NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

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1:34 p.m.

REGULAR SESSION

SENATOR THOMAS P. MORAHAN, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MORAHAN: The Senate will come to order.

And 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.)

ACTING PRESIDENT MORAHAN: The invocation today will be given by the Reverend Teddy R. Herron, pastor, Glen Baptist Church, Watkins Glen.

Pastor.

REVEREND HERRON: Shall we pray.

Father, I thank You for these men and women who give of their time and talent to benefit the citizenry of our state. I pray that You might give them wisdom, I pray that You might give them safety.

Father, unite them. We know these are stressful times. We know that they're tired, and events are unfolding that are unusual. Father, we pray for Your grace to be upon them. We pray for discernment and discretion.

Father, we thank You again for the privilege we have of beginning this session in prayer, with Your watchful care. Father, I thank You that You are a friend that sticks closer than a brother.

Encourage these men and women to do that which is right, and let them give an account before You, having done their best.

We ask these things in the precious name of my precious savior, Jesus Christ. Amen.

ACTING PRESIDENT MORAHAN: Thank you, Reverend.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 31, the Senate met pursuant to adjournment. The Journal of Sunday, March 30, was read and approved. On motion, Senate adjourned.

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

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 Skelos.

SENATOR SKELOS: Mr. President, I believe there are two substitutions at the desk, if we could make them at this time.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: On page 37, Senator Golden moves to discharge, from the Committee on Cities, Assembly Bill Number 10105 and substitute it for the identical Senate Bill Number 6957, Third Reading Calendar 625.

And on page 38, Senator Padavan moves to discharge, from the Committee on Codes, Assembly Bill Number 6011D and substitute it for the identical Senate Bill Number 4209B, Third Reading Calendar 642.

ACTING PRESIDENT MORAHAN: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar at this time.

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

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed say nay.

(No response.)

ACTING PRESIDENT MORAHAN: The Resolution Calendar is adopted.

Senator Skelos.

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

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 524, by Senator DeFrancisco, Senate Print 6952, an act to amend the Highway Law, in relation to designating a portion of State Route 174.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, to explain your vote.

SENATOR DeFRANCISCO: Yes, Mr. President, I vote aye. And I thank all the members of the Senate for unanimously passing this bill.

Father Joseph Champlin died in January of 2008. In Central New York he was truly a giant, a truly holy man who did everything he could for everybody other than himself.

He started a society called the Guardian Angel Society to help inner city kids to obtain a Catholic education at Catholic schools, and that still lives on after his death. He's written over fifty books, Father Champlin had, and other millions of pages of materials that he produced, and all of them always had an inspirational message.

I've attended many wedding

ceremonies for family members that Father Champlin presided over, and he truly was a holy man. You could -- he just inspired everybody that he was near at all times.

He also had these radio spots -- all I could think of is like Bishop Fulton J. Sheen when I was growing up. And his line was, Father Champlin, was: "You may have tried everything else, why not try God." And he meant what he said.

And this is just a small tribute to him and to all the people he was able to touch and help, by passing this bill to name a portion of the highway in my community in his honor.

So again, thank all of you for unanimously passing this important bill in honor of a great man.

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, thank you. You will be recorded as voting in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 41. Nays, 0.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 551, by Senator Nozzolio, Senate Print 4806, an act to amend the Penal Law, in relation to inciting to riot.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 40. Nays, 2. Senators Duane and Perkins recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 568, by Senator Rath, Senate Print 5194A, an act to amend the General Business Law, in relation to safe transfer.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the earliest of either the 30th day after regulations or when it shall have become law.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 569, by Senator Nozzolio, Senate Print 5919, an act to amend the Agriculture and Markets Law, in relation to certain claims.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 570, by Senator Padavan, Senate Print 5920, an act to amend the Agriculture and Markets Law, in relation to licensing of establishments.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 42. Nays, 1. Senator Sampson recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 596, by Senator Young, Senate Print 5995A, an act to authorize the conveyance of certain

state lands.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 598, by Senator Skelos, Senate Print 7115, an act to amend the Real Property Tax Law, in relation to allowing certain special assessing units.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 599, by Senator Skelos, Senate Print 7116, an act to amend the Real Property Tax Law, in relation to adjusted base proportions.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 613, by Senator Seward, Senate Print 2071, an act to amend the Insurance Law, in relation to annuity contracts.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 618, by Senator Saland, Senate Print 2827, an act to amend the Agriculture and Markets Law, in relation to promotion and marketing.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 619, by Senator DeFrancisco, Senate Print 6466, an act to amend the Agriculture and Markets Law, in relation to prohibition of animal fighting.

SENATOR DIAZ: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 625, substituted earlier today by Member of the Assembly Rosenthal, Assembly Print Number 10105, an act to permit the City Center of Music and Drama, Inc.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 627, by Senator DeFrancisco, Senate Print 99, an act to amend the Penal Law, in relation to the crime of aggravated harassment.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 50. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 630, by Senator Alesi, Senate Print 278, an act to amend the Penal Law, in relation to

establishing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 635, by Senator DeFrancisco, Senate Print 2739, an act to amend the Penal Law, in relation to establishing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 639, by Senator Volker, Senate Print 3877, an act to amend the Penal Law, in relation to refusing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 639 are Senators Duane, Montgomery, Perkins and Schneiderman.

Ayes, 49. Nays, 4.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 642, substituted earlier today by Member of the Assembly Pretlow, Assembly Print Number 6011D, an act to amend the Penal Law, in relation to assaults.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Senator Hassell-Thompson, to explain your vote.

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

This is a bill that has been long in coming. I want to thank Senator Padavan for bringing this bill forward.

There's a young city enforcement officer who had come to me about a year or so ago, concerned about his safety and that of

others like him, and he said that he had been trying to get this bill passed for quite a while and had not been successful. And he said that he was going to retire early because he didn't feel that even though the job was a good job and he liked it, and he enjoyed working for the people of the City of Mt. Vernon, he did not feel that anybody cared about his safety.

And so he was the one who had brought this to the attention of Assemblyman Pretlow some time ago, and he thought that somehow the people of New York State had begun to forget about little people and working people.

So, Senator Padavan, I want to thank you for putting this bill forward.

And I encourage and appreciate the support of my colleagues to get this passed on behalf of Donald, who is somebody who really does care about the job that he does, and he does it with dignity and respect.

And I thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Announce the results.

THE SECRETARY: Ayes, 53. Nays, 0.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 656, by Senator Montgomery, Senate Print 3153, an act to amend the Family Court Act and the Social Services Law, in relation to removing special powers.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MORAHAN: The bill is passed.

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

SENATOR SKELOS: Thank you,

Mr. President. If we could go to the controversial reading.

ACTING PRESIDENT MORAHAN: The Secretary will ring the bells.

The Secretary will read.

THE SECRETARY: Calendar Number 619, by Senator DeFrancisco, Senate Print 6466, an act to amend the Agriculture and Markets Law.

SENATOR DIAZ: Explanation.

ACTING PRESIDENT MORAHAN: Senator Diaz, are you asking for an explanation?

SENATOR DIAZ: Yes, sir.

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, an explanation has been requested.

SENATOR DeFRANCISCO: Yes.

Existing law makes it a Class A misdemeanor for someone, as a spectator, having placed an admission fee or having wagered on an animal fight in an exhibition. That was a Class A misdemeanor.

What this bill does, it takes out the requirement that the person to be charged

with this crime had to pay an admission fee or, on the other hand, had to wager.

So if you're a spectator at an exhibition of animal fighting or animals and fighting in a planned exhibition, you can be charged with a Class A misdemeanor.

Assemblyman Kavanagh has the bill in the Assembly, and it just was reported from the Assembly Agricultural Committee to the Codes Committee.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Diaz.

SENATOR DIAZ: Mr. President, will the sponsor yield for a question or two, please?

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, will you yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MORAHAN: Senator DeFrancisco yields.

SENATOR DIAZ: Senator DeFrancisco, have you ever been in Puerto Rico or any country in Latin America?

SENATOR DeFRANCISCO: I have been

to Puerto Rico. Yes, I have.

SENATOR DIAZ: Through you --

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, will you continue to yield?

SENATOR DeFRANCISCO: Yes.

SENATOR DIAZ: While you were in Puerto Rico, did you ever learn or anybody told you about the culture in Puerto Rico?

SENATOR DeFRANCISCO: Well, in general terms, I saw some of the culture in Puerto Rico. I didn't need an explanation.

SENATOR DIAZ: Will you --

ACTING PRESIDENT MORAHAN: Senator Diaz, you wish him to continue to yield?

SENATOR DIAZ: Yes, Mr. President, will the sponsor yield?

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MORAHAN: Senator DeFrancisco yields.

SENATOR DIAZ: Senator DeFrancisco, I'm Puerto Rican, born and raised

in Puerto Rico. And in my country there are two major cultural sports, horse racing and cockfighting. And to us, that is part of our culture and part of our life.

Now, here in New York, sometimes we do Puerto Rican tradition and we do shows of Puerto Rican culture. So that means that you -- if in one of those exhibitions that we are trying to show our culture, they have the cockfighting and some people are there watching, they could get arrested and subject to a fine, a misdemeanor?

SENATOR DeFRANCISCO: Senator, I thought, rather than Puerto Rican, you were a member of the New York State Senate. And we're here making laws for the New York State Senate and for the State of New York.

And so whatever the cultural background is for whomever is here from whatever other country, they're bound by the laws of the State of New York.

And I believe that animal fighting should not be conducted and people, whether they're wagering or paying admission, by their mere presence in being a spectator at an

exhibition are encouraging this kind of activity. And in my judgment -- maybe not yours -- but in my judgment, I don't think that should be permitted in the State of New York.

SENATOR DIAZ: Mr. President, through you, will the sponsor continue to yield?

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, will you continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR DIAZ: Senator DeFrancisco, yes, I am a member of the Senate. And I am Puerto Rican.

I would not question any one of my fellow members here who happens to be a Jew, who happens to be African-American, who happens to be whatever. When those things that we do in the State of New York affect or might affect one of their cultures, we don't question. We don't tell them, "You are part of the State Senate."

Yes, I'm a member of the State Senate, but I'm a Puerto Rican first. And as a Puerto Rican, I'm telling you that we have thousands and thousands and thousands if not millions of Puerto Ricans here, and Hispanic people, here in New York State. And as a Hispanic, as Puerto Rican, I have to watch -- even though I'm a member of the Senate, I have to watch that those people are protected too, and to tell them that if they are watching one of those cockfights in a traditional cultural thing, they might be arrested and charged as a misdemeanor.

It is wrong. Even though, even though animal fighting would be wrong, but it is wrong to take people and to charge people with a misdemeanor and make people criminals, make people criminals and ruin people's records just because they are watching a cultural affair or something, they are watching a show of a culture in another country.

I would not do that to any other country here, because there are things in this state for other people's countries that I

don't -- that I don't appreciate. And they might be wrong.

But that's what I want to say. And, Mr. President, I think that this is wrong, even though we have to try to protect animals, but to tell people, to tell people that if you are watching --

ACTING PRESIDENT MORAHAN: Senator Diaz, is there a question?

SENATOR DIAZ: On the bill.

ACTING PRESIDENT MORAHAN: On the bill. Thank you, sir.

SENATOR DIAZ: Mr. President, I understand that we have to protect animals and whatever. But to tell people, to make people criminals and to ruin people's records -- not only Hispanics, any other tourist might be watching one of those traditional cultural affairs that we do throughout the years. And to tell them that you are going to be arrested and you're going to be charged with a misdemeanor because you are watching how cultural -- how people in other countries act, that is wrong. I think that is unfair. And I think that this bill should be voted down.

So thank you, Mr. President.

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

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

The bill that Senator DeFrancisco is amending the law was one that I adopted a number of years ago. And I applaud him for doing it, because it is an improvement on what we already have.

The fact remains, Senator Diaz, animal fighting in the State of New York -- and indeed, as far as I know, most states, if not all the states in this country -- is illegal. And it is illegal for many reasons. Whether it's dogs, whether it's birds, or whatever the case may be.

What a message it sends to our society that we find pleasure in seeing animals -- I haven't finished, Senator. I'll yield when I get down. So sit down and kind of relax.

ACTING PRESIDENT MORAHAN:

Senator Diaz -- Senator Diaz, Senator Padavan does not yield at this time.

SENATOR DIAZ: Please, Mr. President, please --

ACTING PRESIDENT MORAHAN: Senator Padavan has the floor.

SENATOR DIAZ: I think he's out of order. You have to tell me to sit down, not him. You have to tell me to sit down. He's out of order.

ACTING PRESIDENT MORAHAN: Okay, sit down.

(Laughter.)

SENATOR DIAZ: Okay, thank you, sir.

(Laughter.)

ACTING PRESIDENT MORAHAN: Senator Padavan, will you continue.

SENATOR PADAVAN: Thank you.

I was starting to say that in my view it's a terrible message to give our young people -- society in general -- that it's fun, that it's sport, that it's something that is desirable to watch animals kill each other. And that's basically what cockfighting is all

about, watching those birds get in that arena and kill each other.

We all have cultures. And if you want to go far back in my culture as an Italian, we had events in the Coliseum where we put people down there to kill each other. If your ancestry was in jolly old England, they had events where men with broadswords and lances would try and kill each other, and people stood in the stands and applauded and cheered.

But we have evolved as a society, hopefully for the better, and we view these things with a completely different point of view.

And so again, Senator DeFrancisco, I applaud you on your bill, I'm happy to vote for it, and now I'll yield to any question that Senator Diaz has.

SENATOR DIAZ: Will Senator Padavan yield for a question, Mr. President?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MORAHAN: He yields.

SENATOR DIAZ: Senator Padavan,

immigrants in the State of New York and the nation, it's illegal, right? Are you telling me right now in front of the camera and in front of everybody that we should deport all of them?

SENATOR PADAVAN: That we should what?

SENATOR DIAZ: Deport all of them.

SENATOR PADAVAN: Deport them?

SENATOR DIAZ: Yeah. Because it's illegal to be -- it's illegal to be here without documents.

SENATOR PADAVAN: Illegal immigrants?

SENATOR DIAZ: Yes.

SENATOR PADAVAN: Under many circumstances, yes. But I don't understand the relevance to these animals that are fighting in a pen.

SENATOR DIAZ: You said that animal fighting is illegal in this state.

SENATOR PADAVAN: It is.

ACTING PRESIDENT MORAHAN: Senators, please direct your answers and

questions through the chair.

SENATOR DIAZ: Through you, Mr. President, will the Senator yield for a question?

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

SENATOR PADAVAN: If it's on the bill, I'll be happy to.

SENATOR DIAZ: Yes, I'm going to make some comparisons here.

You yourself said, Senator, that the bill is okay because animal fighting in this state is illegal.

SENATOR PADAVAN: I said more than that, Senator, if you listened to me.

SENATOR DIAZ: Excuse me, I'm asking the question.

SENATOR PADAVAN: I said it's illegal, and the reason it's illegal --

ACTING PRESIDENT MORAHAN: Gentleman. Gentlemen, please.

SENATOR DIAZ: He's interrupting --

ACTING PRESIDENT MORAHAN: Let me just ask you this both, please.

SENATOR DIAZ: I'm asking the question.

ACTING PRESIDENT MORAHAN: When you ask the question, let us know when the question is over, okay, so he knows when to respond.

(Laughter.)

SENATOR DIAZ: All right. Okay.

ACTING PRESIDENT MORAHAN: And, Senator, I wish you'd wait until he's finished.

Thank you.

SENATOR DIAZ: Okay. So, Senator Padavan, you said that animal fighting in this state is illegal. Therefore, the bill is okay.

I'm asking you that it's also illegal to be in this state without documents. Would you tell me now that, because it is also illegal, we should send all of them back to their country?

ACTING PRESIDENT MORAHAN: There's the question.

SENATOR DIAZ: That's the question.

SENATOR PADAVAN: Mr. President --

SENATOR DIAZ: Yes or no.

SENATOR PADAVAN: Don't say "yes or no." I'll answer the question any way I wish.

The fact remains that I don't find any relevance whatsoever, as far as your question is concerned, to the bill before us.

This activity that we're dealing with is both inhumane, it's unseemly, it's a wrong message, it tells an awful, terrible thing about where society is in certain categories. And it's against the law in the State of New York, if not in this entire nation.

And therefore, this bill, which provides penalties for those who participate even as spectators, makes a great deal of sense.

SENATOR DIAZ: Mr. President.

ACTING PRESIDENT MORAHAN: Yes, Senator Diaz.

SENATOR DIAZ: I am so sad and so sorry that Senator Padavan, a lawyer -- you're

a lawyer; right?

SENATOR PADAVAN: No, I'm not.

SENATOR DIAZ: Senator --

ACTING PRESIDENT MORAHAN: We don't need any animal fighting up here.

(Laughter.)

SENATOR DIAZ: I am so sad, so disappointed that Senator Padavan, a New York State Senator for so many years, knows that animal fighting is illegal, therefore the bill is okay, and he doesn't see the comparison of if this is illegal, also immigrants that have no papers are illegal and must leave.

If he -- because it's illegal to be here, if we -- we could send all of them back, yes or no. And he -- he refuses to answer that simple academic and kindergarten question.

Thank you, sir.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Any other Senator wish to be heard?

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, thank you.

I just would like to make a note here, it's my understanding in reading this legislation that while we are debating whether or not we agree or whether or not it is legal to have animal fights, the bill actually just talks about those people who are happen to be in attendance at a fight and what happens to them.

And it says here that what Senator DeFrancisco is doing is changing the law so that rather than stipulating that people will be attending, having paid an admission fee or having made a wager, in those cases they would be guilty -- he is removing that language.

And he says simply by being there, whether or not you knew that it was going to be happening or you know that it's illegal or whatever, you will be liable for a $1,000 fine, charged with a misdemeanor, you will be able guilty automatically of a misdemeanor punishable by incarceration of up to one year and/or a fine of up to $1,000.

So I just wanted to clarify that, that that's exactly what this language does, and that's why I will be voting no on this

bill.

Thank you.

ACTING PRESIDENT MORAHAN: Senator Montgomery will be recorded in the negative, and thank you for the clarification.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. If the sponsor would yield for some questions.

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, will you yield for a question?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MORAHAN: Senator.

SENATOR SCHNEIDERMAN: The operative provision of this bill states that the knowing presence as a spectator at any place where an exhibition of animal fighting is being conducted shall be guilty of a misdemeanor.

Is there any requirement in this bill that it is a live animal fight? It says an exhibition of animal fighting. What prevents someone from -- some over-aggressive

prosecutor from pursuing someone who's watching animal fighting on video? That is indeed an exhibition of animal fighting.

SENATOR DeFRANCISCO: Well, Senator, thanks, and I thank Senator Montgomery as well for her explanation of the bill.

It's exactly what I said from the outset. What I said from the outset is it's removing the requirement that you have to wager or you have to pay admission to be prosecuted under this bill.

The bill talks about animal fighting, and this law has been in existence for many, many years and it has always applied to live animal fighting.

SENATOR SCHNEIDERMAN: Through you, Mr. President, has there ever been any incident in this or any other state in which there has been a prosecution of animal fighting displayed on video? For example, the State of Virginia I will call to your attention.

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, will you continue to

yield?

SENATOR DeFRANCISCO: Yes.

I don't know the answer to that question. I put this bill in because I think's it's inhumane for people to watch animal fighting, whether you pay or whether you wager or anything else. They don't have a choice whether they're killing each other. Others may. Humans may have that choice.

So my point is that maybe you have a good point. Maybe I should expand the bill to include video animal fighting as well. But right now we're talking about live animal fighting.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Through you, if the sponsor will continue to yield.

SENATOR DeFRANCISCO: Sure.

SENATOR SCHNEIDERMAN: I want to stipulate that I'm absolutely opposed to animal fighting. I'm opposed to the abuse of animals. Indeed, I'm a vegetarian. There's no one more opposed to abuse of animals in this house than I, except perhaps Senator Serrano, who thinks, you know, you shouldn't

squash flies.

(Laughter.)

SENATOR SCHNEIDERMAN: But having stipulated that I believe anyone who sponsors or wagers on animal fighting should be punished, Senator, I think, I hope you recognize that this bill creates a misdemeanor for someone who is present -- not even at an exhibition, at any place where an exhibition of animal fighting is being conducted.

So I believe, from my interpretation of this bill -- please correct me if I'm wrong -- is that if I'm in a bar and there is animal fighting is going on in the back, I am in a place where an exhibition is being conducted and I'm guilty of an misdemeanor. Is that not true?

SENATOR DeFRANCISCO: Senator, the volume of your voice doesn't add to the clarity of the question.

All I wanted to suggest to you --

SENATOR SCHNEIDERMAN: It doesn't diminish from it either, Senator.

SENATOR DeFRANCISCO: -- is it is the clear understanding of this bill, as the

law has been in effect forever, that we're talking about somebody watching an animal fight -- I believe whether you wager, whether you pay to watch it, or whether you just are there watching it, it encourages these types of exhibitions. And that's the clear understanding of the bill.

SENATOR SCHNEIDERMAN: Thank you.

So, Mr. President, through you, there is no requirement in this bill, is there, that someone actually be watching? It states very explicitly "presence at a place where an exhibition is being conducted."

If you can point me to where it says you have to be watching, enjoying, looking at, or participating in any way, please point it to us right now.

SENATOR DeFRANCISCO: It doesn't say "watching," it says "present at a place where an exhibition is going on."

I would think any rational human being would understand that the logic behind the bill is to not encourage these fights, and those people who are participating by spectating are encouraging those types of

fights.

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President.

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

SENATOR SCHNEIDERMAN: Is the knowing presence -- is someone's knowing presence at any place where prostitution is taking place a misdemeanor?

SENATOR DeFRANCISCO: Are we talking government officials or --

(Laughter.)

SENATOR SCHNEIDERMAN: You know, we haven't had a public confession for a while. If you want to go ahead, John, I'm here.

(Laughter.)

SENATOR DeFRANCISCO: No, I want to clarify the question.

ACTING PRESIDENT MORAHAN: Gentlemen, stay on the subject.

SENATOR DeFRANCISCO: I don't know if there's some offense under the various criminal statutes dealing with sexual

misconduct, whether being present in the brothel might -- I don't know, I don't think it would fit in any of those statutes.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President, is the knowing presence of a person --

ACTING PRESIDENT MORAHAN: Senator, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

SENATOR SCHNEIDERMAN: Is the knowing presence of a person at a crackhouse a misdemeanor?

SENATOR DeFRANCISCO: I don't believe it is. But it's food for thought as far as other legislation.

SENATOR SCHNEIDERMAN: Is the knowing presence of a person at a speakeasy or an after-hours club --

ACTING PRESIDENT MORAHAN: Let's get some order in the house, please.

Senator DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Are there still speakeasies? Are there still speakeasies, Mr. President?

SENATOR SCHNEIDERMAN: There are indeed after-hours clubs where liquor is sold illegally.

Is the knowing presence of a person at a place where liquor is being illegally sold a misdemeanor?

SENATOR DeFRANCISCO: No, it's not.

And being present at a Senate debate is not an A misdemeanor either.

SENATOR SCHNEIDERMAN: Well, thank goodness for that.

Thank you. Mr. President, on the bill.

ACTING PRESIDENT MORAHAN: On the bill, Senator Schneiderman.

SENATOR SCHNEIDERMAN: I think what we have here is something that, while well-intended, goes far beyond what any reasonable person in the Senate would want to place in the law.

I am absolutely opposed to animal fighting. Anyone who sponsors animal fighting, anyone who organizes gambling around animal fighting should be prosecuted. But

what this bill does is it essentially criminalizes conduct by people who may be innocent observers and criminalizes conduct by people who fit into a certain cultural milieu.

I disagree with Senator Diaz on many things, but I do not disagree with the fact that there is a move towards criminalization of social conduct that may involve wearing certain kinds of clothes that are typical of certain neighborhoods and communities in our state, or the criminalization of drugs in a way so that the possession of same amount of crack cocaine subjects one to a far more serious sentence than the possession of the exact same amount of powered cocaine.

This bill is drafted in a way that is so broad that it threatens to sweep into its net thousands of New Yorkers who are doing nothing more than being present at a place -- not even present at the exhibition, present at a place where the exhibition is taking place.

If it said "if you are knowingly present and watching an exhibition," that would be one thing. But it doesn't say that.

It says if you are present at any place where an exhibition of animal fighting is being conducted, you're guilty of a misdemeanor.

This is far too broad, ladies and gentlemen. I think it's far too broad. And I think there's, frankly, a constitutional issue here, because the place where an exhibition of animal fighting is being conducted could, I suppose, refer to any large building where animal fighting is being conducted if it's one facility.

This is far too broad for us. This criminalizes conduct that should not be criminalized of people who just may be passing through, may be going to pick up something from someone who is present in another part of the building.

But I would also urge you to consider the cultural suggestion here. Senator Diaz raises an interesting point. We have a major civil rights issue in this country, and that's the fact that we have 14 or 15 million people, undocumented immigrants here. They are not leaving. They are not leaving if we're mean to them or if we make it

difficult for them to live.

We should distinguish between the issue of controlling our borders, which we have to do, and the issue of what to do with these 14 or 15 million people who are here cooking our food, mowing our lawns, taking care of our children.

Any time one of them is found guilty of a misdemeanor, they face deportation. This could make anyone from the communities where this horrible sport takes place, or who's a relative of or a friend of someone who is interested in this horrible sport, subject to deportation.

It's much more than an A misdemeanor. And it's much more than something that punishes those who are actually active participants in the horrible sport of animal fighting.

This bill should be withdrawn, Mr. President. I urge everyone here to vote no. If you believe in civil liberties, if you believe in equal rights, and if you believe that like conduct should be treated alike, vote no.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

You know, I just heard a debate between two distinguished lawyers, and I think they weren't coming down in the right place.

"Knowing presence." To lawyers, that means that an element of the crime is something we call scienter. And the prosecutor must prove scienter beyond a reasonable doubt as an element of the crime. And scienter means that you knew when you went there that you were going to see a cockfight. If you just wandered in there because you thought it was a fruit market or something and there was a cockfight, there's no scienter and you can't be convicted.

And I will say this, Mr. President. I can't cite the law, but I have a recollection of bills we passed, and I think they became law. I believe the knowing presence of person at a sexual performance by

a minor is a crime. Does that sound right? That's the law. So there are areas where just the knowing presence at something, at a performance that's a particularly heinous or offensive to our moral values, is a crime.

And I'm supporting this bill because -- and look, I know cultural differences. And I've been to Puerto Rico. In Isla Verde there's a -- I forget what you call it in Spanish, there's an arena for cockfights. I've walked by it many times. The restaurant is near there.

(Laughter.)

SENATOR CONNOR: There's a casino across the street too. But I haven't been in it. I haven't been in it.

But the fact is that in all 50 states, animal fights are illegal. And recently a newspaper of record, in commenting about an incident involving a professional athlete at a cockfight in the Dominican Republic, said nowhere in the U.S. is it permitted. Well, under the U.S. flag it is permitted. It's legal in Puerto Rico. And I respect the culture there.

You know, I also represent Chinatown, in Manhattan. A lot of Asian-Americans. For my birthday a few weeks ago, my wife gave me something, a book she thought I would enjoy. It's a collection of food articles over the years that appeared in The New Yorker. I forget the title of the book, but it's Calvin Trillin, different people, articles they wrote about restaurants around the world.

And one I particularly enjoyed reading was about a food writer who went to a city in China, a small city in China that was noted for its specialty, and there were two major competing restaurants that served the specialty. The specialty was rats.

And they believed that rat would take your gray hair and turn it dark and be real healthy for you. And everyone for centuries in this city was eating rat. And it was explained these were mountain rats that lived on fruit and all, they weren't city rats that lived on garbage.

And he described how people would come down from the mountains every day with a

bagful of rats. And the rats were alive in cages outside, and you picked out whether you wanted a fat one or a skinny one, and they served it a million different ways.

I daresay, in respect for my Asian-American constituents, I don't think we would allow a restaurant to open in Manhattan whose specialty was serving rat.

ACTING PRESIDENT MORAHAN: Knowingly.

(Laughter.)

SENATOR CONNOR: Knowingly, good point. Mr. President, a very good point. At least knowingly to the patrons.

So there are other traditions throughout the world. You know, in particular in China, for centuries, all sorts of animals were killed.

But, you know, it's not just Asians or Latinos. Today's New York Times has a story about Switzerland and how it is still legal in Switzerland to shoot cats. You can shoot wild cats, or they can shoot your cat if it's more than 200 yards away from your home. Legally. And they sell it to tanners, and

they put out products made from cat fur.

And apparently this was the custom in Italy for a long time, but they banned it recently. The European Union banned it. But Switzerland is not part of the European Union. So now there's a push in Switzerland to say you're going to stop hunting cats. And they had accounts in there of people whose pet went missing and presumably ended up being part of a rug or blanket or whatever.

So there are different cultural traditions. And people from all those traditions come here. And we certainly relish them preserving most of their cultural traditions.

But we have our own standards here, and those standards people must conform to. It is not -- we have made a judgment here it is not legal for animals to fight here. We find it offensive -- I find it offensive -- and we want to discourage these exhibitions. And one way you do that is by discouraging people coming to them. No exhibition will be held for very long if nobody shows up to watch.

And while I appreciate the present law says you're guilty if you wager, that's -- if you wager with the house, you can prove that they were placing bets. What about two spectators who just make a quiet side bet? No money changes hands, they just say "Bet you 20 bucks the fat rooster wins." You know? How are you going to prove that?

So I support this bill. I support this bill, knowing that it has that scienter provision, the innocent people who happen to be at a cockfight and can't be prosecuted.

I really also don't think very many people -- nobody is going to jail for being there. But it's going to discourage people from attending, and therefore it will discourage people from holding these exhibitions.

So, Mr. President, with respect for all the wonderful diverse cultures that thrive in our society, we do have a right and it is proper to insist on conformity to certain basic values that we as a society hold -- and we may not always have held. Once upon a time, I'm sure you could have cockfights here.

Once upon a time.

Look, in America we're not without fault. The rodeo is a great American tradition. And I don't know, someday maybe people think some guy taking the horns of a bull and twisting its neck until it flips over is inhumane. When that day comes, I'll look forward to it.

ACTING PRESIDENT MORAHAN: Senator Diaz, are you asking Senator Connor to yield?

SENATOR DIAZ: Yes.

ACTING PRESIDENT MORAHAN: Senator Connor, do you yield to Senator Diaz?

SENATOR CONNOR: Certainly.

SENATOR DIAZ: Senator Connor, due to the fact that you yourself are a lawyer and people should be condemned when they knowingly -- what was the word you used?

SENATOR CONNOR: Scienter. It's a Latin word, scienter. From which the word "science" comes, knowledge.

SENATOR DIAZ: Oh. So knowingly, knowingly. The fact that you're a lawyer, and you are saying those people that commit a

crime or violate the law should be prosecuted, will you tell me that all those Chinese and Asians in your district that knowingly violate the law and came here, should they be deported? Yes or no.

SENATOR CONNOR: No, I won't answer yes or no.

SENATOR DIAZ: Oh, you won't answer the question because --

SENATOR CONNOR: Mr. President, will you call the Senator to order, please.

ACTING PRESIDENT MORAHAN: The Senator refuses to answer.

SENATOR CONNOR: No, I will answer the question. I refuse to be cross-examined and demanded a yes or no answer.

ACTING PRESIDENT MORAHAN: Fine. Answer it your way.

SENATOR CONNOR: The answer to the question, Mr. President, is I do not support deporting any illegal immigrants. I think we should make all so-called illegal immigrants --

SENATOR DIAZ: Mr. President --

SENATOR CONNOR: Excuse me. I'm not finished, Mr. President.

I support a path to legalization for all undocumented immigrants who are in this country. I think this country's immigration policies have been a sham and are shameful, and I support the rights of all people who are here to be legalized, to work, to drive, to do everything else. And I don't see the comparison.

And frankly, Mr. President, it's like we have many great French restaurants. A great delicacy in France is horsemeat. It's a staple in France. I think we just passed a bill, didn't we, to make the sale for human consumption of horsemeat in New York illegal? I don't think that's a slap at French people or French people who run restaurants in Manhattan.

So I don't see the comparison of that with undocumented immigrants. I support rights for undocumented immigrants across the board.

ACTING PRESIDENT MORAHAN: I would just respectfully remind --

SENATOR CONNOR: Whether they're in Chinatown or the Lower East Side in my district. Or Williamsburg.

ACTING PRESIDENT MORAHAN: I would just respectfully remind the body that today is April first.

Go ahead, Senator Diaz.

SENATOR DIAZ: Would Senator Connor yield for another question.

SENATOR CONNOR: Certainly, Mr. President.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR DIAZ: It is -- it is -- I'm going to ask a question, but you'll have to allow me to -- it is very -- I don't know, I would not call it hypocritical, I would call it confused that you are trying to show the reasoning of the law by saying animal fighting is illegal in the country, that therefore we shall obey the law.

But when I ask the simple question, Senator Connor, like I asked Senator Padavan, if that is the case, Senator Connor, if that is the case, that because it's illegal to do,

that they should be punished, what about the Chinese and the illegals in your district that are illegal, shall we deport them, yes or no? Because if the law is good for one thing, it should be good for the other. You cannot make exceptions to the law.

Thank you Mr. President.

So answer, please.

SENATOR CONNOR: Mr. President, I don't think the Latino immigrants in my district or the Asian immigrants or the Jewish immigrants who are there or the Irish immigrants -- some of my favorite bartenders -- should be deported. I think a path to their legalization should be found.

In the meantime, I think a way for them to work, drive, and otherwise function in our society should be found. And I don't see the comparison.

And in fact, Senator Diaz used the word "condemn" these people. I don't think we should condemn anyone in this state, and I've said that for the last 30 years whenever we debate the death penalty. And that's how I understand condemnation in the criminal law.

The fact is I think we should make a statement here. I really don't think prosecutorial discretion is going to result in a lot of people ending up -- if any -- in jail over this. But it will be a message to the public that you're here, you have to change. It will be a message to exhibitors that you can't hold these exhibitions because no one will be able to knowingly attend and still abide by the law.

SENATOR DIAZ: Mr. President.

ACTING PRESIDENT MORAHAN: Before you speak, Senator, I just want to respectfully point out I don't believe that your questions on illegal immigrants are really germane to this argument.

SENATOR DIAZ: Mr. President, it is very relevant.

ACTING PRESIDENT MORAHAN: I'd ask that you keep your questions germane.

SENATOR DIAZ: Mr. President, the question is very relevant. Because we cannot do -- we cannot violate the law when it is convenient for us.

Me, I protect the illegal

immigrants. And I say if we going to go by the law, sometimes the law gets broken, sometimes the law gets broken to accommodate, politically, people. When it's convenient, the law gets broken.

What I'm saying is we are willing, we are willing here now to say that a tourist or anybody that is in a place who happens to be at a cockfight or any fight to be punished and to ruin the record of that person and for that person to be subject to a misdemeanor and a $1,000 fine when maybe the person don't even know that there is a fight, an animal fight.

And we're willing to say, oh, yeah, because the law says you're illegal -- I'm asking if you are so dedicated to defend the law, tell me, shall we deport illegal immigrants? But because of political inconvenience, nobody dares to answer. Nobody dares. They go (gesturing) -- they're circumventing the answer.

So don't come here to tell me that the law has to be obeyed here and then we can disobey here. If you're going to disobey the law, tell me. But don't use that technique

here that because it's illegal, we have to do this, we have to process and make criminals of tourists and people watching -- the people that are in a place that they might not know that it's happening, we can make them criminal because the law says it's illegal.

That's wrong, that is wrong, that is not fair. For tourists, for people, that is not fair. I mean, I'm against animal fighting. I am against animal fighting. But to subject a person who happens to be in a place that there are animal fighting, to tell those people "you are a criminal," it's wrong. It is wrong, and it is wrong, and it is wrong.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

You know, I think that Senator Diaz -- my first impression was to vote against -- was to vote in favor of the bill. And I thank Senator Diaz and Senator Schneiderman for the aspects that they have

raised.

I think the first time that I saw an animal die from fighting, I thought it was tragic. And the animal was a human being. So there's a level of hypocrisy to our tone that we allow Ultimate Fighting Champions when we state that violence among an animal is wrong. I think our children mimic violence in the ring more than they mimic violence between two birds fighting.

So if our underlying concern is not to create a culture in our society where animals duplicating violent behavior is handed down to our children, then I think we really need to look at the sport that started out with two men wearing a glove and has now evolved to two people in a ring beating themselves to a senseless nature.

I just want to deal with two technical aspects of the bill that I think are important.

True, it is the prosecutor's responsibility to show if a person is knowingly in the place. But that is not a police officer's responsibility. When a

police officer enters a premise where there's illegal action taking place, either gambling or prostitution or any other illegal action, whoever is inside that premise is part of the sweep, and they all are arrested.

And although they may not be found guilty in a court of law, once you have that criminal record and the stigmatization that's associated with being handcuffed, prosecuted, fingerprinted and taken to central booking and have to pay for an attorney and have to go through the whole court procedure, you all of a sudden have to go through the same incident as a person who is actually convicted of a crime.

So we can't dismiss that the mere fact that the person has only been arrested is not a great deal. I don't want us ever to reach a point in our country where arrest is a term that's called "only." When a person is incarcerated, their entire life they relive that experience.

And I think Senator Diaz raised an important point that we cannot ignore. Under the entire American flag, cockfighting is not

illegal. There is a place called Puerto Rico where it's accepted. We do have men and women who leave Puerto Rico, and they do come to various parts of the state, carrying out their culture. If we agree or disagree with it, that's a whole other term. They don't know that the mere fact that they're there, they're breaking some form of a law. And I think he raises a very important point.

I think we need to stop cockfighting. I think that we need to stop dogfighting. I think that we need to stop two human beings in the ring fighting to kill each other. I think it's wrong. I think it's the wrong way to go.

I'm going to vote against this bill because I think it's important that clarity needs to be pointed out. Tourists and those who come in and sit down and watch the action, or if they're inside a premise that may have more than one room and they're sitting there in that premise, they should not be part of that sweep.

We should not continue just to criminalize people. We should always be

concerned that the goal of criminalization should be to go after bad people that do bad things, not good citizens that are in the wrong place at the wrong time. And I think that this bill may have a tendency to do that.

So I'm going to vote against this bill. Hopefully we can correct it and narrow the terminology to go after those who sponsor the act of cockfighting or sponsor the act of a particular illegal crime so we can go after those individuals and not just two people who left San Juan and decided to visit this place on 103rd Street and happen to be in a premise where cockfighting is taking place and, instead of returning back to their home, they return back to a correctional facility. That's not the tone that I believe we want to do.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

The Secretary will read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, to explain his vote. Senator.

SENATOR DeFRANCISCO: Just to explain my vote.

This is a bill with a very simple concept. Namely, if you're knowingly at a location where an exhibition is going on where two animals are fighting, that that person should be guilty of a Class A misdemeanor if convicted.

And the theory is very simple, that if, as mentioned before, that if no one is present --

ACTING PRESIDENT MORAHAN: Excuse me, Senator.

Will you please, out of respect, hold down the noise in the chamber. Take

conversations outside of the chamber.

Thank you, Senator.

SENATOR DeFRANCISCO: It's very simple. If no one is there to watch, no one is going to be providing those activities that are otherwise illegal in this state.

I frankly cannot -- I have no idea what the customs of Puerto Rico or Iran or Italy or any other country have to do with whether this is a good bill in the State of New York. If we're a tourist in another country, we abide by their rules, whatever their rules are. You either think it's a good idea or a bad idea.

But to bring in customs of other countries to excuse liability for an act that we think is an improper act, having these types of exhibitions of people watching them, I don't think has any logic at all.

To suggest also that I think these things are bad, but we also have Ultimate Fighting, that's bad too, as a reason to say no to otherwise bad activity to make it criminal, doesn't make sense to me either.

And what really doesn't make sense

to me is how in God's name you bring up illegal immigration into a debate over whether dogfighting and persons who are watching dogfighting should be prosecuted.

So it's a simple bill. It will help encourage eliminating this type of activity. And I'm going to vote aye.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Adams, to explain his vote.

SENATOR ADAMS: First of all, any time we talk about incarcerating citizens of this state is never simple. Any time you take away a person's freedom, we should discuss it to the full extent.

And any time we state the reason for a bill that I heard today on this floor is that we want to prevent our children from participating in the actions of violence -- any time we use that terminology and can't understand that Ultimate Fighting Champion encouraged more violence than two birds fighting in a ring -- if we don't understand that, then there's a level of hypocrisy for the reason that we're submitting this bill.

One of the reasons that was stated for this bill is because we don't want our children to continue the actions of violence. That was a reason that was used. And the reason I'm voting against this bill is because it's too broad in scope and it does not deal specifically if a person is in the premise or they're watching the fighting.

And as a 21-year veteran of the police department, I'm well aware that whenever a sweep takes place, that whoever is in that premise, in the front room or the back room, is also arrested. And that's why I'm voting against this bill.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 619 are Senators Adams, Hassell-Thompson, Huntley, Montgomery, Onorato, Parker and Schneiderman. Also Senator Diaz.

Absent from voting: Senators Gonzalez and C. Kruger.

Ayes, 50. Nays, 8.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we return to motions and resolutions. I believe there is a motion at the desk.

ACTING PRESIDENT MORAHAN: Motions and resolutions.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

On page number 34 I offer the following amendments to Calendar Number 590, Senate Print Number 467, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MORAHAN: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be an immediate conference of the Majority in Room 332.

And we expect to return to session at about 3:15.

ACTING PRESIDENT MORAHAN: There will be an immediate meeting of the Majority in the Majority Conference Room, Room 332, and we will return at 3:15.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

In an effort to further our celebration of April Fools Day, the Minority conference will also be having an immediate conference in our conference room.

ACTING PRESIDENT MORAHAN: The Minority will have an immediate conference in the Minority Conference Room.

Thank you, Senator.

(Whereupon, the Senate stood at ease at 2:45 p.m.)

(Whereupon, the Senate reconvened at 3:36 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privileged resolution at the desk. If we could have the title read and

move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Volker, Legislative Resolution Number 5050, memorializing Governor David A. Paterson to proclaim May 21, 2008, as Police Memorial Day in the State of New York.

ACTING PRESIDENT GRIFFO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:37 p.m.)

(Whereupon, the Senate reconvened at 3:41 p.m.)

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees for the Finance Committee report.

ACTING PRESIDENT MAZIARZ: Reports of standing committees.

The Secretary will read the Finance Committee report.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following bill direct to third reading:

Senate Print 6808C, Senate Budget Bill, an act to amend the Elder Law.

ACTING PRESIDENT MAZIARZ: Without objection, the bill is reported direct to third reading.

The Secretary will read.

THE SECRETARY: Calendar Number 690, Senate Budget Bill, Senate Print 6808C,

an act to amend the Elder Law, in relation to reimbursement to participating provider pharmacies.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MAZIARZ: Yes, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MAZIARZ: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MAZIARZ: There is none, Senator.

SENATOR SKELOS: There being none, I move we stand adjourned, subject to the call of the Majority Leader.

And I would just ask that members stay in touch with their respective leaders and with your offices.

Thank you very much.

ACTING PRESIDENT MAZIARZ: On motion, the Senate stands adjourned, subject to the call of the Majority Leader.

(Whereupon, at 3:46 p.m., the Senate adjourned.)