resident. Ms. Morat, as it has been said before, is a 101-year-old lady, but that did not prevent her from being mugged, robbed, and physically attacked.

Thank God that she survived that brutal attack. But the savage who committed

such attacks is still on the loose. Ms. Rose Morat was on her way to church when this happened to her, and the same criminal who attacked her attacked another 85-year-old woman just a half hour later.

Today I'm here because I am the minority ranking member in the Senate Aging Committee. And to see this piece of legislation and to see what it does, I have to stand up and congratulate Senator Golden. I have to stand up and say that this is something that every single elected official should support.

I'm here asking every one of you, every one of my colleagues to support this piece of legislation to send a message, to send a message to those criminals out there that you cannot abuse, you cannot take a senior citizen, the most precious citizens in our community, abuse them and get away with it.

So, Senator Golden, I'm here to support that bill and to tell you thank you, thank you very much for your courage and for your dedication and your support of senior

citizens.

I'm also, from this floor, I'm sending an SOS to the other chamber. I'm asking my fellow members in the Assembly to take this bill as their own and to pass this bill.

It's about time that we send a strong message. Everybody, everyone, every elected official should be voting for this bill. Democrat, Republican, independent, whatever it is, everybody should be voting for this bill. And this bill should go to the Governor's office as soon as possible and be signed into law.

And the police officers should make everything possible so that this guy, the person who assaulted Ms. Morat, be caught and be brought to justice.

So, ladies and gentlemen, I'm proud to support a bill like this, for our senior citizen, for the protection of our senior citizens.

Again, Senator Golden, you are a good president -- a good chairman of the Aging Committee. The aging community has a good

supporter in you. And don't forget, you, when you go into heaven, don't forget me. Okay?

(Laughter.)

SENATOR DIAZ: Thank you very much. I'm voting yes.

THE PRESIDENT: Senator Diaz will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 421, substituted earlier today by Member of the Assembly Silver, Assembly Print Number 6621, an act to amend the Executive Law and the Surrogate's Court Procedure Act.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 435, by Senator Nozzolio, Senate Print 3945, an act to amend Chapter 113 of the Laws of 2006, amending the Civil Service Law and others.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, I rise to support this legislation and to mention that the debate on the bill ago where we as a body said that we will not tolerate violence in this state, particularly the thug violence perpetrated on our seniors, that after this proposal becomes enacted and that the prosecutors seek out those who have

committed this crime and prosecute them to the fullest, those perpetrators of the crime of violence against seniors will be sent to one of our state's correctional facilities.

And in those facilities the brave men and women who are entrusted with the custody of the most violent in society walk clearly the toughest law enforcement beat in America. These brave men and women who act as corrections officers deserve the greatest respect of this Legislature.

A few years ago the Senate recognized the importance and led the way so that those who were in the profession of correction officer had the same type of collective bargaining rights as other law enforcement officials. And under the Taylor Law, binding arbitration was established for our correctional personnel across our state facilities.

This legislation that is now at the desk and is now under your consideration is a technical cleanup of the arbitration award that this Senate put in place a few months ago. It's a technical cleanup, it establishes

equity for our correctional personnel and, in so doing, enhances their pay according to the arbitrator's award.

It's well deserved. It's a very, very difficult beat. That thug that Senator Golden talked about in attacking the senior is the same thug that's placed in our correctional facilities when those laws are prosecuted to the fullest. And it's those men and women that work in our correctional facilities that deserve our respect and our support.

And that's why this legislation is before us, Mr. President, and that is why I support it and urge its passage.

THE PRESIDENT: Senator Nozzolio will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

That completes the calendar for today, Senator Wright.

SENATOR WRIGHT: Is there any

other business at the desk?

THE PRESIDENT: No, sir.

SENATOR WRIGHT: I'd like to announce that there will be a Majority conference in the Majority Conference Room immediately following the adjournment of session.

There being no further business, I move we adjourn until Wednesday, March 28th, at 11:00 a.m.

THE PRESIDENT: There will be an immediate meeting of the Senate Majority in the Senate Majority Conference Room, Room 332.

The Senate stands adjourned until tomorrow, March 28th, at 11:00 a.m. Senate is adjourned.

(Whereupon, at 3:49 p.m., the Senate adjourned.)