NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

November 18, 2009

12:17 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

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

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

Senator Smith.

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

Would you please recognize Senator Neil Breslin.

ACTING PRESIDENT VALESKY: Senator Breslin.

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

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

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

Thank you, Mr. President.

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

(Whereupon, the assemblage

respected a moment of silence.)

ACTING PRESIDENT VALESKY: Senator Smith.

SENATOR SMITH: Yes, Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room, 332.

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

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

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

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

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

ACTING PRESIDENT VALESKY: The Senate will return to order.

Senator Smith.

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

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

The Secretary will read.

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

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

ACTING PRESIDENT VALESKY: Senator Smith.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

Senator Smith.

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

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

Senator Smith, we have a substitution at the desk.

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

ACTING PRESIDENT VALESKY: There is.

The Secretary will read.

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

ACTING PRESIDENT VALESKY:

Substitution ordered.

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

ACTING PRESIDENT VALESKY: Senator Smith.

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

Mr. President, could you please recognize Senator Volker.

ACTING PRESIDENT VALESKY: Senator Volker.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Volker.

Senator Smith.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The message of necessity is accepted.

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

country.

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

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

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

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

then Senator Fuschillo.

ACTING PRESIDENT VALESKY: Senator Smith to be recorded in the affirmative.

Senator Dilan.

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

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

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

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Dilan to be recorded in the affirmative.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

Senator Stachowski.

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

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

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

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

And it doesn't just affect the

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Stachowski to be recorded in the affirmative.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

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

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

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

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

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

belt.

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

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

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

ACTING PRESIDENT VALESKY:

Senator Schneiderman to be recorded in the affirmative.

Senator Huntley.

SENATOR HUNTLEY: Yes, Mr. President.

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

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

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

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

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

Thank you.

ACTING PRESIDENT VALESKY: Senator Huntley to be recorded in the affirmative.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

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

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

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

This is a tough law, no doubt about

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY:

Senator Marcellino to be recorded in the affirmative.

Senator Johnson.

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

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

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

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

I also want to thank Mothers

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

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

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

Now, I think what's very critical

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

Senator Fuschillo commented about having a son now at Binghamton and commented about the grandparents who serve in this august body. Well, I have three children, none of whom are even close to college, who are part of those most vulnerable. The children who are just 7 and 4½ and seven weeks.

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

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

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

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

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

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

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

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

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

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

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

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

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

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

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

I vote aye.

ACTING PRESIDENT VALESKY: Senator Stavisky to be recorded in the affirmative.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

other family.

Thank you.

ACTING PRESIDENT VALESKY: Senator Savino to be recorded in the affirmative.

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

Seeing none, the Secretary will announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT VALESKY: The bill is passed.

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

(Standing ovation.)

ACTING PRESIDENT VALESKY: Senator Smith, that completes the noncontroversial reading of Senate Extraordinary Session Calendar Number 3.

SENATOR SMITH: Thank you, Mr. President.

Is there any further business at

the desk?

ACTING PRESIDENT VALESKY: There is none.

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

So we should stand at ease.

ACTING PRESIDENT VALESKY: The Senate will stand at ease.

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

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

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

Again, a Majority conference at

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

ACTING PRESIDENT VALESKY: Majority conference at 5:30. Session will reconvene at 6:00 p.m.

The house will stand at ease until then.

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

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

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

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

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

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