

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 25, 2013

11 11:20 a.m.

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13
14 REGULAR SESSION

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18 SENATOR MICHAEL F. NOZZOLIO, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT NOZZOLIO: The
3 Senate will come to order.

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

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

9 ACTING PRESIDENT NOZZOLIO: In the
10 absence of clergy, may we please bow our heads
11 in a moment of silence.

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

14 SENATOR LIBOUS: Mr. President.

15 ACTING PRESIDENT NOZZOLIO:
16 Senator Libous.

17 SENATOR LIBOUS: Was that a
18 practice run, or was that the real thing?

19 (Laughter.)

20 SENATOR LIBOUS: It's the real
21 thing. Okay, proceed.

22 ACTING PRESIDENT NOZZOLIO:
23 Reading of the Journal.

24 THE SECRETARY: In Senate, Sunday,
25 March 24th, the Senate met pursuant to

1 adjournment. The Journal of Saturday,
2 March 23rd, was read and approved. On motion,
3 Senate adjourned.

4 ACTING PRESIDENT NOZZOLIO:
5 Without objection, the Journal stands approved
6 as read.

7 Presentation of petitions.
8 Messages from the Assembly.
9 Messages from the Governor.
10 Reports of standing committees.
11 Reports of select committees.
12 Communications and reports from
13 state officers.

14 Motions and resolutions.

15 Senator Libous.

16 SENATOR LIBOUS: Thank you,
17 Mr. President.

18 At this time could we please adopt
19 the Resolution Calendar, with the exception of
20 Senate Resolution Number 968.

21 ACTING PRESIDENT NOZZOLIO: All in
22 favor of adopting the Resolution Calendar, with
23 the exception of Resolution 968, signify by
24 saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT NOZZOLIO:

2 Opposed, nay.

3 (No response.)

4 ACTING PRESIDENT NOZZOLIO: The
5 Resolution Calendar is adopted.

6 Senator Libous.

7 SENATOR LIBOUS: Thank you,
8 Mr. President.

9 I believe there's a resolution at
10 the desk by Senator Tkaczyk. It's Number 968.
11 Could we please have the title read and ask for
12 its immediate adoption after you call on the
13 Senator, please.

14 ACTING PRESIDENT NOZZOLIO: The
15 Secretary will read.

16 THE SECRETARY: Legislative
17 Resolution Number 968, by Senator Tkaczyk,
18 memorializing Governor Andrew M. Cuomo to
19 proclaim April 2013 as Autism Awareness Month in
20 the State of New York.

21 ACTING PRESIDENT NOZZOLIO:
22 Senator Tkaczyk.

23 SENATOR TKACZYK: Thank you,
24 Mr. President.

25 As ranking member of the Mental

1 Health and Developmental Disabilities Committee,
2 I'm very proudly standing today as a sponsor of
3 this resolution.

4 I know there are many in this
5 chamber who know someone who has an autism
6 spectrum disorder. I know several in my family
7 who deal with this issue. One in 88 children in
8 the United States is affected by the autism,
9 Asperger's or a pervasive developmental disorder
10 not other specified. This are statistics from
11 the Centers for Disease Control and Prevention.

12 It is critically important that
13 people who suffer from autism or autism spectrum
14 disorders get noticed early and get intervention
15 early, because that helps them have a much better
16 trajectory in life.

17 So I am very happy to be sponsoring
18 this resolution and encourage my colleagues to
19 join me.

20 Thank you.

21 ACTING PRESIDENT NOZZOLIO: Thank
22 you.

23 Senator Gipson.

24 SENATOR GIPSON: Thank you,
25 Mr. President.

1 I rise today to echo Senator
2 Tkaczyk's comments on Autism Awareness Month here
3 in the State of New York.

4 Autism is one of the fastest-growing
5 developmental disabilities we are facing today.
6 More children will be diagnosed with autism this
7 year than with cancer, diabetes, Down syndrome,
8 and AIDS combined. Recent estimates from the
9 national Centers of Disease Control point out
10 that one in every -- that out of every 110
11 Americans that are 8 years old, many, many, many
12 of them -- one out of every 110 Americans will
13 possibly have autism disorder.

14 It is a crisis which affects over
15 one million kids today in this country. In my
16 district alone, there are over 4,000 children
17 with autism disorder. There are many, many
18 facilities in my district that are advocating for
19 these children and these adults.

20 It's important that we use this
21 month to really recognize that we are not
22 prepared to deal with the crisis that is facing
23 us in regards to autism. We need more funding to
24 help research and study this disease and to help
25 those families and those children who are trying

1 so hard to do their very best and to try to be
2 active members of the society.

3 So again, I want to echo Senator
4 Tkaczyk's opportunity to bring this to the floor
5 and hope that my colleagues will join me in
6 continuing to fight this effort.

7 Thank you.

8 ACTING PRESIDENT NOZZOLIO: Thank
9 you.

10 Senator Fuschillo.

11 SENATOR FUSCHILLO: Thank you very
12 much, Mr. President.

13 I rise to support this resolution
14 and appreciate the Senator bringing it to the
15 floor. It's extremely important because of the
16 prevalence of autism throughout New York State.

17 Last November I was proud to sponsor
18 a new law that took effect -- myself and
19 Assemblyman Joe Morelle, with the unanimous
20 support of my colleagues here -- that for the
21 first time in New York State provided
22 reimbursement for the diagnosis, treatment and
23 therapy.

24 But our work needs to be continued,
25 because in that bill we conform with ABA through

1 a national certification board. And the
2 Department of Financial Services and the State
3 Education Department changed the intent of that
4 law, which created barriers. And right now
5 individuals who have autism who are going through
6 diagnosis, treatment and therapy are being denied
7 by the insurance provider. That certainly was
8 not the intent of the law.

9 I'm currently working on an
10 amendment to that law which I'm going to present
11 to this house shortly with Assemblyman Morelle.
12 We need to pass that amendment soon because we
13 need to retain the intent of that law. Nobody
14 should be denied insurance reimbursement.

15 And the regulations that DFS has put
16 forth, in conjunction with the State Health
17 Department and the State Education Department, is
18 creating barriers, and we need to break down
19 those barriers.

20 I support the resolution.

21 ACTING PRESIDENT NOZZOLIO: Thank
22 you, Senator Fuschillo.

23 Senator Rivera.

24 SENATOR RIVERA: Thank you,
25 Mr. President.

1 As many in this chamber have heard
2 me before talk about this in years past, my older
3 brother, who turns 43 this year, Jose Mañuel
4 Rivera, Jr. -- affectionately known as Papotín in
5 our family -- was diagnosed with autism when he
6 was young, back in the early '70s. He
7 obviously -- if he was diagnosed a little bit
8 later, he would have been diagnosed probably with
9 Asperger's. He graduated from high school, has a
10 degree in philosophy, and currently works in
11 Puerto Rico translating books into Braille.

12 This is somebody that is in my
13 family, somebody that I'm extremely proud of.
14 And it is why I join my colleagues, certainly
15 Senator Tkaczyk and all the other folks that have
16 spoken -- Senator Fuschillo as well, who I thank
17 for his leadership on this over the last couple
18 of years -- and Senator McDonald, former Senator,
19 who was also a leader for the last couple of
20 years.

21 Because the situation that happened
22 in my family where, through a lot of hard work
23 from my parents, sometimes impatience on my
24 brother and my behalf -- we had many instances in
25 which we didn't really understand the situation

1 of my brother.

2 But I'm very glad to have grown up
3 with him, to have really gotten the experience of
4 seeing someone like this and knowing that when it
5 is diagnosed correctly, when it has enough --
6 when you have enough assistance both in your
7 family and in programs that you have access to,
8 then you can be successful in life.

9 We want to make sure that we can
10 bring attention to this disease so that we can
11 find it earlier, so that we can intervene in the
12 situations where we can make people be
13 successful.

14 My brother's story is one that I
15 would love to be able to say is an example for
16 many people across the State of New York and
17 across the country. And I hope that not only by
18 bringing attention and awareness to it, but, just
19 as Senator Fuschillo said, making sure that the
20 correct funding is allocated for it, that we can
21 provide the right treatment for it so that folks
22 that have this disease or are on the spectrum, as
23 we say, can be successful in life. My brother
24 Papotín has demonstrated it, and I know that many
25 others have demonstrated it across the state.

1 So I am proud to join my colleague
2 Senator Tkaczyk and the rest of my colleagues in
3 being very supportive of this resolution.

4 Thank you, Mr. President.

5 ACTING PRESIDENT NOZZOLIO: Thank
6 you, Senator Rivera.

7 Senator Hoylman.

8 SENATOR HOYLMAN: Thank you,
9 Mr. President.

10 I would like to commend my colleague
11 Senator Tkaczyk for her thoughtful resolution and
12 also note to my colleagues the importance of
13 early intervention in dealing with young people
14 who have the condition of autism.

15 The science has shown time and time
16 again how key it is, when we intercede early,
17 before the age of one year, that that can have a
18 profound effect on a person who has the condition
19 of autism for the rest of their life.

20 And as we hurtle through,
21 Mr. President, to the conclusion of our budget
22 process, we should keep in mind that the OPWDD
23 budget itself, there is some concern that it will
24 cut early intervention. So, Mr. President, I
25 would heed to my colleagues to keep that in mind

1 as we support Senator Tkaczyk in her efforts on
2 autism today.

3 Thank you very much.

4 ACTING PRESIDENT NOZZOLIO: Thank
5 you, Senator Hoylman.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: Yes, I rise
8 to support this resolution, but more importantly
9 to support further efforts in the area of autism
10 by this Senate and the entire Legislature.

11 It's pretty obvious when you hear
12 people speak that many of us have personal
13 knowledge of individuals that are close to us
14 that do fall somewhere in the autism spectrum.

15 And what's amazing over the last few
16 years, sometimes we get criticized -- well, a lot
17 of times we get criticized for a lot of things.
18 But as far as the movement to provide for early
19 diagnosis and proper programs for people with
20 this condition, and how important that is to
21 further development and their life in the future,
22 the better off this state is going to be.

23 And I thank Senator Fuschillo for
24 continuing the fight in this area, and I look
25 forward to his bill so that we can continue the

1 efforts to help those who truly need our help.
2 And the results are phenomenal if we get the
3 early diagnosis and the required programs.

4 So thank you, Mr. President.

5 ACTING PRESIDENT NOZZOLIO: Thank
6 you, Senator DeFrancisco.

7 Any other members who wish to be
8 heard on the resolution?

9 Hearing none, the question is on the
10 resolution memorializing Governor Andrew M. Cuomo
11 to proclaim April 2013 as Autism Awareness Month
12 in the State of New York.

13 All in favor of the resolution
14 signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT NOZZOLIO:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT NOZZOLIO: The
20 resolution is adopted.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President, I
23 believe the Senator would like to open this up
24 for all members to go on it. So if someone
25 wishes not to go on it, to please let the desk

1 know.

2 ACTING PRESIDENT NOZZOLIO: So
3 noted, Senator Libous.

4 SENATOR LIBOUS: And I believe, as
5 we are already on motions and resolutions, that
6 Senator Gianaris has a motion.

7 ACTING PRESIDENT NOZZOLIO: Senator
8 Gianaris.

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

11 On behalf of Senator Squadron, on
12 page number 18 I offer the following amendments
13 to Calendar Number 249, Senate Print Number 3644,
14 and ask that said bill retain its place on
15 Third Reading Calendar.

16 ACTING PRESIDENT NOZZOLIO: So
17 ordered.

18 Senator Libous.

19 SENATOR LIBOUS: Thank you,
20 Mr. President.

21 At this time could we have the
22 reading of the noncontroversial calendar, sir.

23 ACTING PRESIDENT NOZZOLIO: The
24 Secretary will read the noncontroversial
25 calendar.

1 THE SECRETARY: Calendar Number
2 102, by Senator Maziarz, Senate Print 3806B, an
3 act to amend the Energy Law.

4 ACTING PRESIDENT NOZZOLIO: Read
5 the last section.

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

8 ACTING PRESIDENT NOZZOLIO: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT NOZZOLIO: Senator
12 Maziarz.

13 SENATOR MAZIARZ: Thank you,
14 Mr. President, to explain my vote.

15 I just want to encourage my
16 colleagues to join me in supporting this
17 legislation, which was put together to encourage
18 more renewable energy on our farms and require
19 the State Energy Planning Board to consider the
20 needs of agriculture when developing our state's
21 energy blueprint.

22 First, I do want to acknowledge
23 Senator Patty Ritchie, the chair of the Ag
24 Committee, and the staff from her office and my
25 office who did the work in putting this

1 together.

2 This will actually cut significantly
3 the cost of, first, the permitting process for
4 farmers to construct and to permit renewable
5 energy projects on farms throughout New York
6 State. This is an excellent bill that is
7 supported wholeheartedly on the priority list of
8 the New York State Farm Bureau.

9 So, Mr. President, I vote in the
10 affirmative. Thank you very much.

11 ACTING PRESIDENT NOZZOLIO: Senator
12 Maziarz in the affirmative.

13 Announce the result.

14 THE SECRETARY: Ayes, 54.

15 ACTING PRESIDENT NOZZOLIO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 156, by Senator Marcellino, Senate Print 3046B,
19 an act to amend the Legislative Law.

20 ACTING PRESIDENT NOZZOLIO: Read
21 the last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the 120th day.

24 ACTING PRESIDENT NOZZOLIO: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT NOZZOLIO: Senator
3 Hoylman, why do you rise?

4 SENATOR HOYLMAN: To explain my
5 vote, sir.

6 ACTING PRESIDENT NOZZOLIO: Senator
7 Hoylman to explain his vote.

8 SENATOR HOYLMAN: Mr. President, I
9 wanted to congratulate Senator Marcellino for his
10 thoughtful introduction of this bill.

11 I do want to point out, sir, that I
12 think we have to do more to increase the
13 transparency of this chamber and its committees,
14 in particular in connection with proxy voting --
15 empty-seat voting, as we call it among good
16 government groups.

17 Sir, there's really no rationale why
18 some bills go to one committee and not another.
19 Some of our committees, sir, last only five
20 minutes or less. And bills of major import, I
21 think my colleagues know, sometimes skip
22 committees altogether.

23 So this is a very important first
24 step, I hope, in reforming our committee process
25 in this chamber. Thank you.

1 ACTING PRESIDENT NOZZOLIO: Thank
2 you, Senator Hoylman.

3 Announce the result.

4 THE SECRETARY: Ayes, 54.

5 ACTING PRESIDENT NOZZOLIO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 189, by Senator Maziarz, Senate Print 1079, an
9 act to amend the Penal Law.

10 ACTING PRESIDENT NOZZOLIO: Read
11 the last section.

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

14 ACTING PRESIDENT NOZZOLIO: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT NOZZOLIO: Senator
18 Maziarz.

19 SENATOR MAZIARZ: Thank you very
20 much, Mr. President. To explain my vote once
21 again.

22 This bill has passed this Senate on
23 numerous occasions, and it didn't go anywhere,
24 shamefully didn't go anywhere in the other house.

25 In 2011, a very brave police dog in

1 the line of duty, seeking out a drug dealer in
2 the City of Niagara Falls on a building where the
3 police officers would not normally have been able
4 to get to in an area of a building, and the roof
5 of that building collapsed and Rocky was killed.

6 And I know that recently, very close
7 to here, just a few miles from this very building
8 just two weeks ago, another police dog was
9 killed. And I think Senator Seward is going to
10 talk about that tragedy.

11 But clearly I think the positive
12 news is that after these two tragedies we had
13 more calls from our colleagues in the other house
14 wanting to know what they had to do to get on
15 this bill.

16 And we had a meeting, Senator Seward
17 and I and Senator Griffo, just last week with
18 Assemblyman Joe Lentol, the chair of the Assembly
19 Codes Committee, who has been a strong supporter
20 of this particular legislation, and
21 Assemblyman Lentol promised us that this bill
22 would see the light of day and would be on the
23 floor in the Assembly. I think that's great
24 news.

25 These dogs do a remarkable job. And

1 in the instance of Rocky in 2011, and in the
2 instance as Senator Seward is going to cite and
3 Senator Griffo is going to cite, police officers
4 went home to their spouses, to their children,
5 because these dogs gave their lives in the
6 pursuit of criminals. Police officers went home
7 that night to their wives and their children.
8 They were not killed because these dogs did
9 things that many years ago the officers
10 themselves would have been doing.

11 So I know that Senator Diaz's
12 daughter is a police officer, my daughter is a
13 police officer -- I hope all your daughters are
14 police officers. But we want to protect all of
15 them, particularly one police officer in the city
16 of Lockport.

17 Thank you, Mr. President.

18 ACTING PRESIDENT NOZZOLIO: Senator
19 Maziarz in the affirmative.

20 Senator Seward.

21 SENATOR SEWARD: Yes,
22 Mr. President, to explain my vote.

23 On the morning of Wednesday,
24 March 13th, just a couple of weeks ago, an
25 individual by the name of Kurt Myers went on an

1 unprovoked shooting spree in both the small
2 villages of Mohawk and Herkimer not far from here
3 in the Mohawk Valley. And the result was that
4 there were four dead victims and two seriously
5 injured.

6 And following that rampage, the
7 shooter, Kurt Myers, holed up for some 19 hours
8 in a standoff in an abandoned building several
9 stories high in downtown Herkimer. And on the
10 morning of March 14th, the FBI and other agents
11 entered that building led by an FBI dog named Ape
12 who had a camera mounted on him and the FBI
13 tactical personnel behind him able to identify,
14 because of the efforts of this police dog, Ape,
15 the room where the shooter was holed up and able
16 to identify where he was.

17 Now, Myers shot the dog. When the
18 agents returned fire, Myers was killed, ending
19 the standoff. And of course a huge sigh of
20 relief throughout that community that the
21 community was once again safe.

22 Now, Ape's actions that morning
23 saved lives and showed how important these police
24 dogs are in apprehending criminals.

25 And so I believe this is the right

1 thing to do, to place in the law, to recognize in
2 the law through tougher penalties that would come
3 from a felony conviction for harming or killing a
4 police dog or animal, that would recognize the
5 unique contributions that these animals play in
6 providing public safety and recognizing them as
7 full partners with other law enforcement
8 officials in efforts to keep our communities
9 safe.

10 Mr. President, I vote aye.

11 ACTING PRESIDENT NOZZOLIO: Senator
12 Seward in the affirmative.

13 Announce the result.

14 THE SECRETARY: Ayes, 56.

15 ACTING PRESIDENT NOZZOLIO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 195, by Senator Klein, Senate Print 2253, an act
19 to amend the Penal Law.

20 ACTING PRESIDENT NOZZOLIO: Read
21 the last section.

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

24 ACTING PRESIDENT NOZZOLIO: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT NOZZOLIO:

3 Announce the result.

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT NOZZOLIO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 210, by Senator Larkin, Senate Print 947, an act
9 to amend the General Municipal Law.

10 ACTING PRESIDENT NOZZOLIO: Read
11 the last section.

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

14 ACTING PRESIDENT NOZZOLIO: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT NOZZOLIO:

18 Announce the result.

19 THE SECRETARY: Ayes, 56.

20 ACTING PRESIDENT NOZZOLIO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 224, by Senator Carlucci, Senate Print 3800, an
24 act to amend Chapter 373 of the Laws of 1998.

25 ACTING PRESIDENT NOZZOLIO: Read

1 the last section.

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

4 ACTING PRESIDENT NOZZOLIO: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT NOZZOLIO:
8 Announce the result.

9 THE SECRETARY: Ayes, 56.

10 ACTING PRESIDENT NOZZOLIO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 225, by Senator Bonacic, Senate Print 3792, an
14 act to amend the Racing, Pari-Mutuel Wagering and
15 Breeding Law.

16 ACTING PRESIDENT NOZZOLIO: Read
17 the last section.

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

20 ACTING PRESIDENT NOZZOLIO: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT NOZZOLIO:
24 Announce the result.

25 THE SECRETARY: Ayes, 55. Nays,

1 1. Senator Diaz recorded in the negative.

2 ACTING PRESIDENT NOZZOLIO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 227, by Senator Ritchie, Senate Print 3968, an
6 act to amend the Education Law.

7 ACTING PRESIDENT NOZZOLIO: Read
8 the last section.

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

11 ACTING PRESIDENT NOZZOLIO: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT NOZZOLIO:
15 Announce the result.

16 THE SECRETARY: Ayes, 56.

17 ACTING PRESIDENT NOZZOLIO: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 247, by Senator Gallivan, Senate Print 1698A, an
21 act to amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT NOZZOLIO: Read
23 the last section.

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

1 ACTING PRESIDENT NOZZOLIO: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT NOZZOLIO: Senator
5 Gallivan, why do you rise?

6 SENATOR GALLIVAN: To explain my
7 vote, Mr. President.

8 ACTING PRESIDENT NOZZOLIO: Senator
9 Gallivan to explain his vote.

10 SENATOR GALLIVAN: Thank you,
11 Mr. President.

12 This bill is named in the memory of
13 18-year-old Alix Rice of Amherst, New York, a
14 resident of Senator Ranzenhofer's district.

15 On Friday, July 8th, 2011, around
16 11:30 p.m., Alix was hit by a drunk driver and
17 left on the roadside. In the resulting trial,
18 the individual who struck and killed her was
19 found guilty of driving while intoxicated, yet
20 not guilty of leaving the scene of the accident.
21 It was really beyond belief, beyond common
22 sense.

23 This law closes a dangerous loophole
24 that allowed a seemingly unjust verdict -- a
25 young, vibrant Alix dead and a drunk driver not

1 held accountable for the death he caused.

2 I thank this body for supporting
3 this legislation last year, and again today, for
4 recognizing the alarming rash of tragedies that
5 continue to take lives and tear apart communities
6 across our state.

7 The story of Alix Rice attracted
8 significant attention in Western New York, and
9 her life has inspired a great many people to take
10 up different causes in her name. An organization
11 called Rocking for Rice has put on a number of
12 concerts in the Western New York area with the
13 ultimate goal of raising enough money to
14 construct a permanent skate park in Alix's
15 hometown, aptly named the Alix Rice Peace Park.
16 This is a fitting tribute and a lasting memory to
17 a young woman who continues to have a great
18 impact on the friends and community she left
19 behind.

20 An equally fitting tribute would be
21 to enact Alix's Law, legislation that would
22 ensure individuals who act with reckless
23 disregard for the law and the safety of others be
24 held accountable for their crimes, so that others
25 who may find themselves on the verge of making a

1 dangerous decision may take a moment of pause,
2 reflect upon the story of Alix Rice, and may they
3 know that reckless and illegal behavior will have
4 real consequences in this state.

5 I vote aye, Mr. President.

6 ACTING PRESIDENT NOZZOLIO: Thank
7 you, Senator Gallivan.

8 Senator Gallivan in the affirmative.

9 Senator Kennedy.

10 SENATOR KENNEDY: Thank you,
11 Mr. President.

12 We stand here today passing Alix's
13 Law once again. I thank my colleagues for
14 bringing this important law, this important
15 reform to the floor for a vote. And I urge our
16 colleagues across the hall in the Assembly to do
17 the same.

18 If an individual under the influence
19 flees the scene of an accident, there should be
20 serious consequences. Oftentimes when drivers
21 flee the scene of an accident to avoid
22 punishment, there are individuals left dying in
23 the street. That's exactly what happened in
24 Western New York.

25 This bill closes that loophole that

1 exists in the law and holds those committing
2 these heinous acts responsible. I urge my
3 colleagues in this chamber and once again across
4 the hall to do the same: Support Alix's Law.

5 Thank you, Mr. President. And I
6 vote aye.

7 ACTING PRESIDENT NOZZOLIO: Thank
8 you, Senator Kennedy.

9 Senator Kennedy in the affirmative.
10 Announce the result.

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT NOZZOLIO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 259, by Senator Ball, Senate Print 2559, an act
16 to amend the Penal Law.

17 ACTING PRESIDENT NOZZOLIO: Read
18 the last section.

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

21 ACTING PRESIDENT NOZZOLIO: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT NOZZOLIO: Senator
25 Ball.

1 SENATOR BALL: Thank you,
2 Mr. President. I'd like to explain my vote
3 quickly on this.

4 This legislation will restrict a
5 convicted felony sex offender or a violent sex
6 offender from utilizing any social network site
7 during the duration of the offender's time.

8 And then, quickly, I'd just like to
9 read from a letter that came to my district
10 office -- to speak a little bit towards the
11 genesis of this piece of legislation -- from a
12 constituent.

13 "My husband and I have been
14 homeowners for twenty years. In January 2007,
15 our 11-year-old daughter and her 12-year-old
16 friend were taken by a Internet predator. They
17 were taken from our hometown. The FBI issued an
18 Amber Alert for both of the children."

19 The letter goes into details which
20 I'm not going to dig into on this atrocity that
21 was committed.

22 The mother states: "The reason I am
23 writing to you is this. This man has been in
24 prison for four and a half years. Each month, as
25 a mother, I check the status online of the man

1 that raped our daughter. As a mother, I must be
2 certain that he is still in the correctional
3 facility on the VINE program.

4 "Then, each month, faithfully I type
5 his name into Google and look on the sex
6 offenders list for New York State. To my shock
7 and disappointment, he is still not posted on the
8 New York State Sex Offenders website, even though
9 four years have passed since his atrocious crimes
10 were committed.

11 "However, this time, when I entered
12 just his name into Google, I nearly choked. I
13 found him so easily. There he was, the man who
14 raped and assaulted my daughter, seeking women on
15 a kind of porn pen pal site for Outlaws Online.
16 His address, his picture, and his information are
17 all included on his website. The most disturbing
18 part to me was that he states he wants kids.

19 "He has created this profile on the
20 Internet while in prison. So my question is
21 this. Are we in New York State allowing sex
22 predators who rape and steal our children to be
23 on the Internet?"

24 And sadly, until the Assembly moves
25 forward, we are. And even if you even go on

1 Google today, this scumbag is still out there
2 soliciting women and children.

3 That's why this piece of legislation
4 was brought to the Senate, and I hope the
5 Assembly will move forward as well.

6 Thank you very much.

7 ACTING PRESIDENT NOZZOLIO: Thank
8 you, Senator Ball.

9 Senator Ball in the affirmative.

10 Announce the result.

11 THE SECRETARY: Ayes, 56. Nays,
12 1. Senator Perkins recorded in the negative.

13 ACTING PRESIDENT NOZZOLIO: The
14 bill is passed.

15 Senator Libous, that completes the
16 noncontroversial reading of the calendar.

17 SENATOR LIBOUS: Mr. President, if
18 that completes the controversial reading of the
19 calendar, I would ask you if there's any further
20 business at the desk.

21 ACTING PRESIDENT NOZZOLIO: There
22 being no other business at the desk --

23 SENATOR LIBOUS: There is no
24 further business at the desk, Mr. President?

25 (Laughter.)

1 ACTING PRESIDENT NOZZOLIO: Yes,
2 Mr. Floor Leader.

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

5 Therefore, there being no further
6 business at the desk, I move that we adjourn
7 until Tuesday, March 26th, at 5:00 p.m.

8 ACTING PRESIDENT NOZZOLIO: On
9 motion, the Senate stands adjourned until
10 Tuesday, March 26th, at 5:00 p.m.

11 (Whereupon, at 11:50 a.m., the
12 Senate adjourned.)

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