

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 June 9, 2014

11 2:47 p.m.

12  
13  
14 REGULAR SESSION

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16  
17  
18 SENATOR DIANE J. SAVINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all those present to please  
5 rise with me and recite the Pledge of  
6 Allegiance.

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

9 ACTING PRESIDENT SAVINO: Today's  
10 invocation will be given by the Reverend  
11 Dr. Alfred Joseph, Pastor of the La Piscine  
12 De Bethesda Church, in Brooklyn.

13 REVEREND JOSEPH: I thank you,  
14 Miss Chairman, and especially Senator Parker for  
15 this great opportunity and honor to do the  
16 invocation.

17 Let's bow our heads.

18 Heavenly Father, we bless Your name  
19 for this great opportunity we have today.  
20 Hallelujah. We thank You for Your presence. We  
21 thank You for Your protection. We thank You for  
22 the forgiveness of our sins. And we pray that  
23 You take control of this great Senate session  
24 today.

25 Let everything going to be

1 discussed today be guided by the great power of  
2 the Almighty God, Hallelujah, for the good and  
3 benefits of all the citizens of the United States  
4 and the State of New York.

5 We pray that, Hallelujah, You be  
6 with everyone, especially to bless our President,  
7 Barack Obama, our Governor, Andrew Cuomo, and our  
8 chairmen, especially our Senator, Kevin Parker.  
9 We pray that you guide them in the decision  
10 making for the benefit of all the citizens of the  
11 State of New York, especially the  
12 Haitian-American community, and the citizens of  
13 the district where our Senator is the leader.

14 (In French/Haitian Creole.) We pray  
15 to You in the mighty name of Jesus Christ.

16 Amen.

17 ACTING PRESIDENT SAVINO: The  
18 reading of the Journal.

19 THE SECRETARY: In Senate, Sunday,  
20 June 8th, the Senate met pursuant to adjournment.  
21 The Journal of Saturday, June 7th, was read and  
22 approved. On motion, Senate adjourned.

23 ACTING PRESIDENT SAVINO: Without  
24 objection, the Journal stands approved as read.

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 45, Senator  
4 Grisanti moves to discharge, from the Committee  
5 on Environmental Conservation, Assembly Bill  
6 Number 5465A and substitute it for the identical  
7 Senate Bill Number 3985A, Third Reading Calendar  
8 725.

9 On page 61, Senator Ritchie moves to  
10 discharge, from the Committee on Finance,  
11 Assembly Bill Number 829 and substitute it for  
12 the identical Senate Bill Number 2115,  
13 Third Reading Calendar 932.

14 On page 73, Senator Avella moves to  
15 discharge, from the Committee on Transportation,  
16 Assembly Bill Number 1358 and substitute it for  
17 the identical Senate Bill Number 4898, Third  
18 Reading Calendar 1114.

19 ACTING PRESIDENT SAVINO:  
20 Substitutions ordered.

21 Messages from the Governor.

22 Report of standing committees.

23 Reports of select committees.

24 Communications and reports from  
25 state officers.

1                   Motions and resolutions.

2                   Senator Libous.

3                   SENATOR LIBOUS:     Madam President,  
4     if you would call on Senator Valesky and then  
5     Senator Gianaris and then come back to me. I  
6     believe we all have a number of motions that we  
7     need to get done.

8                   ACTING PRESIDENT SAVINO:     Senator  
9     Valesky.

10                  SENATOR VALESKY:     Thank you, Madam  
11     President. On behalf of you, and on page 33, I  
12     offer the following amendments to Calendar Number  
13     547, Senate Bill 6964, and ask that said bill  
14     retain its place on the Third Reading Calendar.

15                  And also, on behalf of Senator  
16     Carlucci, on page 47 I offer the following  
17     amendments to Calendar Number 750, Senate Bill  
18     1982B, and ask that that bill retain its place on  
19     the Third Reading Calendar.

20                  ACTING PRESIDENT SAVINO:     So  
21     ordered.

22                  Senator Gianaris.

23                  SENATOR GIANARIS:     Thank you, Madam  
24     President.

25                  On page 35, I offer the following

1 amendments to Calendar Number 580, Senate Print  
2 3652, and ask that said bill retain its place on  
3 Third Reading Calendar. And that's on behalf of  
4 Senator Stavisky.

5 ACTING PRESIDENT SAVINO: So  
6 ordered.

7 Senator Libous.

8 SENATOR LIBOUS: Thank you, Madam  
9 President. I would ask the indulgence of the  
10 chamber because I have quite a few motions.

11 And the first one is on behalf of  
12 Senator Little. I wish to call up her bill,  
13 Senate Print 6654, recalled from the Assembly,  
14 and it is now at the desk.

15 ACTING PRESIDENT SAVINO: The  
16 Secretary will read.

17 THE SECRETARY: Calendar Number  
18 480, by Senator Little, Senate Print 6654, an act  
19 to amend Chapter 138 of the Laws of 1998.

20 SENATOR LIBOUS: Madam President, I  
21 now move to reconsider the vote by which this  
22 bill was passed and ask that the bill be restored  
23 to the order of third reading.

24 ACTING PRESIDENT SAVINO: The  
25 Secretary will call the roll on reconsideration.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 53.

3 ACTING PRESIDENT SAVINO: Senator  
4 Libous.

5 SENATOR LIBOUS: Madam President, I  
6 now move to discharge, from the Cultural Affairs,  
7 Tourism and Parks and Recreation Committee,  
8 Assembly Print Number 8728 and substitute it for  
9 this identical bill.

10 ACTING PRESIDENT SAVINO: So  
11 ordered.

12 Senator Libous.

13 SENATOR LIBOUS: I'm not sure if  
14 I'm supposed to read the last part. I am.

15 I now move that the substituted  
16 Assembly bill have its third reading at this  
17 time.

18 ACTING PRESIDENT SAVINO: The  
19 Secretary will read.

20 THE SECRETARY: Calendar Number  
21 480, by Member of the Assembly Markey, Assembly  
22 Print 8728, an act to amend Chapter 138 of the  
23 Laws of 1998.

24 ACTING PRESIDENT SAVINO: Read the  
25 last section.

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

3 ACTING PRESIDENT SAVINO: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT SAVINO: Announce  
7 the results.

8 THE SECRETARY: Ayes, 53.

9 ACTING PRESIDENT SAVINO: The bill  
10 is passed.

11 Senator Libous.

12 SENATOR LIBOUS: Thank you,  
13 Mr. President -- Madam President. I think I got  
14 through that one.

15 On behalf of Senator Ritchie, I wish  
16 to call up her bill, Senate Print 3968, recalled  
17 from the Assembly, which is now at the desk.

18 ACTING PRESIDENT SAVINO: The  
19 Secretary will read.

20 THE SECRETARY: Calendar Number  
21 259, by Senator Ritchie, Senate Print 3968, an  
22 act to amend the Education Law.

23 SENATOR LIBOUS: Madam President,  
24 at this time I move to reconsider the vote by  
25 which this bill was passed.



1                   ACTING PRESIDENT SAVINO:    The  
2   Secretary will call the roll on reconsideration.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 54.

5                   ACTING PRESIDENT SAVINO:    The bill  
6   is restored to the Third Reading Calendar.

7                   SENATOR LIBOUS:    Madam President, I  
8   offer up the following amendments.

9                   ACTING PRESIDENT SAVINO:    The  
10   amendments are received.

11                   SENATOR LIBOUS:    On behalf of  
12   Senator Zeldin, Madam President, I wish to call  
13   up his bill, Senate Print 3823B, recalled from  
14   the Assembly, which is now at the desk.

15                   ACTING PRESIDENT SAVINO:    The  
16   Secretary will read.

17                   THE SECRETARY:    Calendar Number  
18   167, by Senator Zeldin, Senate Print 3823B, an  
19   act to amend the Environmental Conservation Law.

20                   SENATOR LIBOUS:    Madam President,  
21   I now move to reconsider the vote by which this  
22   bill was passed.

23                   ACTING PRESIDENT SAVINO:    The  
24   Secretary will call the roll on reconsideration.

25                   (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 54.

2 ACTING PRESIDENT SAVINO: The bill  
3 is restored to its place on the Third Reading  
4 Calendar.

5 SENATOR LIBOUS: Madam President, I  
6 offer up the following amendments.

7 ACTING PRESIDENT SAVINO: The  
8 amendments are accepted.

9 Senator Libous.

10 SENATOR LIBOUS: Thank you, Madam  
11 President.

12 On behalf of Senator LaValle, I wish  
13 to call up his bill, Senate Print 6419, recalled  
14 from the Assembly, which is now at the desk.

15 ACTING PRESIDENT SAVINO: The  
16 Secretary will read.

17 THE SECRETARY: Calendar Number  
18 341, by Senator LaValle, Senate Print 6419, an  
19 act to amend the Environmental Conservation Law.

20 SENATOR LIBOUS: I now move to  
21 reconsider the vote by which this bill was  
22 passed.

23 ACTING PRESIDENT SAVINO: The  
24 Secretary will call the roll on reconsideration.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 54.

2 ACTING PRESIDENT SAVINO: The bill  
3 is restored to the Third Reading Calendar.

4 SENATOR LIBOUS: I offer up the  
5 following amendments.

6 ACTING PRESIDENT SAVINO: The  
7 amendments are accepted.

8 SENATOR LIBOUS: Thank you, Madam  
9 President.

10 On behalf of Senator Lanza, I'd like  
11 to call up his bill, Senate Print 3965, recalled  
12 from the Assembly, which is now at the desk.

13 ACTING PRESIDENT SAVINO: The  
14 Secretary will read.

15 THE SECRETARY: Calendar Number  
16 361, by Senator Lanza, Senate Print 3965, an act  
17 to amend the Penal Law.

18 SENATOR LIBOUS: Madam President, I  
19 now move to reconsider the vote by which this  
20 bill was passed.

21 ACTING PRESIDENT SAVINO: The  
22 Secretary will call the roll on reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 54.

25 ACTING PRESIDENT SAVINO: The bill

1 is restored to the Third Reading Calendar.

2 SENATOR LIBOUS: Madam President, I  
3 offer up the following amendments.

4 ACTING PRESIDENT SAVINO: The  
5 amendments are accepted.

6 SENATOR LIBOUS: Thank you, Madam  
7 President.

8 On behalf of Senator Gallivan, I'd  
9 like to call up his bill, Senate Print 6842,  
10 recalled from the Assembly, which is now at the  
11 desk.

12 ACTING PRESIDENT SAVINO: The  
13 Secretary will read.

14 THE SECRETARY: Section 519, by  
15 Senator Gallivan, Senate Print 6842, an act to  
16 amend the Highway Law.

17 SENATOR LIBOUS: Madam President, I  
18 now move to reconsider the vote by which this  
19 bill was passed.

20 ACTING PRESIDENT SAVINO: The  
21 Secretary will call the roll on reconsideration.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 54.

24 ACTING PRESIDENT SAVINO: The bill  
25 is restored to the Third Reading Calendar.

1                   SENATOR LIBOUS:     Madam President, I  
2     offer up the following amendments.

3                   ACTING PRESIDENT SAVINO:     The  
4     amendments are accepted.

5                   SENATOR LIBOUS:     Madam President,  
6     on behalf of Senator Little, on page 17 I offer  
7     the following amendments to Calendar Number 143,  
8     Senate Print 4358C, and ask that said bill retain  
9     its place on the Third Reading Calendar.

10                  ACTING PRESIDENT SAVINO:     So  
11     ordered.

12                  SENATOR LIBOUS:     On behalf of  
13     Senator Farley, Madam President, on page 76 I  
14     offer the following amendments to Calendar Number  
15     1130, Senate Print 7238, and ask that said bill  
16     retain its place on the Third Reading Calendar.

17                  ACTING PRESIDENT SAVINO:     So  
18     ordered.

19                  THE SECRETARY:     On behalf of  
20     Senator Martins, Madam President, on page 55 I  
21     offer the following amendments to Calendar Number  
22     858, Senate Print 6580A, and ask that said bill  
23     retain its place on the Third Reading Calendar.

24                  ACTING PRESIDENT SAVINO:     So  
25     ordered.

1                   SENATOR LIBOUS:    Thank you, Madam  
2   President.

3                   Now I have a whole host of  
4   amendments.  Amendments are offered to the  
5   following Third Reading Calendar bills.

6                   The first one is Senator Maziarz, on  
7   page 18, Calendar Number 185, Senate Print 5286.

8                   The second one is Senator Maziarz,  
9   on page 18, Calendar Number 187, Senate Print  
10  6499A.

11                  The next one is Senator Golden, on  
12  page 21, Calendar Number 247, Senate Print 4426.

13                  The next one is Senator Gallivan, on  
14  page 23, 336 is the Calendar Number, and the  
15  Senate Print is 91.

16                  On behalf of Senator Golden, page  
17  29, Calendar Number 486, Senate Print 6761.

18                  On behalf of Senator Ritchie, on  
19  page 31, Calendar Number 507, Senate Print 7131.

20                  On behalf of Senator Young, on  
21  page 35, Calendar Number 581, Senate Print 3894A.

22                  On behalf of Senator DeFrancisco,  
23  page 37, Calendar Number 607, 6639 is the Senate  
24  Print.

25                  On behalf of Senator Golden, on

1 page 39, Calendar Number 641, Senate Print 7057A.

2 On behalf of Senator Gallivan, on  
3 page 47, Calendar Number 760, Senate Print 5950.

4 On behalf of Senator Golden,  
5 page 51, Calendar Number 801, Senate Print 7176.

6 You with me? Am I doing okay?

7 ACTING PRESIDENT SAVINO: You're  
8 doing fine.

9 SENATOR LIBOUS: On behalf of  
10 Senator Griffo, page 53, Calendar Number 834,  
11 Senate Print 2090A.

12 On behalf of Senator Marcellino,  
13 page 54, Calendar Number 847, Senate Print 5275A.

14 On behalf of Senator DeFrancisco,  
15 page 62, Calendar Number 943, Senate Print 3732B.

16 On behalf of Senator Young, page 62,  
17 Calendar Number 945, Senate Print 4610.

18 On behalf of Senator Griffo,  
19 page 66, Calendar Number 981, Senate Print 7241.

20 On behalf of Senator Golden,  
21 page 67, Calendar Number 991, Senate Print 7095A.

22 On behalf of Senator Zeldin,  
23 page 21, Calendar Number 245, Senate Print 6682A.

24 On behalf of Senator Hannon,  
25 page 34, Calendar Number 562, Senate Print 6939A.

1           On behalf of Senator Young, page 34,  
2   Calendar Number 564, Senate Print 7004.

3           On behalf of Senator Hannon,  
4   page 57, Calendar Number 873, Senate Print 7253.

5           On behalf of Senator Flanagan, on  
6   page 70, Calendar Number 1034, Senate Print 7227.

7           On behalf of Senator Seward, on  
8   page 76, Calendar Number 1131, Senate Print 7276.

9           And on behalf of Senator Flanagan,  
10   on page 43, Calendar Number 695, Senate Print  
11   5322.

12           Not bad for a kid with dyslexia  
13   reading all those numbers.

14           (Laughter.)

15           SENATOR LIBOUS:   Madam President, I  
16   now move that the bills retain their place on the  
17   order of third reading.

18           ACTING PRESIDENT SAVINO:   Thank  
19   you, Senator Libous.  The bills are amended, and  
20   they will be restored to their place on Third  
21   Reading Calendar.

22           SENATOR LIBOUS:   Thank you.

23           Would you call on Senator Avella,  
24   please.

25           ACTING PRESIDENT SAVINO:   Senator



1 Avella.

2 SENATOR AVELLA: Thank you, Madam  
3 President. On behalf of you, Madam President, on  
4 page 73 I offer the following amendments to  
5 Calendar Number 1110, Senate Print Number 3667A,  
6 and I ask that said bill retain its place on the  
7 Third Reading Calendar.

8 ACTING PRESIDENT SAVINO: The  
9 amendments are received, and the bill will be  
10 restored to its place on Third Reading Calendar.

11 Senator Libous.

12 SENATOR LIBOUS: Thank you,  
13 Madam President.

14 At this time I will call an  
15 immediate meeting of the Rules Committee in  
16 Room 332, an immediate meeting of the Rules  
17 Committee in Room 332.

18 And the Senate will stand at ease.

19 ACTING PRESIDENT SAVINO: There  
20 will be an immediate meeting of the Rules  
21 Committee in Room 332.

22 The Senate will stand at ease  
23 pending the return of the Rules Committee.

24 (Whereupon, the Senate stood at ease  
25 at 3:01 p.m.)

1                   (Whereupon, the Senate reconvened at  
2   3:28 p.m.)

3                   ACTING PRESIDENT SAVINO:    The  
4   Senate will please come to order.

5                   Senator Libous.

6                   SENATOR LIBOUS:    Madam President, I  
7   believe there's a report of the Rules Committee  
8   at the desk. I ask that it be read at this time.

9                   ACTING PRESIDENT SAVINO:    Senator  
10   Libous, there is a report of the Rules Committee  
11   at the desk.

12                   The Secretary will read.

13                   THE SECRETARY:    Senator Skelos,  
14   from the Committee on Rules, reports the  
15   following bills:

16                   Senate Print 89A, by Senator  
17   Gallivan, an act to amend the Executive Law;

18                   Senate 273B, by Senator Larkin, an  
19   act to amend the Tax Law;

20                   Senate 509, by Senator Espaillat, an  
21   act to amend the Environmental Conservation Law;

22                   Senate 680, by Senator Avella, an  
23   act to amend the Administrative Code of the City  
24   of New York;

25                   Senate 1005A, by Senator Little, an

1 act to amend the Tax Law;

2 Senate 1413, by Senator Montgomery,  
3 an act to amend the Correction Law;

4 Senate 2108, by Senator Golden, an  
5 act to amend the Executive Law;

6 Senate 2225D, by Senator Young, an  
7 act to amend the Mental Hygiene Law;

8 Senate 2366, by Senator Klein, an  
9 act to amend the Penal Law;

10 Senate 2467, by Senator Lanza, an  
11 act to amend the Tax Law;

12 Senate 2526A, by Senator Marcellino,  
13 an act to amend the Executive Law;

14 Senate 2648, by Senator Ball, an act  
15 to amend the Tax Law;

16 Senate 3626D, by Senator Lanza, an  
17 act to amend the Tax Law;

18 Senate 3770, by Senator Robach, an  
19 act to amend the State Finance Law;

20 Senate 4596B, by Senator LaValle, an  
21 act to amend the Education Law;

22 Senate 4642A, by Senator Grisanti,  
23 an act to amend the Tax Law;

24 Senate 4666, by Senator Golden, an  
25 act to amend the Executive Law;

1                   Senate 4679A, by Senator Nozzolio,  
2   an act to amend the Tax Law;

3                   Senate 6146, by Senator Golden, an  
4   act to amend the Executive Law;

5                   Senate 6202, by Senator Bonacic, an  
6   act to amend the Correction Law;

7                   Senate 6303, by Senator LaValle, an  
8   act to amend the State Finance Law;

9                   Senate 6655, by Senator Griffo, an  
10   act to amend the State Finance Law;

11                   Senate 6684, by Senator Golden, an  
12   act to amend the State Finance Law;

13                   Senate 6698A, by Senator Carlucci,  
14   an act to amend the Education Law;

15                   Senate 6852, by Senator Sanders, an  
16   act to direct;

17                   Senate 7180, by Senator Valesky, an  
18   act to amend the Agriculture and Markets Law;

19                   Senate 7208, by Senator DeFrancisco,  
20   an act to amend the Tax Law;

21                   Senate 7397, by Senator Farley, an  
22   act to amend the Economic Development Law;

23                   Senate 7433, by Senator Valesky, an  
24   act to amend the Agriculture and Markets Law;

25                   Senate 7503, by Senator Ranzenhofer,

1 an act to amend the Correction Law;

2 Senate 7734, by Senator Nozzolio, an  
3 act to amend the Penal Law;

4 Senate 7760, by Senator Larkin, an  
5 act to amend Chapter 266 of the Laws of 1981;

6 Senate 7764, by Senator Seward, an  
7 act to amend the Insurance Law;

8 And Senate 7774, by Senator Hannon,  
9 an act to amend Chapter 433 of the Laws of 1997.

10 All bills reported direct to third  
11 reading.

12 ACTING PRESIDENT SAVINO: Senator  
13 Libous.

14 SENATOR LIBOUS: Madam President,  
15 could I move that we accept the report of the  
16 Rules Committee.

17 ACTING PRESIDENT SAVINO: All those  
18 in favor of accepting the report of the  
19 Rules Committee signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT SAVINO: Opposed,  
22 nay.

23 (No response.)

24 ACTING PRESIDENT SAVINO: The  
25 report is accepted.

1 Senator Libous.

2 SENATOR LIBOUS: Thank you, Madam  
3 President.

4 At this time we have several  
5 resolutions by Senator Carlucci. They are  
6 Resolutions Number 5577, 5637, and 5638. We  
7 would like them read -- the first one would be  
8 read title only, the second two would be read in  
9 their entirety, and then call on  
10 Senator Carlucci, please.

11 ACTING PRESIDENT SAVINO: Returning  
12 to motions and resolutions.

13 The Secretary will read.

14 THE SECRETARY: Legislative  
15 Resolution Number 5577, by Senator Carlucci,  
16 memorializing Governor Andrew M. Cuomo to  
17 proclaim June 9, 2014, as Italian American Day in  
18 New York State.

19 Legislative Resolution Number 5637,  
20 by Senator Carlucci, commending Tony Danza upon  
21 the occasion of his selection as 2014  
22 Italian-American Day Honoree.

23 "WHEREAS, It is the sense of this  
24 Legislative Body to pay tribute to those  
25 individuals of true purpose and worthy

1 accomplishment who foster ethnic pride and strive  
2 to preserve their cultural heritage, thereby  
3 enhancing the profile of cultural diversity which  
4 strengthens the fabric of community throughout  
5 this great Empire State; and

6 "WHEREAS, Attendant to such concern,  
7 and in full accord with its long-standing  
8 traditions, this Legislative Body is justly proud  
9 to commend Tony Danza upon the occasion of his  
10 selection as 2014 Italian-American Day Honoree;  
11 and

12 "WHEREAS, Born and raised in  
13 Brooklyn, New York, actor and humanitarian Tony  
14 Danza has starred on some of television's most  
15 beloved series, and is one of America's most  
16 beloved entertainers; for more than 30 years,  
17 this celebrity has delighted television, film,  
18 and stage audiences with his performances, and  
19 has impacted countless lives through his many  
20 volunteer efforts; and

21 "WHEREAS, Tony Danza is the oldest  
22 son of proud Italian-American parents who truly  
23 believed in the American dream, and who modeled  
24 community and family values; his father, Matty,  
25 was a Brooklyn sanitation worker, while his

1 mother, Anne, an immigrant from the Sicilian  
2 province of Trapani, worked as a bookkeeper; and

3 "WHEREAS, Tony Danza and his family  
4 moved to the Long Island community of Malverne,  
5 Nassau County, when he was 14; after graduating  
6 from Malverne High School, he attended the  
7 University of Dubuque on a wrestling scholarship,  
8 earning a bachelor's degree in history education;  
9 and

10 "WHEREAS, While earning a living as  
11 a professional boxer, Tony Danza was  
12 'discovered' and eventually cast in the  
13 critically acclaimed television series 'Taxi,'  
14 earning him a place in television history and  
15 making him a household name; this was followed by  
16 a starring role in the series 'Who's the Boss?',  
17 which ran for eight seasons and broke all  
18 syndication records; and

19 "WHEREAS, This multifaceted  
20 entertainer next explored his love for the stage;  
21 his many stage credits include his theatrical  
22 debut in Wrong Turn at Lungfish (1993), for which  
23 he earned an Outer Critic's Circle Award  
24 nomination; the critically acclaimed The Iceman  
25 Cometh; Arthur Miller's Tony Award-winning play A



1 View from the Bridge; and Mel Brooks' hit musical  
2 The Producers, playing Max Bialystock; and

3 "WHEREAS, Tony Danza has also  
4 appeared on the big screen in such films as  
5 Angels in the Outfield, She's Out of Control, The  
6 Hollywood Knights, and A Brooklyn State of Mind;  
7 and

8 "WHEREAS, Proud of his heritage,  
9 Tony Danza and his son, Marc, wrote Don't Fill Up  
10 on the Antipasto: Tony Danza's Father-Son  
11 Cookbook, in which they share favorite family  
12 recipes and stories about their Italian immigrant  
13 family history; and

14 "WHEREAS, From 2009 to 2010, this  
15 extraordinary man took on the challenge of  
16 teaching tenth-grade English at Philadelphia's  
17 Northeast High School; his amazing experience was  
18 taped and aired in the lauded seven-part  
19 documentary series 'Teach,' and, in September  
20 2012, his acclaimed reflection of his teaching  
21 experience 'I'd Like to Apologize to Every  
22 Teacher I Ever Had: My Year as a Rookie Teacher  
23 at Northeast High,' was released; and

24 "WHEREAS, Tony Danza cares  
25 passionately about young people and devotes

1 considerable time and energies to initiatives  
2 aimed towards making a difference for youth; he  
3 is a regular volunteer and mentor at the New York  
4 City All Stars Project, which transforms the  
5 lives of youth and poor communities through  
6 performance, and he volunteers for the  
7 New York-based Voices Against Brain Cancer; and

8               "WHEREAS, In addition, Tony Danza is  
9 a participant in Only Make Believe, which  
10 provides interactive theater experiences for  
11 children in hospitals and care facilities; he  
12 organizes and hosts an annual student/teacher  
13 talent show fundraiser at Northeast High School,  
14 and this energetic man recently joined the board  
15 of the New York City Police Athletic League,  
16 where he will focus his efforts on strengthening  
17 the relationship between the city's youth and the  
18 police department; and

19               "WHEREAS, In 2010, Tony Danza  
20 received the Inspire Award from AARP The  
21 Magazine, recognizing him as a person who  
22 inspires others to action through their  
23 innovative thinking, passion and perseverance; he  
24 was also honored by USA Today at its 2013  
25 National Make A Difference Day Awards for his

1 commitment to helping others through his numerous  
2 charity efforts; and

3 "WHEREAS, Tony Danza has truly  
4 distinguished himself in his career and community  
5 involvement, and the Italian-American community  
6 and all of New York State has profited greatly  
7 from his talent, dedication, and service; now,  
8 therefore, be it

9 "RESOLVED, That this Legislative  
10 Body pause in its deliberations to commend  
11 Tony Danza upon the occasion of being selected as  
12 2014 Italian-American Day Honoree; and be it  
13 further

14 "RESOLVED, That a copy of this  
15 resolution, suitably engrossed, be transmitted to  
16 Tony Danza."

17 ACTING PRESIDENT SAVINO: The  
18 Secretary will continue to read.

19 THE SECRETARY: Legislative  
20 Resolution Number 5638, by Senator Carlucci,  
21 commending Liberty DeVitto upon the occasion of  
22 his selection as 2014 Italian-American Day  
23 Honoree.

24 "WHEREAS, It is the sense of this  
25 Legislative Body to pay tribute to those

1 individuals of true purpose and worthy  
2 accomplishment who foster ethnic pride and strive  
3 to preserve their cultural heritage, thereby  
4 enhancing the profile of cultural diversity which  
5 strengthens the fabric of community throughout  
6 this great Empire State; and

7 "WHEREAS, Attendant to such concern,  
8 and in full accord with its long-standing  
9 traditions, this Legislative Body is justly proud  
10 to commend Liberty DeVitto upon the occasion of  
11 his selection as a 2014 Italian-American Day  
12 Honoree; and

13 "WHEREAS, Affectionately known as  
14 the songwriter's drummer, throughout his  
15 illustrious career Liberty DeVitto has played  
16 with Paul McCartney, Stevie Nicks, Mick Jagger,  
17 Roger Daltrey, Ronnie Spector, Karen Carpenter,  
18 Phoebe Snow, Elton John, Meatloaf, and many more;  
19 and

20 "WHEREAS, In 2013, Liberty DeVitto  
21 was inducted into The Classic Drummer's Hall of  
22 Fame, and for more than 40 years he has been  
23 repeatedly featured in articles, documentaries  
24 and educational publications, most recently in  
25 the documentary 'A Matter of Trust: The Bridge

1 to Russia'; and

2 "WHEREAS, Born to Sicilian  
3 immigrants Vincent and Josephine (Sardisco)  
4 DeVitto, Liberatori (Liberty) DeVitto was born  
5 in Brooklyn, New York, on August 8, 1950, a  
6 second-generation Italian American; and

7 "WHEREAS, Life for Liberty DeVitto  
8 began in a one-room furnished apartment, where  
9 his mother would empty a dresser drawer, line it  
10 with a baby blanket, and use that for his bed;  
11 his mother says it was the radio on top of the  
12 dresser, which she kept on at all times, that  
13 gave Liberty his love for music; and

14 "WHEREAS, After Liberty DeVitto's  
15 father became a New York City police officer in  
16 the 77th Precinct in Brooklyn, he decided to join  
17 the migration to the suburbs, and moved his new  
18 family to Long Island in 1951; and

19 "WHEREAS, On February 9, 1964,  
20 Liberty DeVitto's family, like every other family  
21 in America, had the TV tuned to 'The Ed Sullivan  
22 Show,' and there they were, in black and white:  
23 The Beatles; since that moment, Liberty's life  
24 would change forever; and

25 "WHEREAS, In June of 1968, Liberty

1 DeVitto graduated from Seaford High School, and  
2 by November he was on the road with Detroit  
3 rocker Mitch Ryder, banging out Mitch's hits  
4 Jenny Takes a Ride, Devil with a Blue Dress and  
5 Sock It To Me Baby; and

6 "WHEREAS, Right after Mitch Ryder,  
7 Liberty DeVitto landed a gig with Long Island  
8 alumni Richie Supa, and had his first recording  
9 experience; the album, Supa's Jamboree, was  
10 recorded in Atlanta in 1969-70, and was produced  
11 by Buddy Buie of the Classics 4 and Atlanta  
12 Rhythm Section fame; and

13 "WHEREAS, The album was released on  
14 Paramount Records, and a tour immediately  
15 followed; during this time, Liberty was driving  
16 the band equipment van from Cleveland, Ohio, back  
17 home to Long Island when he was involved in an  
18 accident, sustaining serious injuries; and

19 "WHEREAS, Subsequently, Liberty  
20 DeVitto took a year off from playing the drums;  
21 to ease back in, he took a steady gig at a  
22 catering hall on Long Island; during those years,  
23 the group Topper was formed, and eventually the  
24 group became Billy Joel's band, going on to  
25 create such legendary songs as Scenes from an

1 Italian Restaurant and New York State of Mind;  
2 and

3 "WHEREAS, After 30 years with Billy  
4 Joel, and countless other projects, Liberty  
5 DeVitto is still going strong; he is proud to  
6 have been a part of the 9-11 recovery efforts,  
7 visiting Ground Zero and supporting the first  
8 responders with Billy Joel a few days after the  
9 tragedy and performing to raise funds to rebuild  
10 his city; and

11 "WHEREAS, In addition, he has played  
12 for supporters at 'The Tunnel to Towers Run,'  
13 commemorating Stephen Sills' heroic effort to  
14 save fellow New Yorkers on September 11, 2001;  
15 and

16 "WHEREAS, Today, Liberty DeVitto can  
17 be seen live with his Brooklyn, New York-based  
18 rock and blues band, The Slim Kings, who are  
19 working on their sophomore album, following their  
20 successful first album and single Waterloo, which  
21 was released on charity CD Songs For Sandy II,  
22 along with releases from Paul McCartney and Dave  
23 Stewart; and

24 "WHEREAS, Liberty DeVitto is an  
25 Honorary Board Member of Little Kids Rock, a

1 non-profit organization which puts instruments  
2 and music programs in underserved public schools  
3 worldwide; each year, he is also the house  
4 drummer for the yearly LKR Gala, driving the beat  
5 for such performers as Bruce Springsteen, Tom  
6 Morello, Elvis Costello, and many others; and

7 "WHEREAS, This exemplary man remains  
8 a band member for The Rock and Roll Hall of Fame  
9 Foundation, lectures globally for Sticks and  
10 Skins, and is a founding member of the NYC Hit  
11 Squad; he is also a member of The Recovery Squad,  
12 a band and program dedicated to rock 'n' roll and  
13 sober living; and

14 "WHEREAS, Liberty DeVitto resides in  
15 Brooklyn with his loving wife, Anna; he continues  
16 to lecture, interview and play music all over the  
17 world; and

18 "WHEREAS, Liberty DeVitto has truly  
19 distinguished himself in his career and community  
20 involvement, and the Italian-American community  
21 and all of New York State have profited greatly  
22 from his talent, dedication, and service; now,  
23 therefore, be it

24 "RESOLVED, That this Legislative  
25 Body pause in its deliberations to commend



1 Liberty DeVitto upon the occasion of being  
2 selected as a 2014 Italian-American Day Honoree;  
3 and be it further

4 "RESOLVED, That a copy of this  
5 resolution, suitably engrossed, be transmitted  
6 to Liberty DeVitto."

7 ACTING PRESIDENT SAVINO: Senator  
8 Carlucci on the resolutions.

9 SENATOR CARLUCCI: Well,  
10 buongiorno, Madam President. And today is the  
11 day we celebrate Italian American Day in our  
12 State Capitol, so it's an exciting day. But it's  
13 not just any random day. Today marks Festa Della  
14 Repubblica Italiana, which is the day shortly  
15 after World War II where fascism ended in Italy  
16 and it became a democratic republic.

17 So today we find it fitting to  
18 celebrate all the contributions that Italian  
19 Americans have had in this great state as well as  
20 our entire nation. And we have two distinguished  
21 gentlemen that are here in our chamber today,  
22 proud Italian Americans, that we can all be proud  
23 of as well.

24 You've heard the Secretary of the  
25 Senate read the long resos about all of the

1 contributions that both Tony Danza and  
2 Liberty DeVitto have had in this great state.

3 Tony Danza, as we all know, has been  
4 entertaining millions of Americans for over  
5 30 years -- although you would never tell by  
6 looking at him. But he's also now, he was  
7 telling me about he's getting ready for a new  
8 Broadway play that will be coming out soon,  
9 Honeymoon in Las Vegas, which we're all going to  
10 be looking forward to.

11 But more importantly than all of  
12 that, Tony Danza has used his celebrity as a  
13 force for good. And we had an opportunity to  
14 chat earlier -- you heard a little bit about it  
15 in the reso -- but about how he's working with  
16 the New York City Police Department, and he's  
17 working with our new mayor, Bill de Blasio, to  
18 bridge the gap between some of our at-risk teens  
19 and the police department.

20 And you see Tony Danza really light  
21 up when he talks about really using his celebrity  
22 to bridge the communities, and that he'll go to  
23 some of these meetings and see some of these  
24 teens that before were very fearful and  
25 standoffish, but by the end of the meeting were

1     able to work and really joke around and be  
2     cordial with the police department. So you see  
3     right there the good work that he's doing.

4                 And Liberty DeVitto, as you had  
5     heard in the resolution, has used his star power  
6     and his celebrity being a drummer -- many people  
7     have referred to him as the songwriter's  
8     drummer -- and how he's worked with Billy Joel,  
9     with Elton John, the list goes on and on.

10                But something that he's been doing  
11    that's really made a huge contribution to  
12    New Yorkers is allowing and making sure that  
13    students that want to pursue their musical  
14    talents have access to those instruments. And  
15    Liberty DeVitto that used his star power to  
16    enable children that otherwise wouldn't have  
17    access to those musical instruments to be able to  
18    really fulfill their talent and their joy.

19                And also what's so fitting from  
20    Liberty DeVitto, born in Brooklyn, New York, grew  
21    up in Long Island but is back in Brooklyn now.  
22    But he's joined by his parents here today,  
23    Josephine and Vincent.

24                And what's so exciting is Vincent is  
25    a World War II veteran and served in the invasion

1 in Normandy. And it's something that we all have  
2 great respect for. And considering the  
3 anniversary of last Friday, 70 years ago that  
4 day, that the beaches of Normandy were stormed,  
5 it's just a fitting day that we have Vincent that  
6 was able to be here as we honor his son Liberty.

7                   So on behalf of the  
8 Italian-Americans Legislators Association, we  
9 thank both of you for your contribution to  
10 New York and to America, and as well as the  
11 students that have won the scholarship this year.  
12 We have three high school students, seniors, that  
13 are attending universities next year. They're  
14 going to Rensselaer Polytech as well as Cornell  
15 University and SUNY Maritime.

16                   So we thank all of you for being  
17 here today, and we look forward to everyone  
18 joining us at Festa across the river in Troy at  
19 6 o'clock tonight.

20                   Thank you, Madam President.

21                   (Applause.)

22                   ACTING PRESIDENT SAVINO: Thank  
23 you, Senator Carlucci.

24                   Senator Hoylman on the resolution.

25                   SENATOR HOYLMAN: Thank you,

1 Madam President.

2 I rise to thank Senator Carlucci for  
3 this resolution and the Council of  
4 Italian-American Legislators and all of the  
5 honorees. I wanted to speak about Tony Danza,  
6 since he's a constituent of mine, he lives on the  
7 Upper West Side. I informed him of that moments  
8 before today's proceeding.

9 You know, it is fitting that we are  
10 honoring Tony Danza, since last night was the  
11 Tonys. I hope everyone watched. I don't think  
12 it's named after Mr. Danza. But we do call it  
13 the Gay Olympics in my district --

14 (Laughter.)

15 SENATOR HOYLMAN: -- so we were all  
16 watching it very closely.

17 You know, Mr. Danza is one of those  
18 rare actors, performers, who uses both the left  
19 and right side of his brain. He's both a boxer  
20 and very physical, and he knows probably every  
21 Broadway show tune there is.

22 So I'm very pleased that he's in  
23 this chamber. I wanted to congratulate him for  
24 all of his charitable, philanthropic, public  
25 educational efforts, for being a true New Yorker,

1 a true Upper West Sider, and representing so well  
2 here on the floor of the New York State Senate.

3 Thank you, Madam President.

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

6 Are there any other members wishing  
7 to speak on the resolutions?

8 Senator Montgomery would like to  
9 speak.

10 SENATOR MONTGOMERY: Yes, Madam  
11 President, thank you.

12 Just briefly, I want to thank  
13 Senator Carlucci for these resolutions and for  
14 honoring these great men.

15 And I'm just meeting both of them,  
16 obviously, both of them having at one type or  
17 another claimed Brooklyn for home. And Brooklyn  
18 certainly is where I represent, and a good part  
19 of that is the part of Brooklyn that is known as  
20 a very famous section of the City of New York  
21 where Italian Americans once lived in very large  
22 numbers and now still do.

23 I want to just say to Mr. Danza in  
24 particular -- I haven't met him before, I don't  
25 know him, he doesn't know me. But the one thing

1     that I'm so impressed about, besides him being  
2     from Brooklyn, is the fact that he works with  
3     young people. And everyone knows how important  
4     that is to me. And I want him to know that today  
5     is a very special day that I meet someone of his  
6     notoriety, his stature, his fame, and that he is  
7     also a person who cares a lot about young people.

8                     So I thank him and I thank the  
9     Italian American Legislators Association for  
10    honoring these men, who are really not only great  
11    in and of themselves, but great in what they do  
12    for citizens of our state and our city.

13                    So thank you, Madam President.

14                    ACTING PRESIDENT SAVINO:    Thank  
15    you, Senator Montgomery.

16                    Senator Lanza.

17                    SENATOR LANZA:    Thank you, Madam  
18    President.

19                    I want to congratulate both  
20    honorees, Mr. Danza and Mr. DeVitto, for  
21    answering what I believe to be a very high  
22    calling in life, and that is entertainment --  
23    bringing smiles, joy, happiness, laughter,  
24    Mr. Danza, to millions of people across America.  
25    They say laughter is powerful medicine, and truly

1 both of you are very powerful individuals for  
2 bringing joy to people's lives, for allowing for  
3 the escape from the stresses of life.

4 But in particular I want to say  
5 something about Tony Danza. You know, as I  
6 listened to the resolution and the voluminous  
7 achievements he has had throughout his career and  
8 life, they are truly remarkable. And I want to  
9 commend both individuals for the charity and for  
10 the works and for giving back to the community.

11 But there's something that was  
12 missing on that resolution. You see, in a manner  
13 of speaking, Tony Danza ran for public office.  
14 It's not something that he talks about often. He  
15 ran for the City Council on Staten Island back in  
16 2005, in a manner of speaking.

17 Now, I happen to have been running  
18 for the City Council on the South Shore of  
19 Staten Island. We have a lot of lawns on  
20 Staten Island, and we have a lot of lawn signs on  
21 Staten Island. And it just so happens that my  
22 name is one consonant, one letter off from  
23 "Danza": Lanza.

24 And some individual -- I'm not sure  
25 whether, to this day, it was friend or foe --



1     went around -- and Senator Savino, from  
2     Staten Island, remembers this. I probably had  
3     over a thousand lawn signs out very early in the  
4     campaign. And someone went around and changed  
5     the "L" very artfully to a "D" and put the name  
6     "Tony" above it.

7                     And at first we were a little  
8     concerned; we didn't know how this would affect  
9     the campaign. But it started with one, and then  
10    there were 10, and then there were 50. There  
11    were probably, by the end of it, 200 "Tony Danza  
12    for City Council" signs on Staten Island.

13                    Well, Mr. Danza had a show, a great  
14    show then, and we had been in a touch with the  
15    producers, we were going to go on the show, and  
16    then Mr. Danza I believe had to go out to  
17    California for something. But the bottom line is  
18    I've never had the opportunity to thank you.

19                    As it turned out, as it turned out,  
20    I garnered over 80 percent of the vote that year,  
21    and I know I could not have done it without you.  
22    Thank you, Tony Danza.

23                    (Laughter; applause.)

24                    ACTING PRESIDENT SAVINO:     Senator  
25    Farley on the resolution.

1                   SENATOR FARLEY:    Yeah, I just want  
2   to rise, as an Irish American, to pay tribute to  
3   this Italian American, Tony Danza.

4                   There's something that's been  
5   obliquely mentioned was his pugilistic career as  
6   a boxer. He was one hell of a fighter -- 15 and  
7   2, I believe. He should have been undefeated,  
8   because he got a short deal in a couple of those  
9   fights. But by and large, he was fast, he could  
10  punch hard, and he was a terrific fighter and had  
11  a great career, it started there. Then he went  
12  where the money is, back in show business.

13                  Tony, we're very proud of you and  
14  all that you've accomplished. We're lucky to  
15  have you here.

16                  (Applause.)

17                  ACTING PRESIDENT SAVINO:   Senator  
18  Díaz.

19                  SENATOR DÍAZ:    Yes, I have to, on  
20  behalf of all the Puerto Ricans here in the  
21  chamber, I cannot go without having my community  
22  be represented in honoring the Italian Americans  
23  today, and Tony Danza. Who doesn't know Tony  
24  Danza?

25                  You know, recognizing Tony Danza,

1 Madam President, we are recognizing the whole  
2 Italian community -- especially, especially those  
3 that reside in the Bronx, in Little Italy. The  
4 best restaurants, the best place to eat, the best  
5 place to bring your people and have a nice day in  
6 those Italian restaurants, that Italian food.

7               So as a Puerto Rican, on behalf of  
8 the Puerto Rican community and I believe on  
9 behalf of the borough president of the Bronx, I  
10 welcome and invite all of you to come to Little  
11 Italy, Tony, come there, you know, and  
12 participate, and we honor you. As a Puerto  
13 Rican, I feel so proud and so honored to meet you  
14 and to shake your hand, especially to have taken  
15 a picture with you that I will put in my office  
16 so everybody could see that I know Tony Danza.

17               (Laughter.)

18               SENATOR DIAZ: Thank you.

19               ACTING PRESIDENT SAVINO: Thank  
20 you, Senator Díaz. I'm sure Senator Klein would  
21 appreciate you inviting everyone to come to his  
22 district. Now, any there any other Senators --  
23 oh, now it's your district. It moves around.

24               Any other members wishing to be  
25 heard on this resolution?

1                   Seeing none, the resolutions were  
2                   previously adopted on June 3rd.

3                   Senator Carlucci, I'm sure you would  
4                   allow everyone to be a cosponsor. Anyone not  
5                   wishing to cosponsor, please notify the desk.

6                   Senator Libous.

7                   SENATOR LIBOUS: Thank you, Madam  
8                   President.

9                   I would guess that there may be some  
10                  members that still would like to have their  
11                  picture taken with Mr. Danza. And if that's  
12                  going to take place, that would be fine, as long  
13                  as we do it in an orderly fashion.

14                  I would like to take up the reading  
15                  of the noncontroversial calendar at this time.  
16                  And what I'd ask is that members and staff keep  
17                  their comments to a minimum.

18                  ACTING PRESIDENT SAVINO: The  
19                  Secretary will proceed with the reading of the  
20                  noncontroversial calendar.

21                  SENATOR LIBOUS: And if anybody  
22                  wants their picture taken with Andy Lanza, that  
23                  can be arranged also.

24                  (Laughter.)

25                  ACTING PRESIDENT SAVINO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number  
3 186, by Senator Maziarz, Senate Print 6138A, an  
4 act to amend the Public Service Law.

5 ACTING PRESIDENT SAVINO: Read the  
6 last section.

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

9 ACTING PRESIDENT SAVINO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT SAVINO: Announce  
13 the results.

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT SAVINO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 202, by Senator Hannon, Senate Print 2949A, an  
19 act to amend the Public Health Law.

20 ACTING PRESIDENT SAVINO: Read the  
21 last section.

22 THE SECRETARY: Section 5. This  
23 act shall take effect on the 60th day.

24 ACTING PRESIDENT SAVINO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT SAVINO: Announce  
3 the results.

4 THE SECRETARY: Ayes, 56. Nays, 3.  
5 Senators Krueger, Rivera and Sanders recorded in  
6 the negative.

7 ACTING PRESIDENT SAVINO: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 298, by Senator LaValle, Senate Print 1853A, an  
11 act to amend the Public Officers Law.

12 ACTING PRESIDENT SAVINO: Read the  
13 last section.

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

16 ACTING PRESIDENT SAVINO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO: Announce  
20 the results.

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT SAVINO: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 355, by Senator Skelos, Senate Print 1388, an act

1 to amend the Penal Law.

2 SENATOR GIANARIS: Lay it aside.

3 ACTING PRESIDENT SAVINO: The bill  
4 is laid aside.

5 THE SECRETARY: Calendar Number  
6 462, by Senator Klein, Senate Print 2251, an act  
7 to amend the Penal Law.

8 ACTING PRESIDENT SAVINO: Read the  
9 last section.

10 THE SECRETARY: Section 7. This  
11 act shall take effect on the first of November.

12 ACTING PRESIDENT SAVINO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT SAVINO: Announce  
16 the results.

17 THE SECRETARY: Ayes, 56. Nays, 3.  
18 Senators Krueger, Montgomery and Perkins recorded  
19 in the negative.

20 ACTING PRESIDENT SAVINO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 499, by Senator Boyle, Senate Print 6691, an act  
24 to amend the Mental Hygiene Law.

25 ACTING PRESIDENT SAVINO: Read the

1 last section.

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

4 ACTING PRESIDENT SAVINO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Announce  
8 the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT SAVINO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 500, by Senator Gallivan, Senate Print 583D, an  
14 act to amend the Agriculture and Markets Law.

15 ACTING PRESIDENT SAVINO: Read the  
16 last section.

17 THE SECRETARY: Section 5. This  
18 act shall take effect on the 30th day.

19 ACTING PRESIDENT SAVINO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT SAVINO: Announce  
23 the results.

24 THE SECRETARY: Ayes, 57. Nays, 2.  
25 Senators Montgomery and Perkins recorded in the



1 negative.

2 ACTING PRESIDENT SAVINO: The bill  
3 is passed.

4 THE SECRETARY: In relation to  
5 Calendar Number 500: Ayes, 58. Nays, 1.  
6 Senator Montgomery recorded in the negative.

7 ACTING PRESIDENT SAVINO: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 514, by Senator Zeldin, Senate Print 6582A, an  
11 act to amend the Highway Law.

12 ACTING PRESIDENT SAVINO: Read the  
13 last section.

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

16 ACTING PRESIDENT SAVINO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO: Announce  
20 the results.

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT SAVINO: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 558, by Senator Klein, Senate Print 2447, an act

1 to amend the Public Health Law.

2 ACTING PRESIDENT SAVINO: Read the  
3 last section.

4 THE SECRETARY: Section 2. This  
5 act shall take effect on the 180th day.

6 ACTING PRESIDENT SAVINO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO: Announce  
10 the results.

11 THE SECRETARY: Ayes, 59.

12 ACTING PRESIDENT SAVINO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 575, by Senator Golden, Senate Print 2173A, an  
16 act to amend the Penal Law.

17 ACTING PRESIDENT SAVINO: Read the  
18 last section.

19 THE SECRETARY: Section 4. This  
20 act shall take effect on the first of November.

21 ACTING PRESIDENT SAVINO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO: Announce  
25 the results.

1                   THE SECRETARY:    Ayes, 56.   Nays, 3.  
2   Senators Krueger, Montgomery and Perkins recorded  
3   in the negative.

4                   ACTING PRESIDENT SAVINO:    The bill  
5   is passed.

6                   THE SECRETARY:    Calendar Number  
7   577, by Senator Klein, Senate Print 3407B, an act  
8   to amend the Penal Law.

9                   ACTING PRESIDENT SAVINO:    Read the  
10   last section.

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

13                   ACTING PRESIDENT SAVINO:    Call the  
14   roll.

15                   (The Secretary called the roll.)

16                   ACTING PRESIDENT SAVINO:    Announce  
17   the results.

18                   THE SECRETARY:    Ayes, 57.   Nays, 2.  
19   Senators Montgomery and Perkins recorded in the  
20   negative.

21                   ACTING PRESIDENT SAVINO:    The bill  
22   is passed.

23                   THE SECRETARY:    Calendar Number  
24   603, by Senator Valesky, Senate Print 4652B, an  
25   act to amend the General Business Law.

1           ACTING PRESIDENT SAVINO:   Read the  
2   last section.

3           THE SECRETARY:   Section 2.  This  
4   act shall take effect on the 180th day.

5           ACTING PRESIDENT SAVINO:   Call the  
6   roll.

7           (The Secretary called the roll.)

8           ACTING PRESIDENT SAVINO:   Announce  
9   the results.

10          THE SECRETARY:   Ayes, 59.

11          ACTING PRESIDENT SAVINO:   The bill  
12   is passed.

13          THE SECRETARY:   Calendar Number  
14   606, by Senator Ranzenhofer, Senate Print 6577,  
15   an act to amend the Public Authorities Law.

16          ACTING PRESIDENT SAVINO:   Read the  
17   last section.

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

20          ACTING PRESIDENT SAVINO:   Call the  
21   roll.

22          (The Secretary called the roll.)

23          ACTING PRESIDENT SAVINO:   Announce  
24   the results.

25          THE SECRETARY:   In relation to

1 Calendar 606, those recorded in the negative are  
2 Senators Gianaris, Hoylman, Krueger, Montgomery,  
3 Parker, Perkins, Rivera, Sanders, Serrano,  
4 Squadron, Stavisky and Stewart-Cousins.

5 Ayes, 47. Nays, 12.

6 ACTING PRESIDENT SAVINO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 720, by Senator Seward, Senate Print 2895A, an  
10 act to amend the Insurance Law.

11 ACTING PRESIDENT SAVINO: Read the  
12 last section.

13 THE SECRETARY: Section 3. This  
14 act shall take effect January 1, 2015.

15 ACTING PRESIDENT SAVINO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT SAVINO: Announce  
19 the results.

20 THE SECRETARY: In relation to  
21 Calendar 720, those recorded in the negative are  
22 Senators Gipson, Hoylman, Krueger, Montgomery and  
23 Perkins. Also Senator Sanders.

24 Ayes, 53. Nays, 6.

25 ACTING PRESIDENT SAVINO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 725, substituted earlier by Member of the  
4 Assembly Sweeney, Assembly Print 5465A, an act to  
5 amend the Environmental Conservation Law.

6 ACTING PRESIDENT SAVINO: Read the  
7 last section.

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

10 ACTING PRESIDENT SAVINO: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT SAVINO: Announce  
14 the results.

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT SAVINO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 754, by Senator Hannon, Senate Print 2940, an act  
20 to amend the Penal Law.

21 ACTING PRESIDENT SAVINO: Read the  
22 last section.

23 THE SECRETARY: Section 4. This  
24 act shall take effect on the first of November.

25 ACTING PRESIDENT SAVINO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58. Nays, 1.

4 Senator Montgomery recorded in the negative.

5 ACTING PRESIDENT SAVINO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 832, by Senator Bonacic, Senate Print 1879A, an  
9 act to amend the Criminal Procedure Law.

10 ACTING PRESIDENT SAVINO: Read the  
11 last section.

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

14 ACTING PRESIDENT SAVINO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO: Announce  
18 the results.

19 THE SECRETARY: Ayes, 56. Nays, 3.  
20 Senators Krueger, Montgomery and Perkins recorded  
21 in the negative.

22 ACTING PRESIDENT SAVINO: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 842, by Senator Lanza, Senate Print 3774, an act

1 to amend the Administrative Code of the City of  
2 New York.

3 ACTING PRESIDENT SAVINO: Read the  
4 last section.

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

7 ACTING PRESIDENT SAVINO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT SAVINO: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Calendar Number 842, those recorded in the  
14 negative are Senators Ball, Díaz, Dilan,  
15 Gianaris, Gipson, Krueger, Latimer, Marchione,  
16 Montgomery, O'Mara, Parker, Peralta, Perkins,  
17 Rivera, Squadron, Stavisky, Stewart-Cousins and  
18 Tkaczyk.

19 Ayes, 41. Nays, 18.

20 ACTING PRESIDENT SAVINO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 863, by Senator Martins, Senate Print 6414, an  
24 act to amend the Limited Liability Company Law.

25 ACTING PRESIDENT SAVINO: Read the



1 last section.

2 THE SECRETARY: Section 11. This  
3 act shall take effect on the 30th day.

4 ACTING PRESIDENT SAVINO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Announce  
8 the results.

9 THE SECRETARY: Ayes, 54. Nays, 5.  
10 Senators Ball, Little, O'Brien, Sanders and  
11 Stavisky recorded in the negative.

12 ACTING PRESIDENT SAVINO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 909, by Senator Farley, Senate Print 2933B, an  
16 act to amend the Banking Law.

17 ACTING PRESIDENT SAVINO: Read the  
18 last section.

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

21 ACTING PRESIDENT SAVINO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO: Announce  
25 the results.

1           THE SECRETARY:    Ayes, 58.   Nays, 1.  
2   Senator Sanders recorded in the negative.

3           ACTING PRESIDENT SAVINO:    The bill  
4   is passed.

5           THE SECRETARY:    Calendar Number  
6   932, substituted earlier by Member of the  
7   Assembly Magnarelli, Assembly Print 829, an act  
8   to amend the Public Health Law.

9           ACTING PRESIDENT SAVINO:    Read the  
10   last section.

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

13          ACTING PRESIDENT SAVINO:    Call the  
14   roll.

15               (The Secretary called the roll.)

16          ACTING PRESIDENT SAVINO:    Announce  
17   the results.

18          THE SECRETARY:    Ayes, 59.

19          ACTING PRESIDENT SAVINO:    The bill  
20   is passed.

21          THE SECRETARY:    Calendar Number  
22   1045, by Senator O'Mara, Senate Print 3289, an  
23   act to amend the Penal Law.

24          ACTING PRESIDENT SAVINO:    Read the  
25   last section.

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

3 ACTING PRESIDENT SAVINO: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT SAVINO: Announce  
7 the results.

8 THE SECRETARY: Ayes, 58. Nays, 1.  
9 Senator Perkins recorded in the negative.

10 ACTING PRESIDENT SAVINO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1104, by Senator Díaz, Senate Print 442, an act  
14 to amend the Penal Law.

15 ACTING PRESIDENT SAVINO: Read the  
16 last section.

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

19 ACTING PRESIDENT SAVINO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT SAVINO: Announce  
23 the results.

24 THE SECRETARY: Ayes, 59.

25 ACTING PRESIDENT SAVINO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1105, by Senator Montgomery, Senate Print 1410A,  
4 an act to amend the Executive Law.

5 ACTING PRESIDENT SAVINO: Read the  
6 last section.

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

9 ACTING PRESIDENT SAVINO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT SAVINO: Announce  
13 the results.

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT SAVINO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1106, by Senator Latimer, Senate Print 2060, an  
19 act in relation to authorizing.

20 ACTING PRESIDENT SAVINO: Read the  
21 last section.

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

24 ACTING PRESIDENT SAVINO: Call the  
25 roll.

1 (The Secretary called the roll.)  
2 ACTING PRESIDENT SAVINO: Announce  
3 the results.  
4 THE SECRETARY: Ayes, 59.  
5 ACTING PRESIDENT SAVINO: The bill  
6 is passed.  
7 THE SECRETARY: Calendar Number  
8 1108, by Senator Hannon, Senate Print 2948, an  
9 act to amend the Public Health Law.  
10 ACTING PRESIDENT SAVINO: Read the  
11 last section.  
12 THE SECRETARY: Section 2. This  
13 act shall take effect immediately.  
14 ACTING PRESIDENT SAVINO: Call the  
15 roll.  
16 (The Secretary called the roll.)  
17 ACTING PRESIDENT SAVINO: Announce  
18 the results.  
19 THE SECRETARY: Ayes, 59.  
20 ACTING PRESIDENT SAVINO: The bill  
21 is passed.  
22 THE SECRETARY: Calendar Number  
23 1109, by Senator Krueger, Senate Print 3143, an  
24 act to amend the Social Services Law.  
25 ACTING PRESIDENT SAVINO: Read the

1 last section.

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

4 ACTING PRESIDENT SAVINO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Announce  
8 the results.

9 THE SECRETARY: Ayes, 58. Nays, 1.  
10 Senator Ball recorded in the negative.

11 ACTING PRESIDENT SAVINO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1112, by Senator Addabbo, Senate Print 3740, an  
15 act to amend the Penal Law.

16 ACTING PRESIDENT SAVINO: Read the  
17 last section.

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

20 ACTING PRESIDENT SAVINO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT SAVINO: Announce  
24 the results.

25 THE SECRETARY: Ayes, 59.

1                   ACTING PRESIDENT SAVINO:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   1113, by Senator Golden, Senate Print 4444A, an  
5   act to amend the Civil Practice Law and Rules.

6                   ACTING PRESIDENT SAVINO:    Read the  
7   last section.

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

10                  ACTING PRESIDENT SAVINO:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT SAVINO:    Senator  
14   Rivera to explain his vote.

15                  SENATOR RIVERA:    Thank you, Madam  
16   President.

17                  My colleagues, this is the first of  
18   many bills that we're going to be voting or one  
19   of the bills that we're going to be voting on  
20   which is included in a package that a task force,  
21   a joint task force presented a couple of weeks  
22   ago.

23                  I'm going to vote in the negative on  
24   this bill as well as other ones, and I'll have an  
25   opportunity -- I hope I have an opportunity with

1 a couple of the bills that are going to be laid  
2 aside to have a longer discussion.

3 But the short version is that it is  
4 unfortunate that the majority of these bills,  
5 much like this one, go in the opposite direction  
6 than where we should be going. I think that in  
7 the last couple of years we've demonstrated that  
8 when we approach addiction as a public health  
9 issue and not a criminal one, we do better.

10 This is a bill that unfortunately  
11 criminalizes a whole lot of the behavior that is  
12 not criminal, and ultimately leads -- would  
13 potentially lead to more incarceration.

14 We've done a very good job in the  
15 last couple of years of both protecting public  
16 safety and making people in New York healthier by  
17 approaching addiction not as a criminal issue but  
18 as a public health one. This is the first of  
19 many bills which I believe do exactly the  
20 opposite of what we ought to be doing, so I'll be  
21 voting in the negative.

22 And when we lay a couple of the  
23 other bills aside, I will be making a case for  
24 why this is the wrong approach to take overall.

25 Thank you, Madam President.



1                   ACTING PRESIDENT SAVINO:    Senator  
2   Rivera to be recorded in the negative.

3                   Announce the results.

4                   THE SECRETARY:    In relation to  
5   Calendar 1113, those recorded in the negative are  
6   Senators Dilan, Hoylman, Krueger, Montgomery,  
7   Parker, Peralta, Perkins, Rivera, Sanders and  
8   Squadron.

9                   Ayes, 49.   Nays, 10.

10                  ACTING PRESIDENT SAVINO:   The bill  
11   is passed.

12                  THE SECRETARY:    Calendar Number  
13   1114, substituted earlier by Member of the  
14   Assembly Colton, Assembly Print 1358, an act to  
15   amend the Public Authorities Law.

16                  ACTING PRESIDENT SAVINO:   Read the  
17   last section.

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

20                  ACTING PRESIDENT SAVINO:   Call the  
21   roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT SAVINO:   Announce  
24   the results.

25                  THE SECRETARY:    Ayes, 57.   Nays, 2.

1 Senator Gipson recorded in the negative.

2 ACTING PRESIDENT SAVINO: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1126, by Senator Hannon, Senate Print 7125, an  
6 act to amend the Public Health Law.

7 ACTING PRESIDENT SAVINO: Read the  
8 last section.

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

11 ACTING PRESIDENT SAVINO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT SAVINO: Announce  
15 the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT SAVINO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1128, by Senator Boyle, Senate Print 7169, an act  
21 to amend the Penal Law.

22 ACTING PRESIDENT SAVINO: Read the  
23 last section.

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

1                   ACTING PRESIDENT SAVINO:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT SAVINO:    Senator  
5   Perkins to explain his vote.

6                   SENATOR PERKINS:        So thank you very  
7   much.

8                   I rise to express my appreciation  
9   for the extensive work that many members of this  
10   body have undertaken to address the epidemic and  
11   pervasive situation we find ourselves in with  
12   respect to heroin. I want to particularly  
13   recognize two members of the Senate Democratic  
14   Conference who have been leading voices on this  
15   issue for some time, Senator Tkaczyk and  
16   Senator Gipson.

17                   We have before us today a majority  
18   of the bills that were recently released by a,  
19   quote, joint task force formed in March by the  
20   governing coalition in the Senate. While I  
21   support comprehensive legislative efforts to  
22   prevent opiate abuse and overdoses and to ensure  
23   that addicted individuals receive a full spectrum  
24   of efficacious interventions and treatments, I am  
25   concerned that far too many of the proposals

1 before us simply apply heavy and punitive  
2 criminalization of this situation, which is the  
3 exact opposite of a public-health-centered  
4 approach.

5 I am concerned that in our haste to  
6 address an exponentially prolific and painful  
7 problem, we are in jeopardy of engaging in a  
8 Rockefeller Drug Laws redo. I am troubled that  
9 we may be going back to the future by  
10 criminalizing everything in sight with respect to  
11 heroin, and I fear that such a broad brush of  
12 criminalization inevitably sweeps people up in it  
13 that at one point simply needed a public health  
14 intervention or diversion program.

15 We saw, over the life of two  
16 generations, especially in districts like mine,  
17 how the Rockefeller Drug Laws destroyed families  
18 and communities because of a failed and excessive  
19 policing and punishment model. I want to be sure  
20 that we are not traveling in the same treacherous  
21 road as before.

22 I will be supporting bills before us  
23 that today that expand school and community-based  
24 prevention services, but those proposals that  
25 strictly proscribe a heavy-handed penalty-only

1 approach I cannot support.

2 Thank you. I'll be voting against  
3 this.

4 ACTING PRESIDENT SAVINO: Senator  
5 Perkins to be recorded in the negative.

6 Senator Krueger to explain her vote.

7 SENATOR KRUEGER: Thank you,  
8 Madam President. I too stand to rise to explain  
9 I am voting no on this bill and quite a few of  
10 the other heroin/opioid criminal bills today.

11 I appreciated Senator Perkins's  
12 comments because in fact on this specific bill  
13 the flashback to the dangers of the Rockefeller  
14 Drug Laws became so clear to me where we saw, for  
15 decades, very often disproportionately poor women  
16 who ended up being asked to serve as mules to  
17 carry quantities of drugs, ending up with some of  
18 the longest prison terms when in fact they were  
19 not really active in the drug trade other than  
20 doing the favor for someone, but, because they  
21 had no knowledge to exchange with district  
22 attorneys, we saw cases where some of these  
23 people ended up with the longest drug terms even  
24 though they clearly were not the drug king.

25 And so I know we are all concerned

1 about the growth in use of illegal opioids and  
2 heroin, and I know we are all concerned and want  
3 to make sure we can do everything to try to  
4 decrease access, get people the treatment, get  
5 people the education to understand why these  
6 drugs can be so dangerous for themselves and can  
7 in fact disproportionately kill them.

8 I cannot in good faith support bills  
9 that simply change the language of what kind of  
10 drug we're talking about and put us back 40 years  
11 to the discussions about reimplementing a failed  
12 series of drug policies for the state. And this  
13 bill, for me, is exactly that story.

14 So I'll be voting no, Madam  
15 President. Thank you.

16 ACTING PRESIDENT SAVINO: Senator  
17 Krueger to be recorded in the negative.

18 Senator Martins to explain his vote.

19 SENATOR MARTINS: Thank you, Madam  
20 President.

21 I rise to thank Senator Boyle for  
22 his efforts in sponsoring this bill, and I want  
23 to thank my colleagues who support this bill.

24 Let's understand what this bill  
25 does. If you have 50 packets of heroin, there's

1 a presumption there. And if there's one thing we  
2 heard during the hearings that we held across  
3 New York State it is the need to destigmatize  
4 heroin abuse. Focus on the individual, focus on  
5 providing help, but there's one place where we  
6 should not be lenient, there's one place where we  
7 shouldn't turn our backs, and there's one place  
8 where we should not hesitate, and that's where  
9 people are dealing drugs.

10 And specifically in those areas  
11 where people are selling death to our children,  
12 we have an obligation and a responsibility to  
13 stand up.

14 So I want to thank Senator Boyle for  
15 sponsoring this piece of legislation. Frankly, I  
16 don't know what this discussion is about. I hear  
17 "Rockefeller Drug Laws," and I hear it in the  
18 context of perhaps a bogeyman out there  
19 somewhere. That's not what this does. We are  
20 here to hold people responsible who are poisoning  
21 our kids, but we're also here to make sure that  
22 we destigmatize those who are addicts and provide  
23 them with relief. That's what this does.

24 So I'll be voting aye, and I again  
25 want to thank Senator Boyle and all of my

1 colleagues who support this piece of legislation,  
2 because, dear colleagues, this is what we're here  
3 for. We're not here for rhetoric, we're not here  
4 for posturing, we're here to help people who need  
5 help. We're not here to drive up concerns about  
6 failed past policies in this chamber and in this  
7 state. I'll vote aye.

8 ACTING PRESIDENT SAVINO: Senator  
9 Martins to be recorded in the affirmative.

10 Any other members wishing to explain  
11 their vote?

12 Seeing none, announce the results.

13 THE SECRETARY: In relation to  
14 Calendar 1128, those recorded in the negative are  
15 Senators Krueger, Montgomery, Parker, Perkins,  
16 Rivera and Sanders.

17 Ayes, 53. Nays, 6.

18 ACTING PRESIDENT SAVINO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1138, by Senator Marchione, Senate Print 7649A,  
22 an act to amend the Public Health Law.

23 ACTING PRESIDENT SAVINO: Read the  
24 last section.

25 THE SECRETARY: Section 2. This



1 act shall take effect immediately.

2 ACTING PRESIDENT SAVINO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT SAVINO: Announce  
6 the results.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT SAVINO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1139, by Senator Carlucci, Senate Print 7650, an  
12 act to amend the Mental Hygiene Law.

13 ACTING PRESIDENT SAVINO: The  
14 Secretary will return to Calendar Number 1138.  
15 Senator Rivera wanted to vote no on that bill, so  
16 we'll correct the record.

17 THE SECRETARY: In relation to  
18 Calendar Number 1138: Ayes, 57. Nays, 2.  
19 Senators Dilan and Rivera recorded in the  
20 negative.

21 ACTING PRESIDENT SAVINO: The bill  
22 is still passed.

23 THE SECRETARY: Calendar Number  
24 1139, by Senator Carlucci, Senate Print 7650, an  
25 act to amend the Mental Hygiene Law.

1                   ACTING PRESIDENT SAVINO:    Read the  
2   last section.

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

5                   ACTING PRESIDENT SAVINO:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT SAVINO:    Senator  
9   Carlucci to explain his vote.

10                  SENATOR CARLUCCI:    Thank you,  
11   Madam President.

12                  And I want to thank my colleagues in  
13   the chamber today for voting yes on these  
14   important pieces of legislation.

15                  Heroin and opiate abuse has really  
16   been an epidemic across our state.  And over the  
17   past few months where we've been able to have  
18   hearings throughout the state, we've heard the  
19   pleas for help.  And I want to thank my  
20   colleagues for finally getting real about  
21   treating addiction for what it is.

22                  Addiction is a disease.  And we need  
23   to make sure that people are getting the  
24   treatment that they need.  And by passing this  
25   package of legislation today, we're closing that

1     gigantic loophole that currently exists in our  
2     system where we see countless amounts of people  
3     falling through the cracks. I really believe  
4     that through the legislation that we're passing  
5     today, we will save lives.

6                 So I want to thank my colleagues for  
7     voting in the affirmative. We've got a lot of  
8     work to continue to do; it's not going to be just  
9     one piece of legislation that's the silver  
10    bullet, it's going to be a package of legislation  
11    that encompasses almost every part of this state  
12    and every agency to make sure that we finally  
13    tackle this problem of heroin and opiate abuse,  
14    but also tackling the problem of addiction. And  
15    I believe we do that here today.

16                So I'll be voting in the  
17    affirmative. Thank you, Madam President.

18                ACTING PRESIDENT SAVINO:    Senator  
19    Carlucci to be recorded in the affirmative.

20                Senator Rivera to explain his vote.

21                SENATOR RIVERA:    Thank you,  
22    Madam President.

23                I want to thank Senator Carlucci for  
24    the introduction to this bill as well as for his  
25    explanation. Because I think that we need to

1 underline what he just said, which I believe is  
2 absolutely on the money.

3 When we're talking about addiction,  
4 we should talk about it as a public health issue.  
5 And this bill in particular, I'm happy to say it  
6 is one of the bills that was introduced in this  
7 package that does just that.

8 It is sad that considering what  
9 Senator Carlucci just said, that there are many  
10 other bills in the package -- which, again, we  
11 will discuss -- which do the exact opposite of  
12 treating addiction like a public health issue.

13 So I am very glad to vote in the  
14 affirmative on this bill. But again, I point to  
15 some of our colleagues and say: Why did we not  
16 go in this direction with every single bill in  
17 the package, as opposed to the way that we went  
18 for the others?

19 So I'm voting in the affirmative and  
20 looking forward to the discussion we'll have  
21 shortly. Thank you, Madam President.

22 ACTING PRESIDENT SAVINO: Thank  
23 you, Senator Rivera.

24 Announce the results.

25 THE SECRETARY: Ayes, 59.

1                   ACTING PRESIDENT SAVINO:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   1140, by Senator Carlucci, Senate Print 7651A, an  
5   act to amend the Mental Hygiene Law.

6                   SENATOR SERRANO:   Lay it aside,  
7   please.

8                   ACTING PRESIDENT SAVINO:   The bill  
9   is laid aside.

10                  THE SECRETARY:    Calendar Number  
11   1141, by Senator Martins, Senate Print 7652A, an  
12   act to amend the Family Court Act.

13                  ACTING PRESIDENT SAVINO:   Read the  
14   last section.

15                  THE SECRETARY:    Section 10.   This  
16   act shall take effect on the 90th day.

17                  ACTING PRESIDENT SAVINO:   Call the  
18   roll.

19                         (The Secretary called the roll.)

20                  ACTING PRESIDENT SAVINO:   Announce  
21   the results.

22                  THE SECRETARY:    Ayes, 57.   Nays, 2.  
23   Senators Dilan and Rivera recorded in the  
24   negative.

25                  ACTING PRESIDENT SAVINO:   The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1142, by Senator Martins, Senate Print 7653, an  
4 act to amend the Education Law.

5 ACTING PRESIDENT SAVINO: Read the  
6 last section.

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

9 ACTING PRESIDENT SAVINO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT SAVINO: Announce  
13 the results.

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT SAVINO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1143, by Senator Boyle, Senate Print 7654, an act  
19 to amend the Mental Hygiene Law.

20 ACTING PRESIDENT SAVINO: Read the  
21 last section.

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

24 ACTING PRESIDENT SAVINO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT SAVINO: Announce  
3 the results.

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT SAVINO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1144, by Senator Nozzolio, Senate Print 7655A, an  
9 act directing.

10 ACTING PRESIDENT SAVINO: Read the  
11 last section.

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

14 ACTING PRESIDENT SAVINO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO: Senator  
18 Montgomery to explain her vote.

19 SENATOR MONTGOMERY: Yes, Madam  
20 President, thank you. I'd like to explain my  
21 vote on this legislation.

22 Once again, in a very rare moment in  
23 history, I certainly agree with Senator Nozzolio  
24 on this bill. And I'm very happy that he is  
25 looking at a way to redefine those huge

1 facilities around the state that will be  
2 hopefully, soon enough, being vacated for  
3 correctional purposes, and that we can look now,  
4 based on this legislation, to ways in which we  
5 can redefine those facilities.

6 I only would ask that Senator  
7 Nozzolio, while he has talked about looking at  
8 them for purposes of drug treatment facilities,  
9 that we may look at them for opportunities for  
10 some other uses as well that would be positive.  
11 And I dare say that particular move helps us to  
12 move away from this extensive reliance on mass  
13 incarceration but, rather, to use some of our  
14 state resources in those facilities for a broader  
15 and much more positive purpose.

16 So I commend Senator Nozzolio, and I  
17 am certainly going to vote yes in support of this  
18 legislation.

19 ACTING PRESIDENT SAVINO: Senator  
20 Tkaczyk to explain her vote.

21 SENATOR TKACZYK: Thank you,  
22 Madam President.

23 I authored legislation to take a  
24 look at taking the savings from these facilities  
25 that we are closing and to put that money into



1 treatment and prevention programs for heroin  
2 addiction. And I would urge the sponsor to  
3 include looking at the savings, using the savings  
4 from the closures of these facilities and putting  
5 that money into treatment and prevention  
6 programs. So I would urge that that report look  
7 at that issue as well.

8 Thank you, Madam President.

9 ACTING PRESIDENT SAVINO: Senator  
10 Tkaczyk, how do you vote?

11 SENATOR TKACZYK: I vote in the  
12 affirmative.

13 ACTING PRESIDENT SAVINO: Announce  
14 the results.

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT SAVINO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1145, by Senator Nozzolio, Senate Print 7656, an  
20 act to amend the Correction Law.

21 ACTING PRESIDENT SAVINO: Read the  
22 last section.

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

25 ACTING PRESIDENT SAVINO: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT SAVINO: Senator  
4 Rivera to explain his vote.

5 SENATOR RIVERA: Thank you,  
6 Madam President.

7 And you all are going to get tired  
8 of me, yes. But this one in particular is one of  
9 the bills that, as I pointed out just earlier,  
10 deals with addiction not as a public health  
11 matter but as a criminal one.

12 I had an individual, a gentleman in  
13 my office this morning who actually was, because  
14 of the amount of opiates that were found on  
15 him -- he was a heroin addict at one point. And  
16 he is now not only fully recovered, but working  
17 to advocate on behalf of other folks who are  
18 addicts. And he described to me how he had  
19 served for a year and a half of a  
20 three-to-six-year sentence precisely because he  
21 was a part -- he was in the shock treatment  
22 inside the correctional facility.

23 He is now, again, as I said, a  
24 productive member of society who is advocating on  
25 behalf of folks that find themselves in the same

1 situation that he once found himself.

2 So what we're saying here is that we  
3 are taking away the ability of somebody who,  
4 through treatment inside the facility, might be  
5 able to get rid of addiction and therefore be  
6 able to come out and be a productive member of  
7 society. So this is one of the many bills in  
8 which we're moving in the opposite direction of  
9 where we should move at.

10 So I will be voting in the negative.  
11 Thank you, Madam President.

12 ACTING PRESIDENT SAVINO: Senator  
13 Rivera to be recorded in the negative.

14 Announce the results.

15 THE SECRETARY: In relation to  
16 Calendar 1145, those recorded in the negative are  
17 Senators Dilan, Hoylman, Krueger, Montgomery,  
18 Perkins, Rivera, Sampson and Squadron.

19 Ayes, 51. Nays, 8.

20 ACTING PRESIDENT SAVINO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1146, by Senator Robach, Senate Print 7657, an  
24 act to amend the Penal Law.

25 ACTING PRESIDENT SAVINO: Read the

1 last section.

2 THE SECRETARY: Section 3. This  
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT SAVINO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Announce  
8 the results.

9 THE SECRETARY: Ayes, 56. Nays, 3.  
10 Senators Dilan, Krueger and Rivera recorded in  
11 the negative.

12 ACTING PRESIDENT SAVINO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1147, by Senator Nozzolio, Senate Print 7658, an  
16 act to amend the Civil Practice Law and Rules.

17 ACTING PRESIDENT SAVINO: Read the  
18 last section.

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

21 ACTING PRESIDENT SAVINO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO: Announce  
25 the results.

1                   Senator Nozzolio to explain his  
2 vote.

3                   SENATOR NOZZOLIO:    Madam President,  
4    thank you for the opportunity to explain my vote  
5    and discuss this measure regarding within the  
6    context of the measures we have enacted as part  
7    of the legislative package from the New York  
8    State Senate Opiate Task Force on Opiate  
9    Addiction.

10                  I want to thank the chairman of that  
11    task force, Senator Phil Boyle, for his tireless  
12    efforts across the state in analyzing the extent  
13    of the heroin problem and developing a number of  
14    solutions towards solving that problem.

15                  I especially want to announce the  
16    focus of the task force was one on prevention,  
17    treatment, and ensuring the appropriate  
18    prosecution of those who engage in this behavior.

19                  The measure before us today,  
20    Madam President, is a measure that will ensure  
21    more dollars go to treatment. Because it was  
22    clear throughout the task force's deliberations  
23    that there was not adequate support for drug  
24    treatment. And that this will place more funds  
25    at the disposal of those who are caring for those

1 who become addicted, and to change their lives to  
2 get them out of their addictive behavior.

3 This is just one of 25 measures that  
4 we're very pleased have been enacted and will be  
5 enacted, and that I'm pleased to carry this  
6 particular measure.

7 This issue is not an issue for just  
8 certain inner cities of this state anymore, it's  
9 an issue that's pervasive in our suburbs, in our  
10 small cities, and even in our rural areas.

11 So, Madam President, I thank the  
12 members who supported this measure, and that I  
13 look forward to continuing the efforts to stop  
14 this very serious epidemic.

15 ACTING PRESIDENT SAVINO: Thank  
16 you. Senator Nozzolio to be recorded in the  
17 affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 56. Nays, 3.  
20 Senators Dilan, Krueger and Rivera recorded in  
21 the negative.

22 ACTING PRESIDENT SAVINO: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1148, by Senator Boyle, Senate Print 7659, an act

1 to amend the Penal Law.

2 SENATOR SERRANO: Lay it aside,  
3 please.

4 ACTING PRESIDENT SAVINO: The bill  
5 is laid aside.

6 THE SECRETARY: Calendar Number  
7 1149, by Senator Hannon, Senate Print 7660, an  
8 act to amend the Public Health Law.

9 ACTING PRESIDENT SAVINO: Read the  
10 last section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect one year after it shall  
13 have become law.

14 ACTING PRESIDENT SAVINO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO: Announce  
18 the results.

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT SAVINO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1150, by Senator Hannon, Senate Print 7661, an  
24 act to amend the Public Health Law.

25 ACTING PRESIDENT SAVINO: Read the

1 last section.

2 THE SECRETARY: Section 4. This  
3 act shall take effect on the same date and in the  
4 same manner as a chapter of the Laws of 2014.

5 ACTING PRESIDENT SAVINO: Call the  
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT SAVINO: Announce  
9 the results.

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT SAVINO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1151, by Senator Seward, Senate Print 7662A, an  
15 act to amend the Insurance Law.

16 ACTING PRESIDENT SAVINO: Read the  
17 last section.

18 THE SECRETARY: Section 12. This  
19 act shall take effect immediately.

20 ACTING PRESIDENT SAVINO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT SAVINO: Senator  
24 Gipson to explain his vote.

25 SENATOR GIPSON: Thank you,



1 Madam President.

2 I want to commend my colleagues for  
3 joining and supporting this piece of legislation.  
4 It is a good step forward in dealing with what I  
5 think we all know is a major epidemic that is  
6 affecting all parts of our state.

7 Just in my district alone, the  
8 deaths from heroin have risen almost 40 percent  
9 in the last year. And one of my counties,  
10 Putnam County, is now seizing threetimes the  
11 amount of heroin they were getting just this time  
12 last year.

13 I know that this is not an unusual  
14 story because it's happening at that same level  
15 across the state. And it's all the more reason  
16 that I'm proud that this body is taking this  
17 issue so seriously.

18 I know, like many of you, I've met  
19 with so many families that have suffered so  
20 desperately. They've lost loved ones due to  
21 heroin. Their families have been devastated  
22 economically. And I just want to take a minute  
23 to thank all those individuals, those brave  
24 individuals who have stepped forward to work so  
25 hard to educate all of us about the importance of

1 our work on this issue.

2           It's just a small step forward. We  
3 need to take many more to hold insurance  
4 companies accountable for covering the cost of  
5 rehab and the treatment that these victims  
6 deserve. You know, we need to make sure that all  
7 New Yorkers have the coverage that they deserve,  
8 the best medical service that we can get them,  
9 not just what is affordable to insurance  
10 companies.

11           So I hope that we will continue to  
12 work on this issue, and I will be supporting it  
13 and I will be voting yes.

14           ACTING PRESIDENT SAVINO: Senator  
15 Gipson to be recorded in the affirmative.

16           Announce the results.

17           THE SECRETARY: Ayes, 59.

18           ACTING PRESIDENT SAVINO: The bill  
19 is passed.

20           THE SECRETARY: Calendar Number  
21 1152, by Senator Nozzolio, Senate Print 7663, an  
22 act to amend the Penal Law.

23           ACTING PRESIDENT SAVINO: Read the  
24 last section.

25           THE SECRETARY: Section 3. This

1 act shall take effect on the 90th day.

2 ACTING PRESIDENT SAVINO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT SAVINO: Announce  
6 the results.

7 THE SECRETARY: In relation to  
8 Calendar 1152, those recorded in the negative are  
9 Senators Krueger, Montgomery, Perkins, Rivera and  
10 Sanders.

11 Ayes, 54. Nays, 5.

12 ACTING PRESIDENT SAVINO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1155, by Senator Felder, Senate Print 7691, an  
16 act to amend the Education Law.

17 SENATOR SERRANO: Lay it aside.

18 ACTING PRESIDENT SAVINO: The bill  
19 is laid aside.

20 Senator Libous, that completes the  
21 reading of the noncontroversial calendar.

22 SENATOR LIBOUS: Madam President,  
23 at this time I'd like to go to the controversial  
24 reading of the calendar. But I'd like to start  
25 with Calendar Number 1155, please.

1                   ACTING PRESIDENT SAVINO:    The  
2   Secretary will ring the bells, and then we will  
3   proceed with the reading of the controversial  
4   calendar, starting with Calendar Number 1155.

5                   The Secretary will read.

6                   THE SECRETARY:   Calendar Number  
7   1155, by Senator Felder, Senate Print 7691, an  
8   act to amend the Education Law.

9                   SENATOR KRUEGER:   Explanation.

10                  ACTING PRESIDENT SAVINO:   Senator  
11   Flanagan, an explanation has been requested.

12                  SENATOR FLANAGAN:   Thank you,  
13   Madam President.

14                  Senator Krueger, this is a bill that  
15   is similar to legislation that was advanced last  
16   year, but this year it's slightly different.  
17   It's primarily for the City of New York, and it  
18   has to deal with special education placements.

19                  And there are two primary sections  
20   of this bill.  One deals with I think codifying  
21   and trying to conform to statutory and regulatory  
22   guidelines that exist both at the federal and  
23   state level.  And the second is to basically make  
24   sure that people are paid in a timely capacity  
25   and that districts, parents and students are

1     protected in their pursuit of an appropriate free  
2     public education in the least restrictive  
3     environment.

4                 SENATOR KRUEGER:     Through you,  
5     Madam President, if Senator Flanagan would take  
6     some questions.

7                 ACTING PRESIDENT SAVINO:     Senator  
8     Flanagan, do you yield?

9                 SENATOR FLANAGAN:     Yes.

10                ACTING PRESIDENT SAVINO:     Senator  
11     Flanagan yields.

12                SENATOR KRUEGER:     As you said, this  
13     is the second year this bill has come to the  
14     floor. Why are you always the one answering when  
15     you're not the sponsor?

16                SENATOR FLANAGAN:     Senator Krueger,  
17     I am the sponsor of the bill.

18                SENATOR KRUEGER:     I'm sorry.

19                Through you, Madam President, if the  
20     sponsor would continue to yield.

21                SENATOR FLANAGAN:     Yes.

22                ACTING PRESIDENT SAVINO:     Senator  
23     Flanagan yields.

24                SENATOR KRUEGER:     My materials say  
25     that Senator Felder is the sponsor of the bill.

1                   SENATOR FLANAGAN:    Senator Felder  
2    is the sponsor of the bill, as is Senator  
3    Flanagan. I think I can make a representation on  
4    my own behalf. I am the sponsor of this  
5    legislation.

6                   SENATOR KRUEGER:    Through you,  
7    Madam President, if the cosponsor would continue  
8    to yield.

9                   ACTING PRESIDENT SAVINO:    Senator  
10   Flanagan, do you continue to yield?

11                  SENATOR FLANAGAN:    Yes.

12                  ACTING PRESIDENT SAVINO:    Senator  
13   Flanagan yields.

14                  SENATOR KRUEGER:    Thank you.

15                         So if the cosponsor could just  
16   clarify what specific things change in the  
17   process that parents would go through in getting  
18   approval for a child to go to a nonpublic setting  
19   for their education. We know what the current  
20   law is. I'm asking what specifically would  
21   change in the process.

22                  SENATOR FLANAGAN:    Well, I would  
23   say two things. Right now -- and I've looked at  
24   some things that have been written out about this  
25   legislation. I look at this probably no

1 different than most people. When I think about  
2 educational issues, I think about placements,  
3 students with special needs, children with  
4 disabilities. I try and think what would I want  
5 for my own children. What would I want the  
6 process to be, how I would want to be able to  
7 access that, and what kind of protections and  
8 safeguards would I want to have on behalf of my  
9 own kids, and approach it in the same way when  
10 looking at this.

11 And when parents think about  
12 themselves, that's one thing. When they think  
13 about their children, they jealously guard their  
14 education. And they will be zealous, they will  
15 be passionate, they will be assertive, they will  
16 be aggressive. And there is absolutely nothing  
17 wrong with any one of those components.

18 That is, of course, balanced by what  
19 federal law and regulation is, state law and  
20 regulation, and school district policy in terms  
21 of CSEs and CPSEs and the creation of IEPs every  
22 single year for children with disabilities. And  
23 I would say basically right now a parent is  
24 entitled, under existing law -- contrary to some  
25 of the things that have been written about

1     this -- under existing law, parents are entitled  
2     to make a unilateral placement.  If they disagree  
3     with the determination made at the CSE level,  
4     they have a right, right now, to go out and place  
5     their child in a different setting.

6                     What we have done is make sure that  
7     these timelines are adhered to.  And there is  
8     clearly an acute problem in the City of New York  
9     in terms of adherence to not only state but  
10    federal guidelines.  So we I believe codify that,  
11    and we provide protections so that if there is a  
12    determination that goes, particularly in this  
13    case in favor of a parent, that there will be  
14    some timely recitation or reduction of that into  
15    a written agreement so that, if a parent  
16    prevails, they're not waiting another nine months  
17    or a year to be properly paid.

18                    SENATOR KRUEGER:  Through you,  
19    Madam President, if the sponsor would continue to  
20    yield.

21                    SENATOR FLANAGAN:  Yes.

22                    SENATOR KRUEGER:  Thank you.

23                    So my reading of this bill and the  
24    number of memos I've gotten in opposition is that  
25    a change in the system is that under current law



1     you may place your child in a private placement  
2     if you don't think the public school placement is  
3     adequate to meet their needs, but no one pays the  
4     private school until such time as a process has  
5     been gone through that determines there is not an  
6     option within the public education system to meet  
7     your children's needs.

8                     And that in this change of law and  
9     process, you would place your child in a private  
10    placement before any determination was made, and  
11    the school system would be obligated to pay for  
12    that placement for as long as any process played  
13    out of hearing, appeal, et cetera.

14                    Would you agree that's a change?

15                    SENATOR FLANAGAN:    I would  
16    completely disagree.

17                    In fact, the most fundamental point  
18    that you raise is probably the most salient one,  
19    and that is you made reference that nobody pays  
20    any tuition. That is quite contrary to the  
21    practice, the public policy. And if you talk to  
22    parents who are involved in these issues --  
23    (pausing).

24                    SENATOR KRUEGER:    I'm sorry.

25    Excuse me.

1                   Through you, Madam President, if the  
2                   sponsor would continue to yield.

3                   SENATOR FLANAGAN:   Well, Senator  
4                   Krueger, I'd like to finish my answer to your  
5                   first question.

6                   SENATOR KRUEGER:   Oh, certainly.

7                   ACTING PRESIDENT SAVINO:   Senator  
8                   Flanagan will complete his answer, and then you  
9                   may question, Senator Krueger.

10                  SENATOR FLANAGAN:   But you may --  
11                  but these are very important facts. Right now if  
12                  a parent makes a unilateral placement, more often  
13                  than not, in the large disproportionate number of  
14                  cases, they are paying tuition during this  
15                  process. If they are so lucky, if I could  
16                  describe it that way, to work out some agreement  
17                  with the school that that will all be held in  
18                  abeyance while this process works itself out,  
19                  that would be by far the exception rather than  
20                  the rule.

21                  So let's be clear, parents pay.  
22                  That's one of the reasons we have this bill. And  
23                  school districts are not obligated to pay --  
24                  (pausing).

25                  SENATOR KRUEGER:   Through you,

1 Madam President, if the sponsor would continue to  
2 yield.

3 ACTING PRESIDENT SAVINO: Senator  
4 Flanagan, do you continue to yield?

5 SENATOR FLANAGAN: Senator Krueger,  
6 what I'm trying to do is finish my answer to your  
7 first question still. You asked --

8 SENATOR KRUEGER: Oh, then why did  
9 you stop? I didn't ask you to --

10 SENATOR FLANAGAN: Because you were  
11 consulting with counsel, and I figure if I'm  
12 going to --

13 ACTING PRESIDENT SAVINO:  
14 Senators --

15 SENATOR LIBOUS: Madam President,  
16 could you please have both the debaters go  
17 through the chair? It's very difficult for me  
18 and other members to sit here and understand  
19 what's going on. But if they go through the  
20 chair, it becomes crystal-clear.

21 ACTING PRESIDENT SAVINO: Thank  
22 you, Senator Libous. I was just about to say  
23 that.

24 Senator Krueger, please -- and  
25 Senator Flanagan, please remember to go through

1 the chair.

2 SENATOR KRUEGER: Madam President,  
3 I won't ask another question until the sponsor  
4 feels that he has fully completed the answer to  
5 the previous question.

6 ACTING PRESIDENT SAVINO: Senator  
7 Flanagan, continue.

8 SENATOR FLANAGAN: Madam President,  
9 through you. To finish my answer to the  
10 question, I'll repeat very briefly, parents pay  
11 tuition. It is highly unusual for parents not to  
12 pay tuition throughout this process. And I'll  
13 come back to facts and figures and statistics  
14 that would underscore why this is a grave  
15 concern, again, in the City of New York.

16 The second part is school districts  
17 are not obligated to pay under current law, nor  
18 are they obligated to pay under this legislation  
19 until such time as there is a final determination  
20 at one of several levels: Either at the  
21 independent hearing officer level, at the state  
22 review officer level, by a court of competent  
23 jurisdiction, which is primarily federal court,  
24 or if there that happens to be a settlement  
25 agreement between the district and the parents.

1                   SENATOR KRUEGER:    Through you,  
2   Madam President, on the bill.

3                   ACTING PRESIDENT SAVINO:    Senator  
4   Krueger on the bill.

5                   SENATOR KRUEGER:    Thank you.

6                   I think the fundamental difference  
7   is that the reading of the bill that most people  
8   who are in this field have taken positions on is  
9   that under the law being proposed today,  
10  after first hearing the school district would be  
11  obligated to pay the tuition in the private  
12  placement even if that was just the beginning of  
13  the process.  And under current law, it's a  
14  year-by-year determination.  And under this  
15  change in law, it would be throughout perhaps the  
16  entire public education time frame for the child  
17  if there were still disagreements and appeals  
18  being gone through.

19                   So it's the shift of burden, default  
20  burden, to the public education system, as  
21  opposed to the rights of the parent to challenge  
22  that there is not adequate public placement for  
23  their child but not a payment from public  
24  education to private school until such time it  
25  has been determined that there is no adequate

1 public placement.

2 Under the current system -- and this  
3 bill differs from last year by being only for the  
4 City of New York. I think we would agree that's  
5 the difference between last year's version and  
6 this year's version. New York City already pays  
7 close to \$200 million per year in the current  
8 system. And there's a great concern that that  
9 number could double or more than double if we  
10 reverse the pattern of the default of the payment  
11 to private education.

12 I believe that is why we have  
13 legislative memos of opposition from the New York  
14 State School Boards Association, who frankly are  
15 not just concerned for New York City but for the  
16 precedent it would establish for the entire State  
17 of New York.

18 The proposal is a significant and  
19 costly change in state policy, according to the  
20 New York School Boards Association. If the bill  
21 were enacted each time an impartial hearing  
22 officer makes a ruling in favor of a parent, the  
23 New York City School District would have to  
24 immediately begin reimbursing the parent for  
25 tuition retroactive to the date of the unilateral

1 replacement even before the state review officer  
2 rules in the case.

3           The district could continue to  
4 appeal but would have to pay for the private  
5 placement during the pendency of the appeals  
6 process. If the final determination of the  
7 appeal is in favor of the district, the tuition  
8 already paid by the district could not be  
9 recouped from the parent or the school. This  
10 makes the district responsible financially for  
11 placements that are ultimately found to be  
12 inappropriate, for the duration of all appeals.

13           The Council of School  
14 Superintendents raises further concerns by  
15 establishing that this would discourage  
16 settlements as a tool for resolving disagreement,  
17 delaying the resolution of disparities. Under  
18 current law, when the school district and family  
19 enter into these settlements, the terms are the  
20 result of a negotiated agreement, which rarely if  
21 ever includes an agreement committing a school  
22 district to ongoing payments for future years.

23           This law would establish the ongoing  
24 payments for future years. These settlement  
25 agreements have been limited to one school year,

1 specifically if the state's chosen school does  
2 not constitute an appropriate -- if the state has  
3 chosen it is not an appropriate placement.

4 NYSUT, New York State United  
5 Teachers, has voiced their opposition  
6 highlighting the enormous cost that could be and  
7 would be factored in if this became law.

8 The CSSA memo of opposition, the  
9 Council of School Supervisors and Administrators,  
10 highlighting again the disproportionate impact  
11 and the loss of public funds that would be made  
12 available.

13 Now, I believe that parents should  
14 and will fight for the correct placement of their  
15 children. I also understand that the burden of  
16 cost in some of these decisions is enormous on  
17 individual school districts and particularly the  
18 City of New York.

19 The system we have set up, which  
20 everyone can say they have frustrations with, is  
21 not unlike the decisions that this house supports  
22 over and over to recognize that best practice in  
23 medicine has to be provided and paid for through  
24 insurance, but not everything that anyone says  
25 they want to have done medically is provided and



1     paid for by insurance.

2                 In this case we're talking about the  
3     decision about using taxpayers' dollars to make  
4     rational decisions about what children need in  
5     order to complete their education and what  
6     parents might believe their children deserve or  
7     ought to have at taxpayer expense. And those can  
8     be very far afield.

9                 It's extremely difficult to say to a  
10    parent, You want A-B-C-D-E-F for your child, but  
11    actually under the law the taxpayers are only  
12    obligated to assure A-B-C-D-E at a public  
13    education setting.

14                There are many examples where  
15    parents successfully win their right to have  
16    supplemental services provided for their children  
17    in a public school setting, as they should.  
18    There are many examples where parents are  
19    successful in documenting that there is no  
20    adequate placement in a public school setting for  
21    their child, and they end up in a private setting  
22    with the taxpayers paying for it.

23                But changing our system and  
24    reversing it so that the default is that the  
25    public education system pays the private tuition,

1 during what can be a complex fact-based legal  
2 process, is not in the best interests of the  
3 19.5 million New Yorkers that we attempt to  
4 represent, and it certainly can cause chaos in  
5 school systems large and small.

6 Again, this bill this year has been  
7 changed I guess to be only New York City so that  
8 school districts around the state wouldn't  
9 continue their objections to this being mandated  
10 upon them as an unfunded mandate.

11 Not only do I not find it acceptable  
12 to argue if it's just an unfunded mandate for  
13 New York City we're all fine with it, but in fact  
14 since the opposition memos are from basically the  
15 exact same organizations throughout the state  
16 that were opposed to the earlier version that was  
17 statewide, I think that the education advocates  
18 in our state and the school board associations  
19 and the administrators of our public schools --  
20 wherever they reside in New York State --  
21 understand this is the wrong law for our state  
22 and understand if this were to become law  
23 applicable only to New York City, it would be a  
24 short jump to implementing it statewide.

25 There are also constitutional issues

1     that have been raised about this law and why it  
2     would not meet constitutional standards, but I'll  
3     leave that debate for when and if someone ever  
4     has to go to court to challenge the law. I  
5     actually think the simpler answer is let's not  
6     make this a law. I'm urging my colleagues to  
7     vote no and to review the memos that I know we  
8     all got today.

9                     Thank you, Madam President.

10                    ACTING PRESIDENT SAVINO:    Senator  
11     Flanagan.

12                    SENATOR FLANAGAN:    Thank you,  
13     Madam President. On the bill.

14                    I always try and do my best to  
15     listen to my colleagues' comments and take them  
16     to heart, and I do want to make a number of  
17     comments.

18                    I mentioned before about the role of  
19     the parent and where they see their children.  
20     And we took time since last year, we've had a  
21     number of meetings, met with the school boards,  
22     talked to the superintendents, talked to the  
23     State Education Department, talked to New York  
24     City Department of Education. And some of the  
25     changes that are in this bill are directly

1 related to those conversations that took place in  
2 the past and that still take place now.

3 If there's a better way to build a  
4 mousetrap, Senator Felder and certainly I am very  
5 amenable to finding ways to ameliorate whatever  
6 the situation may be. But I also look and think,  
7 again, what are we doing for children? What is  
8 the least restrictive environment? What's the  
9 free and appropriate public education?

10 And if you look at what is involved  
11 here, first of all, I completely disagree with a  
12 number of the comments that are in some of these  
13 memos.

14 There's an assertion that this bill  
15 will cost \$200 million. There is no evidence  
16 whatsoever, there is not one iota of  
17 documentation to substantiate that. If  
18 somebody's got it, bring it forward. If you can  
19 document something like that, that's something we  
20 could take a look at. But there's been no data  
21 provided or information provided that would show  
22 that would happen. That's number one.

23 Number two, parents are caught  
24 between a rock and a hard place. They want to  
25 put their kid where they believe their child is

1 going to get the most appropriate education. And  
2 let me give you some facts, because these things  
3 actually do matter.

4           There are approximately 450,000  
5 students in the State of New York who have an  
6 IEP: 410,000 are school-aged, 40,000 in  
7 preschool. So I ask questions. What about  
8 placement issues? What about tuition  
9 reimbursement? There were 784 cases in  
10 2012-2013. Six hundred ninety-three of those  
11 cases on placement were in the City of New York.  
12 There were 3,947 cases on tuition reimbursement  
13 in the same year. In that same year, 3,823 of  
14 those case were in the City of New York. This is  
15 really a problem that is focused more on the city  
16 than anyplace else.

17           Now, imagine this. You're a parent,  
18 you make what you believe is the appropriate  
19 placement. The school district challenges that,  
20 and you're now paying tuition out-of-pocket. And  
21 you have to go through the process, which is  
22 fine. Fine. Thirty-day resolution period --  
23 45 days for an independent hearing officer, 30 to  
24 60 days for a state review office, potentially  
25 going to court.

1                   And then if you go through that  
2 arduous process and you happen to prevail,  
3 there's no stick. There's nothing that says the  
4 City of New York has to turn around and pay these  
5 folks who may have laid out \$25,000, \$30,000,  
6 \$35,000 for their child.

7                   We put simplicity in here and said  
8 if you're going to have an agreement, it's got to  
9 have a timeline. What is wrong with that? What  
10 is wrong with saying there's got to be something  
11 that says somebody gets paid within 30 days? If  
12 the City of New York takes another 180 days,  
13 think of the position that puts a parent in.

14                  And here's the crazy part. This --  
15 and this is where I completely disagree -- this  
16 says if tuition is going to be paid, that it's  
17 paid until such time as the CSE meets again.  
18 Which they have to do every single year. So if  
19 you are a parent, you place your child in a  
20 private setting, they are obligated by law to  
21 reject that in the coming year. So you're now  
22 going through this process, laying out money,  
23 trying to figure out where you're going to end  
24 up, really worrying about your child, and then  
25 you have to start it all over again.

1                   So I mentioned a number of cases.  
2     The state review office, imagine you're a parent  
3     going through this. The law says 30 to 60 days.  
4     There are 223 cases open as of May 19th. There  
5     are over 100 cases at least that are over  
6     300 days. That is ludicrous.

7                   What we are trying to do is get some  
8     strict adherence to guidelines. And it says by  
9     law, the school district, when they do the CSE,  
10    which they are obligated to do each year by  
11    federal and state statute, they have a legal  
12    obligation to reject that placement. So there's  
13    no payment in perpetuity. Parents have to fight  
14    and swim upstream every year.

15                  I am very cognizant of the costs of  
16    special education, as we all are. And that's an  
17    issue that we will grapple with separately. But  
18    I believe this is a fair, balanced, reasonable  
19    bill. And we have actual facts. Think of the  
20    number of the cases that I talked about. Imagine  
21    yourself going through that. Imagine your  
22    constituents coming to you. What would you want  
23    to say? I want to be able to say to them: We  
24    put something in writing that's going to make it  
25    better.

1                   And here's the thing. This whole  
2 thing about an unfunded mandate? Give me a  
3 break. There's no guarantee that parents win.  
4 There are cases that show where parents lose.  
5 They can lose at the hearing level, they can lose  
6 at the state review level, they can lose in  
7 court.

8                   If they win, guess what? That's  
9 what they're entitled to by law. We're not  
10 giving them anything extra. We're complying with  
11 what the law will be.

12                  So the notion that this is somehow  
13 an additional cost or an unfunded mandate, you  
14 and I are not making that determination. That  
15 will be made by an independent party or a state  
16 review officer or a court of competent  
17 jurisdiction. And I am perfectly fine with that.  
18 Let them adjudicate each of these cases on the  
19 merits.

20                  So this notion it's an unfunded  
21 mandate is -- in my opinion, that's offensive.  
22 It's offensive to the parents who bring their  
23 children through this process. I believe this is  
24 a good bill. And I said if there's a better way  
25 to do it, let somebody bring it forward. It



1 someone thinks it costs \$200 million, show us. I  
2 have these cases right here. I got actual facts  
3 from the State Education Department. So we did  
4 our homework to make sure that when this  
5 discussion took place, it was on the merits and  
6 not on the hyperbole.

7 Thank you.

8 ACTING PRESIDENT SAVINO: Senator  
9 Krueger.

10 SENATOR KRUEGER: Would the sponsor  
11 please yield?

12 ACTING PRESIDENT SAVINO: Senator  
13 Flanagan, would you yield?

14 SENATOR FLANAGAN: Yes.

15 ACTING PRESIDENT SAVINO: Senator  
16 Flanagan yields.

17 SENATOR KRUEGER: So the sponsor  
18 just suggested in his analysis that if there's  
19 some reasonable way to deal with the issue, he's  
20 open to it.

21 So I just want to clarify that he  
22 does agree that under this bill, if it became  
23 law, while he makes the argument that the  
24 odds are against the parents and it's unfair,  
25 that parents challenging their child's placement

1 and who had enrolled the child in a private  
2 school, the private school becomes the child's  
3 stay-put placement if on appeal the SRO agrees  
4 with the parents the child's placement should be  
5 changed. And in that instance, the school  
6 district becomes financially responsible for  
7 maintaining the child at the private school  
8 pending further appeals.

9               So that his frustration, if I may  
10 say that word, of the current system is  
11 completely reversed to assure that the state  
12 placement, even if it's been ruled not to be the  
13 only appropriate site, becomes the default  
14 placement where the public education system must  
15 continue to pay for this placement.

16               SENATOR FLANAGAN: No, I don't  
17 agree. In fact, the characterization -- if we're  
18 going to use terms of art, then it's important to  
19 have the right verbiage. It's a pendency  
20 placement. That's the court, that's the case law  
21 language, replete through all these federal  
22 cases.

23               So if you're talking about a  
24 pendency placement, Senator Krueger, that ties  
25 into what we were talking about before. And

1     there is language in the bill, since you raise  
2     it, on page 2, lines 25 and thereafter: Until  
3     the Committee on Special Education determines the  
4     child's needs can be met in another public or  
5     approved private school program and revises the  
6     child's IEP to recommend such placement.

7                 Let's say you go through the  
8     process. You are now prevailing, and for  
9     whatever unknown reason the process works in a  
10    timely fashion. You are now getting your tuition  
11    paid for your child for the balance of we'll say  
12    the 2014-2015 school year. That school district  
13    is obligated to do a review of that child's IEP,  
14    at which time, by law, they will continue to  
15    reject that further placement. That stops the  
16    payments. That language stops the payments.

17                So it is not in perpetuity, it is  
18    not in future years, it is only until such time  
19    as the Committee on Special Education makes the  
20    determination on the IEP.

21                SENATOR KRUEGER: Through you,  
22    Madam President, if the sponsor would continue to  
23    yield.

24                SENATOR FLANAGAN: Yes.

25                ACTING PRESIDENT SAVINO: Senator

1 Flanagan yields.

2 SENATOR KRUEGER: I appreciate the  
3 language correction, but my understanding is that  
4 as long as the parent continues to appeal, the  
5 child is, quote, unquote, kept stayed put in the  
6 private school placement, tuition is paid and  
7 cannot be recouped at a later date.

8 But my question, Madam President,  
9 for the sponsor, if he will yield --

10 SENATOR FLANAGAN: Senator Krueger,  
11 let me just, if I may -- through you, Madam  
12 President -- I simply don't agree with that  
13 assertion.

14 And I would ask you, show me exactly  
15 in the bill where you believe that language to  
16 be.

17 SENATOR KRUEGER: One moment,  
18 please. (Pause.)

19 Through you, Madam President. On  
20 page 2 of the bill, section 2, there is a series  
21 of underlined new language closing with "where  
22 the parent or person in parental relations brings  
23 a due process proceeding to challenge such  
24 revised placement, the unilateral parental  
25 placement for which tuition payment was granted

1 shall be the pending placement as provided in  
2 subdivision 4 of this section."

3           So as long as the parent -- I read  
4 this that as long as the parent is appealing the  
5 decision, the child remains in the private  
6 placement with the school system obligated to  
7 pay.

8           SENATOR FLANAGAN:   Respectfully,  
9 Senator Krueger and I, we're just going to --  
10 Madam President, through you, I read operative  
11 language that I think covers the concern that you  
12 have.

13           And by the way, let me be  
14 crystal-clear. I have the same concern. I have  
15 a legitimate concern. I want to make sure that  
16 it's done properly and it's done in a financially  
17 sound way. So fundamentally, yes, in a given  
18 school year, if it happens to work out -- and by  
19 the way, this also could be done through  
20 settlement. If they come to a, quote, unquote,  
21 final determination by settlement, that  
22 settlement will only last until the next  
23 determination of the Committee on Special  
24 Education.

25           So the language that prevents the

1 issue that you're raising is, again, lines 25  
2 through 28.

3 SENATOR KRUEGER: Through you,  
4 Madam President, if the sponsor will continue to  
5 yield.

6 SENATOR FLANAGAN: Yes.

7 ACTING PRESIDENT SAVINO: Senator  
8 Flanagan yields.

9 SENATOR KRUEGER: Again,  
10 referencing the same paragraph in response to  
11 your answer, "Such tuition payments shall  
12 continue in future years at the same percentage  
13 of the total tuition costs as the previous year's  
14 payment, until the committee determines the  
15 child's needs can be met in another public or  
16 approved private school program." Those are  
17 lines 23, 24, 25, 26, 27.

18 So he shares my concerns. We share  
19 the same concerns. What we don't agree on is  
20 what this bill does to the law, that it defaults  
21 to allowing parents to continue to appeal -- as  
22 they would, because their child is in the  
23 placement they wanted, paid for by the school  
24 system. So they would continue to appeal. And  
25 the way this law, as I read it in this paragraph,

1     it will obligate the school system to continue to  
2     pay the school not just now but into future  
3     years.

4                     And there would be no incentive to  
5     negotiate or settle, because actually I have my  
6     child exactly where I wanted them. So I will  
7     continue to appeal, and I will not settle. And  
8     the school system will be, according to this, I  
9     believe, required to continue to make payments  
10    not just in a one-year period, as is current law,  
11    but into future years. And this is my  
12    fundamental concern with changing this law.

13                    I don't even know if I had a  
14    question in there, Senator Flanagan, so I'm happy  
15    to --

16                    SENATOR FLANAGAN:     Well, I  
17    certainly have a comment, so --

18                    SENATOR KRUEGER:     There you go.

19                    SENATOR FLANAGAN:     Madam President,  
20    through you. Senator, we obviously -- we agree  
21    on the very basic point that the cost is  
22    important, the placement is equally as important,  
23    particularly if you are a parent of that child.

24                    I'm talking to you about the  
25    language and what I believe to be the legislative

1 intent. I could make a factual, I think a very  
2 strong argument that, given the nature of this  
3 process, it is unlikely that these folks are  
4 going to find themselves in this situation on a  
5 regular basis.

6 And I would say it in this way. The  
7 process now takes long enough that, number one, I  
8 don't believe that a district will be obligated  
9 to make those payments until a final  
10 determination, which is laid out in two sections  
11 of the bill, speaking to the various levels. If  
12 you lose at the independent hearing officer, you  
13 have a right, an absolute right, district or  
14 parent, to go to a state review office. If you  
15 lose there, you have an absolute right to go to  
16 court. And overwhelmingly these cases go to  
17 federal court.

18 Part of the problem here, as I said  
19 before, you have a number of cases that are  
20 pending in the state review office that go well  
21 beyond, well beyond one year. And by the time  
22 these things get determined, not only has the  
23 child's placement potentially changed, but you  
24 are already under a new IEP.

25 So there are vagaries in this



1 process that really make it difficult for parents  
2 to make sure that their child is getting the best  
3 appropriate education in the least restrictive  
4 environment.

5 SENATOR KRUEGER: Through you,  
6 Madam President, if the sponsor would continue to  
7 yield.

8 ACTING PRESIDENT SAVINO: Senator  
9 Flanagan?

10 SENATOR FLANAGAN: Yes.

11 ACTING PRESIDENT SAVINO: Senator  
12 Flanagan yields.

13 SENATOR KRUEGER: Given the  
14 sponsor's passion in support of this bill, why  
15 did he change it from last year for it to be  
16 New York City only? Why can't it be for your  
17 school system too?

18 SENATOR FLANAGAN: I have worked  
19 with Senator Felder, I have worked with various  
20 groups on this subject, and I believe we have  
21 made a strong, simple case in terms of looking at  
22 the facts.

23 If at some point it becomes  
24 advisable to look at this in a statewide capacity  
25 again, I would certainly do that. I obviously

1 did not shy away from doing it last year.

2 But I laid out for you that  
3 97 percent of these cases occur within the City  
4 of New York. So it would stand to reason that if  
5 we were trying to rectify something that is not  
6 working as well as it should, that that is a  
7 prudent course of action.

8 SENATOR KRUEGER: Through you,  
9 Madam President, on the bill.

10 ACTING PRESIDENT SAVINO: Senator  
11 Krueger on the bill.

12 SENATOR KRUEGER: The sponsor and I  
13 say we are in agreement about our goals and in  
14 agreement that we should not be driving up the  
15 cost of public education by setting up a system  
16 that incentivizes a parent to continue to fight  
17 and reject, over and over again, decisions by  
18 educators, education specialists, and these teams  
19 that actually exist under state law already to  
20 make what is the right decision for both the  
21 child and, under state law, for the school  
22 system.

23 And yet we go in completely opposite  
24 directions on this bill because I'm quite sure  
25 that this bill will incentivize a massive number

1 of additional people to not accept the decision  
2 of their local school districts, place their  
3 children in a private setting, and watch as the  
4 clock ticks out for years and the school system  
5 has to pay for the child in a private setting  
6 even though the educators and the experts said  
7 there is solutions within the public setting.

8 I get that parents want the best for  
9 their children. All parents want the best for  
10 their children. And I also get that many parents  
11 would like every imaginable service for their  
12 child if they can figure out how to get someone  
13 to pay for it. My concern is that in a public  
14 education system with limited dollars we will  
15 create a new universe of people who win through  
16 default -- not because that is the best use of  
17 limited public dollars, but because we will  
18 default the system to be in their favor in a  
19 private school setting.

20 And it will be so exceptionally  
21 difficult to reverse that or take so long to  
22 reverse that -- and again, I don't think there's  
23 disagreement if there is ultimate reversal,  
24 public education can't recoup those costs. It  
25 can't go to the parents and say, Well, you were

1 wrong, so you have to pay us. It won't be able  
2 to go to the school and say, It was an incorrect  
3 placement, you have to give us the money back.  
4 That won't happen. We will see an enormous drain  
5 of public dollars to a subuniverse of much more  
6 expensive private placements.

7 I want our public school system to  
8 have better options for all children. I want our  
9 public school system to have better options for  
10 children with special needs. It frankly appalls  
11 me that so many children currently get sent to  
12 private placements because we're not doing our  
13 job and having enough of quality special needs  
14 services within our public school system. It  
15 appalls me that we send children out of state to  
16 residential placements because we don't have  
17 adequate school settings in the State of  
18 New York.

19 I just know that this legislation  
20 would send us down the wrong path to have even  
21 less money available for public education. And  
22 while I empathize with parents' goal of always  
23 getting the best answer for their children, this  
24 would create an even more uneven playing field  
25 with very disturbing outcomes of who the winners

1 and the losers were, as opposed to using our  
2 public education funds to serve the broadest  
3 number of children with the best and most diverse  
4 options that we can within the public education  
5 system.

6 I'm urging my colleagues to vote no.  
7 Thank you, Madam President.

8 ACTING PRESIDENT SAVINO: Thank  
9 you, Senator Krueger.

10 Senator Hoylman on the bill.

11 SENATOR HOYLMAN: Thank you,  
12 Madam President. On the bill.

13 I'm alarmed, Madam President,  
14 because there is no cost analysis on what this  
15 bill would portend for the City of New York. And  
16 you know, I do believe that the sponsors have  
17 their heart in the right place -- not necessarily  
18 our interests or our wallets in the right place.  
19 And how often does a liberal from Manhattan get  
20 to say that?

21 (Laughter.)

22 SENATOR HOYLMAN: It's true that  
23 parents are extremely conflicted, besieged,  
24 nearly traumatized by this process. I have  
25 many of my constituents who approach me about

1 this. But let's be clear. This is an unfunded  
2 mandate, this is the mother of unfunded mandates.

3 If we do not have, Madam President,  
4 any fiscal analysis of what this might cost, then  
5 why should we not believe advocates who say it  
6 could cost \$200 million, \$400 million,  
7 \$600 million? If you can't counter that argument  
8 with contrary fiscal analysis, then I'm inclined  
9 not to believe you.

10 And, Madam President, if this is  
11 such a terrific idea, then I would hope that  
12 Senators in other districts would propose this  
13 for their school districts, not for the City of  
14 New York.

15 I'll be voting no.

16 ACTING PRESIDENT SAVINO: Thank  
17 you, Senator Hoylman.

18 Are there any other members wishing  
19 to be heard?

20 Seeing none, debate is closed.

21 The Secretary will ring the bells.

22 (Pause.)

23 SENATOR LIBOUS: Madam President,  
24 can we call the roll?

25 ACTING PRESIDENT SAVINO: Read the

1 last section.

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

4 ACTING PRESIDENT SAVINO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Senator  
8 Felder to explain your vote.

9 SENATOR FELDER: Thank you very  
10 much.

11 First of all, I want to thank my  
12 colleague Senator Flanagan for doing an  
13 extraordinary job. I've been congratulated by  
14 many of my colleagues for my debating skills, and  
15 I've learned that probably the best thing that I  
16 can do normally is be quiet and have people who  
17 know what they're talking about discuss the bill.

18 So I'm not going to discuss the  
19 details of the bill. But what I will say to you  
20 is that I'm quite disturbed by some of the  
21 discussion that we had that related to dollars,  
22 over and over and over again, about how much  
23 special needs parents, a parent of a special  
24 needs child, should be allowed, not allowed, to  
25 make sure that their child gets the education

1     that they think their child will benefit most by.  
2     And that relates to children getting education  
3     anywhere.

4                 But I will say to you that this bill  
5     is very personal to me, and it may be very  
6     personal to many of you in the room that have a  
7     relative or a child or a grandchild that needs  
8     special ed.

9                 God blessed my daughter, who doesn't  
10    live in New York City and will not benefit at all  
11    by this bill, with her third child, a child with  
12    Down syndrome, who has brought so much joy into  
13    her house and in our life, but will be a  
14    challenge for her and for the family and of  
15    course her husband for the rest of their days,  
16    God willing in good health.

17                The last thing -- and I don't think  
18    it's funny. The last thing that she would need  
19    if she lived in the city would have to be to be  
20    subject to the torture that these parents have  
21    year after year after year, reviewing the same  
22    things over and over and over again. The same  
23    things.

24                And until somebody in this room  
25    tells me that they have figured out the cure for



1 autism or the cure for Down syndrome or the cure  
2 for so many other disabilities, how in the world  
3 do we put parents through the same torture year  
4 after year?

5                   And I have to listen to some of my  
6 colleagues start going through saying something  
7 like "Until we know otherwise, it could be  
8 600 million." It could be 7 billion. Why didn't  
9 we say it would be 7 trillion? Maybe it is  
10 7 trillion. Well, let me tell you what  
11 7 trillion is: The tears and the heartache that  
12 the parents of these children go through every  
13 year.

14                   And it's not at the expense of  
15 public school children. Over and over you hear  
16 the same thing, that if we do anything that will  
17 in any way help children that are getting  
18 services in anywhere but a public school,  
19 suddenly the public school system will dissolve.

20                   My mother attended public school,  
21 and the public school system in New York City is  
22 better, better than it's ever been. And will  
23 continue to exist. That's no excuse whatsoever  
24 of putting parents through hell year after year  
25 to get the services that they deserve, but even

1 more importantly that are mandated federally.

2 This is not something that New York  
3 State or anybody in this room woke up one morning  
4 and said let's do this. This is about ensuring  
5 that the city, in this case, is complying with  
6 what it's supposed to do, which is to make sure  
7 that every child gets the education that they  
8 deserve. And if a parent feels that there is  
9 another option that would give their child a  
10 better education and give them a better chance at  
11 doing well in life to whatever degree they can  
12 do, that we should give it to them.

13 I vote yes.

14 (Applause.)

15 ACTING PRESIDENT SAVINO: Senator  
16 Felder to be recorded in the affirmative.

17 Senator Díaz to explain his vote.

18 SENATOR DIAZ: Thank you.

19 Madam President and ladies and  
20 gentlemen, after listening to Senator Felder,  
21 Senator Felder, your arguments are more  
22 compelling to me than Senator Flanagan's. And I  
23 congratulate you because I was voting no, I was  
24 voting no, but after listening to you, I'm  
25 changing my vote to yes.

1 (Applause.)

2 ACTING PRESIDENT SAVINO: Senator  
3 Díaz to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar 1155, those recorded in the negative are  
7 Senators Avella, Breslin, Carlucci, Dilan,  
8 Gianaris, Gipson, Hoylman, Kennedy, Krueger,  
9 Latimer, Montgomery, O'Brien, Peralta, Perkins,  
10 Rivera, Sanders, Serrano, Stavisky,  
11 Stewart-Cousins and Tkaczyk.

12 Absent from voting: Senators  
13 Addabbo and Espaillat.

14 Ayes, 37. Nays, 20.

15 ACTING PRESIDENT SAVINO: The bill  
16 is passed.

17 SENATOR LIBOUS: Madam President,  
18 could we please take up Calendar 1140, by  
19 Senator Carlucci.

20 ACTING PRESIDENT SAVINO: The  
21 Secretary will proceed with the reading of  
22 Calendar 1140.

23 I would ask all members to please  
24 remain in the chamber so we can get through this  
25 as quickly as possible, since tonight is the

1 Italian American Legislators event.

2 ACTING PRESIDENT SAVINO: Calendar  
3 Number 1140, by Senator Carlucci, Senate Print  
4 7651A, an act to amend the Mental Hygiene Law.

5 SENATOR RIVERA: Explanation.

6 ACTING PRESIDENT SAVINO: Senator  
7 Rivera has requested an explanation, Senator  
8 Carlucci.

9 SENATOR CARLUCCI: Thank you,  
10 Madam President.

11 This bill is a very important bill.  
12 Today we've taken up a package of bills that will  
13 deal with opiate and heroin abuse. And after  
14 attending many of the hearings that we've had  
15 around the state, you hear about parents  
16 unfortunately being handcuffed on the sideline  
17 while they watch their children deteriorate and  
18 in many cases, unfortunately, die.

19 This bill is in response to that,  
20 what we heard firsthand about what can we do to  
21 those families that know there's a problem, know  
22 that their son, their daughter, their relative  
23 needs help. We've set up a mechanism to do that,  
24 to allow for them to have assisted outpatient  
25 treatment to deal with their addiction, to

1 recover and to get better.

2 Thank you, Madam President.

3 ACTING PRESIDENT SAVINO: Senator  
4 Rivera.

5 SENATOR RIVERA: Through you,  
6 Madam President, if the sponsor would yield for a  
7 few questions.

8 ACTING PRESIDENT SAVINO: Senator  
9 Carlucci, do you yield?

10 SENATOR CARLUCCI: Yes.

11 ACTING PRESIDENT SAVINO: Senator  
12 Carlucci yields.

13 SENATOR RIVERA: Thank you,  
14 Madam President. Through you. If the sponsor  
15 could actually break that down a little bit more  
16 as it refers to assisted outpatient treatment.

17 Through you, Madam President, if the  
18 sponsor could tell me what -- how the law  
19 currently exists as it relates to assisted  
20 outpatient treatment.

21 SENATOR CARLUCCI: Unfortunately,  
22 there is no mechanism in place for assisted  
23 outpatient treatment. And that's the story we  
24 heard over and over again from parents that said  
25 it was too late, in cases where we heard about

1 where they saw the deterioration of their loved  
2 one.

3 But unfortunately in New York State  
4 there's a huge loophole where there is no  
5 mechanism to receive that assisted outpatient  
6 treatment.

7 SENATOR RIVERA: Through you,  
8 Madam President, if the sponsor would continue to  
9 yield.

10 SENATOR CARLUCCI: Yes.

11 ACTING PRESIDENT SAVINO: Senator  
12 Carlucci yields.

13 SENATOR RIVERA: Thank you, Madam  
14 President.

15 I should have made my question more  
16 clear, Madam President. I meant to say the way  
17 that it -- assisted outpatient treatment is  
18 something that does exist currently in law. My  
19 question was for the sponsor -- through you,  
20 Madam President -- what population does it  
21 currently deal with, and how is it structured for  
22 that population?

23 SENATOR CARLUCCI: Well, I believe  
24 the speaker is talking about the issue of  
25 Kendra's Law that deals with mental illness in

1 the State of New York where there is a mechanism  
2 in place.

3 What we've done with this  
4 legislation is deal with the issue of addiction,  
5 and we've curtailed it to the addiction of opiate  
6 and heroin abuse.

7 SENATOR RIVERA: Through you,  
8 Madam President, if the sponsor would continue to  
9 yield.

10 ACTING PRESIDENT SAVINO: Senator  
11 Carlucci, do you continue to yield?

12 SENATOR CARLUCCI: Yes.

13 ACTING PRESIDENT SAVINO: Senator  
14 Carlucci yields.

15 SENATOR RIVERA: Thank you,  
16 Madam President.

17 I want to drill into that a little  
18 bit more. Currently, the assisted outpatient  
19 treatment law, what it does is it -- for the  
20 record, Madam President -- establishes a  
21 procedure for obtaining court orders to induce  
22 people who are mentally ill, have a history of  
23 psychiatric hospitalizations or serious violent  
24 behavior towards self or others and difficulty  
25 following a treatment plan, to adhere to a

1 supervised outpatient treatment plan which often  
2 includes continuing to take appropriate  
3 medications to survive safely in the community.

4           So through you, Madam President,  
5 just to clarify, what this bill would do, then,  
6 is to extend what currently exists for that  
7 population to folks that are opiate addicts. Is  
8 that correct, Madam President?

9           SENATOR CARLUCCI: Well, I would  
10 say that to clarify that, it is a completely  
11 separate issue. It has similarities, as the  
12 previous speaker had pointed out, but it is very  
13 much unique and it's separate.

14           The idea here is we also have a  
15 council that is formed, making up the OASAS  
16 commissioner, the commissioner of Mental Health,  
17 the commissioner of the Department of Health, and  
18 other experts that would guiding the commissioner  
19 of OASAS in terms of how to best regulate the --  
20 have the regulations in place so that its  
21 impacting and delivering the most effective  
22 results to the population that's needed.

23           SENATOR RIVERA: Through you,  
24 Madam President, if the sponsor would continue to  
25 yield.



1                   SENATOR CARLUCCI:    Yes.

2                   ACTING PRESIDENT SAVINO:    Senator  
3   Carlucci yields.

4                   SENATOR RIVERA:    Thank you,  
5   Madam President.   Maybe I should make my  
6   questions more specific.

7                   Currently, the law as it stands  
8   deals with a particular population, that we are  
9   talking not about people that are addicted to  
10   opioids, we're talking about the mentally ill  
11   and, as I said, people that have a history of  
12   hospitalizations, et cetera.   And currently what  
13   it does to those populations, through you, Madam  
14   President, is to put those patients into  
15   court-ordered outpatient treatment.

16                  My question -- Madam President,  
17   through you -- is whether what this bill seeks to  
18   do is to take the population of individuals that  
19   are addicted to opioids and force them to a  
20   court-ordered outpatient treatment facility.

21                  SENATOR CARLUCCI:    The idea here is  
22   that -- to have that mechanism where it would be  
23   court-ordered outpatient treatment for people  
24   that have addiction.

25                  SENATOR RIVERA:    Madam President, I

1 have trouble hearing him, first of all.

2 ACTING PRESIDENT SAVINO: Could we  
3 have some silence in the chamber. We're having  
4 trouble hearing each other.

5 Senator Carlucci, could you repeat  
6 your response?

7 SENATOR RIVERA: No, I heard that  
8 last response, just towards the end it was a  
9 little difficult to hear.

10 Through you, Madam President, if the  
11 sponsor would continue to yield.

12 ACTING PRESIDENT SAVINO: Senator  
13 Carlucci, do you continue to yield?

14 SENATOR CARLUCCI: Yes.

15 ACTING PRESIDENT SAVINO: Senator  
16 Carlucci yields.

17 SENATOR RIVERA: Thank you,  
18 Madam President.

19 Senator Carlucci, do you have --  
20 what kind of expertise do you have in drug  
21 treatment specifically? Or if you don't -- I  
22 certainly do not. But who were the individuals  
23 that maybe helped you put this piece of  
24 legislation together as it relates to treatment  
25 for addicts? Through you, Madam President.

1                   SENATOR CARLUCCI:    A wonderful  
2     question.   With the help of the Task Force on  
3     Opiate and Heroin Addiction, the task force had a  
4     series of 18 hearings around the state.   And it  
5     was a very tough, tough time to hear the  
6     firsthand stories from many parents that  
7     unfortunately had lost their loved ones to heroin  
8     and opiate addiction.

9                   And this bill came particularly from  
10    the horrible situation that we heard in pretty  
11    much every hearing.   Some had more circumstances  
12    or more instances than others, but where you  
13    talked to parents and they said, Yeah, my son he  
14    had a problem.   We knew it.   He caused harm to  
15    himself, to others.   Maybe once, maybe twice,  
16    maybe half a dozen times.   They were crying out  
17    for help, the parents, but there was nothing that  
18    they could do.   Unfortunately, they were  
19    handcuffed.   They were handcuffed on the sideline  
20    and could do nothing but watch their children  
21    die.

22                  And that's where this bill comes  
23    from, to say enough is enough, we've got to close  
24    the loopholes in the system, set up a mechanism  
25    where if there's a blatant problem where someone

1 is on their way towards total deterioration,  
2 towards the next step being death, that we need  
3 to step in, set up a process where they can get  
4 the treatment that they need.

5 SENATOR RIVERA: Through you,  
6 Madam President, if the sponsor would continue to  
7 yield.

8 SENATOR CARLUCCI: Yes.

9 SENATOR RIVERA: Okay, thank you,  
10 Madam President. I thought that procedurally we  
11 had to wait for you to acknowledge that he had  
12 done so.

13 So through you, Madam President,  
14 while I certainly appreciate both the intent of  
15 the sponsor -- and I also appreciate that some of  
16 those answers might be great talking points or  
17 might be great in the local news -- I do have to  
18 ask more specific questions related to what the  
19 bill is intending to do technically speaking.  
20 Through you, Madam President.

21 And specifically I'm talking in this  
22 instance about the type of treatment that would  
23 be available -- or not available, but in this  
24 case court-ordered for individuals that are  
25 addicted to opioids.

1                   So through you, Madam President, if  
2     the sponsor could clarify what the bill is  
3     intending to do for that population. Not  
4     necessarily of its intent as to -- certainly I  
5     don't want to for a second minimize the pain of  
6     any family members or individuals themselves who  
7     find themselves in the throes of addiction.

8                   However, when we are talking about  
9     the type of drug treatment that individuals  
10    should receive, there is -- it seems to me what  
11    this bill mandates is a coerced type of drug  
12    treatment than in the experience of many folks  
13    that know much more about addiction than I do and  
14    have spoken to me, have told me that is not  
15    something that functions as a way to stop someone  
16    from being addicted to a particular drug, and  
17    particularly to opioids.

18                  So again through you,  
19    Madam President, if the sponsor could clarify if  
20    that's what the bill intends to do.

21                  ACTING PRESIDENT SAVINO:    Senator  
22    Carlucci, do you continue to yield?

23                  SENATOR CARLUCCI:    Yeah,  
24    absolutely, I continue to yield.

25                  And I'll answer that question.    I

1 respectfully disagree with the previous speaker.  
2 And it's laid out right in the bill explicitly  
3 about the services that would be provided in that  
4 outpatient treatment. We're talking about  
5 disorder services, detoxification,  
6 medication-supported recovery, individual or  
7 group therapy, day or partial-day programming  
8 services and activities. The list goes on.

9           But what's important to remember  
10 about this legislation is that we really leave it  
11 in the hands of the experts, give the  
12 commissioner of OASAS really the authority to  
13 regulate exactly those treatment options that  
14 will be available which we find most effective,  
15 to be made up of not just the commissioner of  
16 OASAS but also to be made up of a panel of  
17 experts. That's laid out in the bill about how  
18 that will be set up.

19           Because the main issue here, and I  
20 think what the previous speaker is getting to, is  
21 that we don't have all the answers. We don't  
22 know -- there really shouldn't be a cookie-cutter  
23 approach when it comes to treating addiction.  
24 And everybody is a little different. And that's  
25 why there is a multitude of services listed in

1 the bill. But it shouldn't be just limited to  
2 what's in the bill today, that that will be a  
3 work in progress made up of this advisory council  
4 with the commissioner of OASAS.

5 SENATOR RIVERA: Through you,  
6 Madam President, if the sponsor would continue to  
7 yield.

8 ACTING PRESIDENT SAVINO: Senator  
9 Carlucci, do you continue to yield?

10 SENATOR CARLUCCI: Yes.

11 ACTING PRESIDENT SAVINO: Senator  
12 Carlucci yields.

13 SENATOR RIVERA: Thank you,  
14 Madam President.

15 I disagree with the statements of  
16 the sponsor, but I will -- when I speak on the  
17 bill later, I will address them. I want to move  
18 on to a second part of general questions.

19 As far as the cost of the bill, as  
20 far as its fiscal impact -- Madam President,  
21 through you -- what would the fiscal impact be on  
22 the state, or more importantly, on localities,  
23 like counties, if this bill were to go into  
24 effect?

25 SENATOR CARLUCCI: Well, the way

1 the bill is written, there shouldn't be any cost  
2 to localities. And in fact, this type of  
3 legislation that doesn't exist right now in the  
4 State of New York -- and really we'll be closing  
5 a major loophole that exists -- I believe  
6 eventually will be saving money for the State of  
7 New York in real dollars, but more importantly  
8 improving the quality of life of thousands of  
9 New Yorkers around the state and ultimately  
10 saving people's lives, which is very hard to  
11 quantify with a price tag.

12 SENATOR RIVERA: Through you,  
13 Madam President, if the sponsor will continue to  
14 yield.

15 ACTING PRESIDENT SAVINO: Senator  
16 Carlucci, do you continue to yield?

17 SENATOR CARLUCCI: Yes.

18 ACTING PRESIDENT SAVINO: Senator  
19 Carlucci yields.

20 SENATOR RIVERA: Thank you,  
21 Madam President.

22 So is the sponsor's statement, for  
23 the record, that as it refers to the costs of  
24 processing and serving -- to initiate the  
25 assisted outpatient treatment order as it relates



1 to the cost of pickup of individuals, as it  
2 relates to the cost of physician services, and as  
3 it refers to the cost of program oversight, that  
4 there will be no cost for counties or other  
5 localities?

6 SENATOR CARLUCCI: Well, that's  
7 right. I believe that this will be picked up by  
8 the state, any costs that are incurred.

9 But more importantly, we've got to  
10 look at the long-term effects of this, the fact  
11 that this mechanism doesn't exist right now and  
12 unfortunately we're just sitting on the sidelines  
13 watching people deteriorate, getting worse, which  
14 in many cases costs the state and localities  
15 money but doesn't address that human-suffering  
16 factor and the quality of life that we're looking  
17 to improve for thousands of New Yorkers.

18 SENATOR RIVERA: Through you,  
19 Madam President, if the sponsor will continue to  
20 yield.

21 ACTING PRESIDENT SAVINO: Senator  
22 Carlucci?

23 SENATOR CARLUCCI: Yes.

24 ACTING PRESIDENT SAVINO: Senator  
25 Carlucci yields.

1                   SENATOR RIVERA:    Thank you,  
2   Madam President.

3                   Would the sponsor be so kind as to  
4   point to me in the language where it specifies  
5   that there shall be costs that would be picked up by  
6   the state, as opposed to vague language that  
7   really potentially might leave the cost up to  
8   directors of community service or other entities  
9   at the local level, at the county level to pick  
10   up again, who would be responsible potentially  
11   for picking up costs to pick up the individuals,  
12   for physician services, for program oversight, or  
13   serving to initiate an assisted outpatient  
14   treatment order?

15                  SENATOR CARLUCCI:   Well, the  
16   specifics in terms of the cost, there's not a  
17   specific requirement in the bill.  Many of the  
18   costs are obviously picked up by the state  
19   agencies.

20                  Any costs incurred by any  
21   municipalities for any tiny cost that you might  
22   refer to, or the speaker might refer to, I  
23   believe will largely be made up by the costs we save  
24   in hospitalization, emergency room visits, and  
25   the harm that's done to themselves and to others.

1                   SENATOR RIVERA:    Through you,  
2   Madam President, if the sponsor will continue to  
3   yield.

4                   ACTING PRESIDENT SAVINO:    Senator  
5   Carlucci, do you continue to yield?

6                   SENATOR CARLUCCI:    Yes.

7                   ACTING PRESIDENT SAVINO:    Senator  
8   Carlucci yields.

9                   SENATOR RIVERA:    Thank you,  
10   Madam President.

11                   I also disagree with that, but I  
12   will address that when I speak on the bill.

13                   Moving to the last issue, are you  
14   familiar with the Health Insurance Portability  
15   and Accountability Act of 1996? Through you,  
16   Madam President.

17                   SENATOR CARLUCCI:    Familiar.  
18   Somewhat familiar, yeah.

19                   SENATOR RIVERA:    Through you,  
20   Madam President, if the sponsor will continue to  
21   yield.

22                   ACTING PRESIDENT SAVINO:    Senator  
23   Carlucci, do you -- yes, he yields.

24                   SENATOR RIVERA:    Thank you,  
25   Madam President. And as it relates to the

1 process -- well, I'll wait for counsel to finish  
2 their conversation.

3 Through you, Madam President, so are  
4 you familiar with the way that this particular  
5 act of Congress deals or manages the issues of  
6 privacy for individual patients?

7 SENATOR CARLUCCI: Yes.

8 SENATOR RIVERA: Through you,  
9 Madam President, if the sponsor would continue to  
10 yield.

11 SENATOR CARLUCCI: Yes.

12 ACTING PRESIDENT SAVINO: Senator  
13 Carlucci yields.

14 SENATOR RIVERA: Thank you,  
15 Madam President.

16 So is it then the contention of the  
17 sponsor that -- let's say that the subject would  
18 not voluntarily participate, and we already  
19 established that this is a -- I'll wait for  
20 counsel.

21 We already established that this  
22 would be a court-ordered and I would term it  
23 coercive -- you might not, but I would -- type of  
24 treatment. Let's say that the subject does not  
25 voluntarily participate in the development of his

1 or her treatment plan. If the physician needs  
2 that information to be able to determine what the  
3 treatment plan for this individual would be, then  
4 how would -- would the bill figure out how that's  
5 going to be worked out, so to speak? Through  
6 you, Madam President.

7 SENATOR CARLUCCI: Yeah,  
8 absolutely. I mean, HIPAA is a major concern.  
9 And I think it's these concerns that have left  
10 politicians sitting on the sidelines not willing  
11 to take action.

12 The reason why we put in this  
13 legislation very clearly that the commissioner of  
14 OASAS, with the advisory council, will have the  
15 ability to affect the regulatory impact of this  
16 legislation, will be able to affect the  
17 regulations, that they can address any HIPAA  
18 concerns in this legislation.

19 SENATOR RIVERA: Madam President,  
20 on the bill.

21 ACTING PRESIDENT SAVINO: Senator  
22 Rivera on the bill.

23 SENATOR RIVERA: Thank you,  
24 Madam President. I thank the sponsor for  
25 answering questions.

1                   As I stated earlier, this is one of  
2                   the bills that was in the package of about  
3                   25 bills that was introduced by the Task Force on  
4                   Opioid -- I forget the exact title -- the Joint  
5                   Task Force on Heroin and Opioid Abuse. There  
6                   were about 25 bills, as we talked about earlier.  
7                   A few of them passed today -- well, all of them  
8                   have passed today so far. And some of us on this  
9                   side of the aisle, and certainly I have  
10                  supported -- but there were more than a few, and  
11                  this being one of them, that I think is the wrong  
12                  direction to go.

13                 There's a couple of issues that I  
14                 have with this particular bill. First, as it  
15                 relates to treatment of addiction, it is -- I  
16                 think it is almost demonstrated fact, and  
17                 certainly many of the individuals that I have  
18                 spoken to that have been through treatment  
19                 themselves tell me that when you coerce someone  
20                 to actually go into a treatment facility, it's  
21                 a -- actually, I should back up for a second and  
22                 I should talk about the assisted outpatient  
23                 treatment law as it currently exists.

24                 We're talking about a particular  
25                 type of population. We're talking, as I said

1 earlier, about people that are mentally ill, have  
2 a history of psychiatric hospitalizations or  
3 serious violent behavior towards self or others,  
4 and difficulty following a treatment plan. That  
5 is the population that we're dealing with in  
6 current law. And in current law what we're  
7 talking about is this population would go to a  
8 court-ordered outpatient treatment facility. As  
9 opposed to people that are addicts. It is the  
10 understanding of much research that in those  
11 instances we're talking -- the things that will  
12 actually have the best impact on it probably are  
13 inpatient addiction rehabilitation or long-term  
14 residential treatment, and both of those in a  
15 noncoercive fashion.

16 So what we're saying here is that we  
17 are going to have a court-ordered outpatient  
18 treatment facility to a population that is very  
19 likely not going to be cured of their addiction  
20 because of this -- because of this -- the way  
21 that they're forced to go into this particular  
22 treatment.

23 The second question is one of cost.  
24 And I think it is important not because dollars  
25 are more important than lives, not because

1 dollars are more important than people's  
2 well-being or health, but we have to be honest  
3 about where it is that the funds for whatever it  
4 is that we're suggesting is going to happen and  
5 the state is going to do, where are the funds  
6 going to come from.

7                   And folks that know much more about  
8 this than I do -- and these are individuals at  
9 the county level that are actually responsible  
10 for carrying out a lot of these programs, or at  
11 least in the way that the current bill is  
12 written, would actually be potentially dealing  
13 with a lot, picking up a lot of the costs  
14 involved -- are very much convinced that the  
15 language as it currently stands is too vague.  
16 And vague in a way that might actually put  
17 counties in a position where they have to pick up  
18 the costs for a whole host of things, whether  
19 it's to pick up individuals, for physician  
20 services, for program oversight, all of these  
21 things.

22                   If we're not specific about where  
23 this among money is going to come from, there's a  
24 problem with the bill.

25                   And lastly, I do think that there's



1 issues of privacy that are involved here which  
2 need to be addressed. In particular, as it  
3 relates to HIPAA, if you have an individual who  
4 does not want to participate in the program, if  
5 the individual does not want to participate in  
6 sharing his or her health information with  
7 whatever doctor is responsible for designing a  
8 treatment plan for them, then it is virtually  
9 impossible for them to be able to have a plan  
10 developed for them. And in the absence of this  
11 authorization, the entity that is responsible  
12 with carrying it out must go to a court to obtain  
13 the medical records necessary to support the  
14 petition.

15           And actually there is another level,  
16 and for substance abusers there would actually be  
17 an additional burden in the federal  
18 confidentiality law, which might create  
19 ultimately an insurmountable burden to the  
20 petitioner.

21           Overall, unfortunately I think that  
22 this bill is not the way that we should go about  
23 it to address people's addiction. It is -- from  
24 individuals themselves that have gone through  
25 different treatments throughout their lives, to

1 force individuals to go into a coercive type of  
2 drug treatment, as this bill would allow and  
3 would mandate -- or would provide the  
4 possibility, I should say, provide the  
5 possibility for individuals that are addicted --  
6 is a problem. I do not believe that this is the  
7 way that we should approach dealing with this  
8 type of treatment for individuals.

9 And for that reason, for all those  
10 reasons, Mr. President -- you all switched -- I  
11 shall be voting in the negative.

12 Thank you.

13 ACTING PRESIDENT VALESKY: Thank  
14 you, Senator Rivera.

15 Senator Robach on the bill.

16 SENATOR ROBACH: Yes,  
17 Mr. President, on the bill.

18 I want to applaud Senator Carlucci  
19 for putting this bill forward. After going to  
20 many, many of the hearings around town, but also  
21 even hearing personal stories, I can't say that  
22 I'm an expert on addiction or treatment, but I  
23 believe it's important to us as elected officials  
24 to listen to the family and the members of people  
25 who have unfortunately been impacted by this

1     terrible epidemic of this very high-powered  
2     heroin we now have flooding the entire country.

3             And, you know, I always say as a  
4     legislator, whether they're in Rochester,  
5     Buffalo, Syracuse, New York, wherever it is, you  
6     have to listen to the people who are the most  
7     impacted. And this hits all of our districts, no  
8     question, not only in my home, your home -- we  
9     even have in our Senate family Patty Farrell, who  
10    is a sergeant-at-arms here, who shared the  
11    terrible story of her daughter Laree  
12    Farrell-Lincoln, who literally unfortunately OD'd  
13    from this high-powered heroin. And she, like  
14    many other parents, said they wanted to get  
15    longer treatment but they couldn't under the  
16    current existing process.

17            Now, I don't know what the exact  
18    right answer is, but this package of bills put  
19    forward by Senator Boyle and all of us, really,  
20    this portion sponsored by Senator Carlucci  
21    definitely is going to give parents in the future  
22    a lifeline or a greater chance that they're not  
23    going to go into inpatient treatment for three  
24    days, five days, seven days that doesn't work,  
25    that we know from testimony after testimony,

1 doctor after doctor, doesn't fill the bill and  
2 stop anybody.

3 This is going to give people a  
4 chance for longer-term treatment and hopefully  
5 avoid the unfortunately OD'd death that we know  
6 happened with people that work with us, people  
7 that we represent, sometimes even people in our  
8 own families.

9 So I am going to vote yes for this  
10 bill. I think all these bills are critically  
11 important. But I think this is one of the most  
12 important bills that we are going to do, because  
13 that is what treatment professionals, doctors,  
14 and most importantly the loved ones -- and even  
15 people who were heroin addicts that had the  
16 courage to testify at these hearings all over the  
17 state -- say that's what they needed most,  
18 longer-time inpatient treatment.

19 So I'm going to vote in the  
20 affirmative, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank  
22 you, Senator Robach.

23 Senator Savino on the bill.

24 SENATOR SAVINO: Thank you. Thank  
25 you, Mr. President. I did come down from

1     presiding because I did want to speak on this  
2     bill.

3                     And Senator Rivera, your  
4     concerns are valid, and I listened to them. But  
5     I want to share a bit about the experiences that  
6     we found listening during the heroin task force,  
7     and in our own professional experience. I've  
8     spoken many times about my early experience as a  
9     caseworker in the child welfare system where  
10    every client I had was the subject of an abuse  
11    and neglect petition because there was drug abuse  
12    or alcoholism in that family affecting other  
13    areas.

14                    And yes, we sometimes compel people  
15    into drug treatment or alcoholism treatment as a  
16    condition of retaining their children, as a  
17    condition of avoiding jail time, as a condition  
18    of something. And compulsory addiction treatment  
19    isn't always successful. I wish that it were.  
20    But it is a tool that we have used.

21                    But I have my own other experiences.  
22    I've spoken on this floor about my own personal  
23    experience and my own family's experience. I  
24    come from a very long line of addicts. And  
25    addiction is a disease. And I am very grateful

1 now that people know that addiction is a disease.  
2 It's a legitimate one. It's not a character or  
3 moral defect. And it is a disease that affects  
4 so many families in so many ways.

5 And every one of us that has seen  
6 that in our own family, whether it's Patty, our  
7 sergeant-at-arms, or the people who testified,  
8 they will talk about the struggle that they went  
9 through seeing a person that they care about  
10 killing themselves on a daily basis.

11 Addiction is a disease that takes  
12 good people to very bad places. And it is one  
13 that harms families in a way because as a parent  
14 or a sister or a husband or a wife, you just want  
15 to take that person that you can see killing  
16 themselves on a daily basis and put them  
17 somewhere where they can be safe.

18 But our laws do not allow us to do  
19 that. We cannot involuntarily commit our loved  
20 ones who are suffering from addiction into a drug  
21 treatment program. They have to agree to go.  
22 And you know what happens to people who are in  
23 the throes of addiction? They're not  
24 particularly cooperative. Because they're afraid  
25 of success and they're afraid of change and

1 they're mostly afraid of sobriety because  
2 sobriety is scary.

3 And so this is a tool that families  
4 need to be able to tackle this so that they can  
5 get that loved one the service they need.

6 When I was a caseworker I used to  
7 tell my clients, if I could finally capture their  
8 attention and get them to agree to go to  
9 treatment, I would tell them to go to the  
10 hospital and tell them that they were an  
11 alcoholic. I'd actually tell them, pick up a  
12 sixpack on the way, get drunk, and when you get  
13 there -- because you're guaranteed a bed if you  
14 need to be detoxed from alcohol. You are not  
15 guaranteed a placement from opioids. You're not  
16 guaranteed a placement for anything other than  
17 alcohol and benzodiazepine.

18 Heroin addicts don't need to be  
19 detoxed. But when you have a heroin addict who  
20 comes to you and says "I need help today," if you  
21 don't have a place to put them, guess what,  
22 they're gone tomorrow.

23 That's what this bill will do, it  
24 will give families the ability to be able to  
25 compel their loved ones to try and save their

1 life. Will it work? See, sobriety only works if  
2 you want it to. But you've first got to get them  
3 in the door. And unfortunately, for too many  
4 families they can't get them in the door because  
5 the door is shut before they even knock on it.  
6 That's why this bill is important. That's why I  
7 felt the need to come down and talk about it.  
8 And I want to thank Senator Carlucci.

9 And I want to thank you for your  
10 comments too. They are legitimate, they are real  
11 concerns. But I think we need to take this step  
12 forward. I'm going to vote in favor of this  
13 bill, Mr. President.

14 ACTING PRESIDENT VALESKY: Senator  
15 Díaz.

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

18 Addiction is a disease and it is a  
19 big problem in our communities. Many people get  
20 to be drug addicts for many reasons. And once  
21 they become drug addicts, it is very difficult  
22 for them to kick the habit.

23 When I was 18 years old in  
24 Puerto Rico, I joined the Army. And because of  
25 the racism in the Army and all over Fort Jackson,



1 Georgia, and the problems that I faced in the  
2 Army, when I came back to Puerto Rico, my life  
3 was destroyed. And I was -- it came to the point  
4 where even my family wanted me to -- sometimes to  
5 die. And I remember one brother telling me, "So  
6 many good people die, and you don't die. Why  
7 don't you die?"

8                   And because of my Lord,  
9 Jesus Christ, or because of my faith, it made me  
10 turn my life. And because of that, in 1965 I  
11 changed. But I experienced the problem, I  
12 experienced what is it to be there. And I also  
13 experienced finding places to be, to sleep, and  
14 not getting in.

15                   So anything, anything, any help that  
16 this body could give mothers, parents, and even  
17 the addict, the person addicted to drugs, it will  
18 be a great help, a godsend.

19                   You have to be there to know what  
20 you're talking about what is it. People talk and  
21 people talk and people talk -- people don't even  
22 know what is it to be out there and to fight for  
23 your life.

24                   So yes, maybe the problem -- maybe  
25 we don't know is -- but there are problems, there

1 are institutions that work on behalf of drug  
2 addicts. I'm not to going say church here,  
3 because you don't want to hear about church or  
4 God, but that is the best way to go. Believe me,  
5 that is the best way to go. And I am testimony  
6 of that.

7 But I'm glad, I'm glad that this  
8 body is talking about drug addiction. I'm glad  
9 that this body is talking about trying to do  
10 something about it. And I ask all of you, stop  
11 putting any roadblocks in what people want to do  
12 to help drug addicts. They need our help. It is  
13 a big problem out there. It is a big, big  
14 problem out there. Our youth, our youth have  
15 been lost. Our -- the killing, the killing,  
16 the -- even rapes and even the holdups that have  
17 been happening in our community, the majority of  
18 them are because of drug addicts, because of  
19 drugs.

20 So we need to help. We need -- we  
21 need to be sure that we support any program, any  
22 project, any bill that comes to this floor trying  
23 to provide any kind of help. Because yes, we  
24 need the help.

25 So I'm voting yes, and I'm glad that

1 you are trying to do something about it. And  
2 believe me, I'm not talking because people talk  
3 and talk -- I lived that life. I lived that  
4 life. Now I'm a preacher, now I'm a pastor of a  
5 church, because God took me out of that life.  
6 And I'm not ashamed to say it, because there is  
7 power, there is power in Jesus, and I am a  
8 testament of that.

9 So let's do it, and stop putting  
10 roadblocks on those things. I'm voting yes.

11 ACTING PRESIDENT SAVINO: Thank  
12 you, Senator Díaz.

13 Senator Breslin on the bill.

14 SENATOR BRESLIN: Thank you,  
15 Madam President.

16 It's rare that I get up and applaud  
17 everyone who has spoken, both on the majority  
18 side and the minority side, but I think today  
19 we're talking about heroin addiction, something  
20 we didn't talk about even two years ago. And  
21 it's been less than two years ago that Patty  
22 Farrell lost her daughter, Laree, who we heard  
23 talk about on both sides of the aisle.

24 Just the fact that we are now  
25 talking about heroin addiction. We're talking

1 about inpatient versus outpatient and the  
2 evidence we're receiving. We're talking about  
3 treatment, which is really brand-new. You can't  
4 take a heroin addict and do the same kinds of  
5 things with a heroin addict that you do with an  
6 alcoholic. It's totally different.

7           Mandated versus nonmandated, we're  
8 talking about it. Is it important to have a  
9 court direct that someone receive inpatient  
10 treatment? Will they react negatively? Or do  
11 you let the person volunteer? In some cases we  
12 heard testimony that the heroin was so  
13 overpowering and so overwhelming that the person  
14 knew something bad was happening to them and they  
15 wanted the treatment. But what kinds of  
16 treatment would be mandated, would be voluntary,  
17 who would pay for them?

18           But we're here on the floor, and I  
19 applaud Senator Boyle for taking the road show of  
20 the majority to 18 different locations. And I  
21 know on our side, I applaud our side, because  
22 back at the end of 2013 we held a hearing. And  
23 our results, both sides, they aren't different.  
24 They're not conclusive yet, because we're still  
25 working on it.

1           So I give this bill the benefit of  
2 the doubt. It's another attempt to locate the  
3 final answer, to locate the perfect answer, which  
4 I don't think we're going to find today.

5           And Reverend Díaz, Senator Díaz  
6 talks about faith. Obviously faith is a critical  
7 component. Because whether it's mandated or  
8 nonmandated, whether it's voluntary or  
9 involuntary, that faith element, if you have it,  
10 is one more step in the right direction.

11           So all of us I don't think --  
12 Democrat or Republican, conservative, liberal,  
13 incarceration, nonincarceration -- should look at  
14 this as the final answer. Hopefully it's a step  
15 in the right direction. And I don't think we can  
16 make a mistake by favoring this legislation. In  
17 fact, each step we take will have ramifications,  
18 will give us new experiences on whether this is  
19 the right answer or the wrong answer.

20           It's to make sure that we as a body,  
21 the 63 of us who are now 61, we make it  
22 nonpartisan. We make it so we'll never have,  
23 again, a Patty Farrell sitting in the gallery.  
24 That her motivation got us to do what we're  
25 doing. And that we can now look for the answers

1 and we can be in the forefront in the State of  
2 New York looking for the most valid treatments,  
3 to make sure we eliminate this poison that's  
4 permeating the State of New York.

5 And it's permeating the State of  
6 New York not in urban areas, but in all areas --  
7 suburban, rural, poor, rich, white, black,  
8 Latino, everyone. All of us are affected by it.  
9 And probably that's one of the positive parts of  
10 it, that all of us are being affected. We can't  
11 say that it's someone else's problem; it's all of  
12 ours.

13 So I think all of us will look at  
14 these bills and take a chance. Some of them we  
15 won't agree with. But if we think that there's a  
16 possibility that they'll add or save one life or  
17 get one person through treatment to stay alive,  
18 to get well, it's worth it. And I will be voting  
19 in the affirmative.

20 Thank you, Madam President.

21 ACTING PRESIDENT SAVINO: Thank  
22 you, Senator Breslin.

23 Are there any other members wishing  
24 to be heard on the bill?

25 Seeing none, debate is closed.

1                   The Secretary will ring the bells.

2                   Oh, Senator Gianaris on the bill.

3                   SENATOR GIANARIS:   Not on the bill,  
4   Madam President.   While we're waiting for the  
5   members to get back in the chamber, I just wanted  
6   to announce to everyone that we have a birthday  
7   of one of our colleagues today.   Senator Breslin  
8   is enjoying his birthday today.

9                   ACTING PRESIDENT SAVINO:   Senator  
10   Breslin, happy birthday.

11                   (Applause.)

12                   ACTING PRESIDENT SAVINO:   I will  
13   just remind you all that the Italians are having  
14   a party for Senator Breslin in Troy, so if we can  
15   get through this tonight.

16                   (Laughter.)

17                   ACTING PRESIDENT SAVINO:   Read the  
18   last section.

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

21                   ACTING PRESIDENT SAVINO:   Call the  
22   roll.

23                   (The Secretary called the roll.)

24                   ACTING PRESIDENT SAVINO:   Senator  
25   Krueger to explain her vote.

1                   SENATOR KRUEGER:    Thank you,  
2   Madam President.   I rise to explain my vote no.

3                   I have to say that we all intend  
4   good here with providing more treatment options  
5   for people.   And so I am empathetic with my  
6   colleagues who spoke about the value of having as  
7   many options as possible.   But I have to say,  
8   reading the analysis and listening to  
9   Senator Rivera, mandatory treatment for adults  
10   for outpatient have not proved to be successful  
11   in the research of drug treatment.

12                  And as we are reading memos from our  
13   healthcare providers, they point out that given  
14   the inadequate supply of drug treatment, our  
15   decision to mandate outpatient treatment for  
16   people who don't and aren't ready to accept it  
17   will actually take away treatment options for  
18   those who are in search of it.

19                  So I can't argue in favor of taking  
20   away treatment placement slots for those who are  
21   in search of treatment in order to attempt to  
22   force people into a model that the scientific  
23   research, at least on most or all of the drugs  
24   that we currently see being abused, even though  
25   we all agree there are new issues with the new



1 types of drugs -- is that we would use resources  
2 on those who reject them and not have them  
3 available for those who need them.

4 So the ultimate win is a diversity  
5 of treatment options -- outpatient, inpatient,  
6 adequate services. But right now with this bill  
7 we'd simply be replacing forced treatment for  
8 those won't participate and losing it for those  
9 who need it.

10 I'll vote no. Thank you,  
11 Madam President.

12 ACTING PRESIDENT SAVINO: Senator  
13 Krueger to be recorded in the negative.

14 Announce the results.

15 THE SECRETARY: In relation to  
16 Calendar 1140, those recorded in the negative are  
17 Senators Krueger and Rivera.

18 Absent from voting: Senators  
19 Addabbo, Espaillat, Golden, Sampson and Sanders.

20 Ayes, 52. Nays, 2.

21 ACTING PRESIDENT SAVINO: The bill  
22 is passed.

23 SENATOR LIBOUS: Madam President,  
24 could we go to Calendar 1148, please.

25 ACTING PRESIDENT SAVINO: The

1 Secretary will read will Calendar Number 1148.

2 THE SECRETARY: Calendar Number  
3 1148, by Senator Boyle, Senate Print 7659, an act  
4 to amend the Penal Law.

5 SENATOR RIVERA: Explanation.

6 ACTING PRESIDENT SAVINO: Senator  
7 Rivera has requested an explanation, Senator  
8 Boyle.

9 SENATOR BOYLE: Yes, this bill  
10 creates a new crime, transport of an opiate. It  
11 would make it illegal to transport any opiate,  
12 including heroin, any distance greater than  
13 five miles within our state or from one county to  
14 another county within our state.

15 SENATOR RIVERA: Through you,  
16 Madam President, if the sponsor would yield.

17 SENATOR BOYLE: Yes, I yield.

18 ACTING PRESIDENT SAVINO: Senator  
19 Boyle yields.

20 SENATOR RIVERA: Thank you,  
21 Madam President.

22 Through you, Madam President, why  
23 did we -- why only opioids?

24 SENATOR BOYLE: Why only opioids?

25 SENATOR RIVERA: Yes, Madam

1 President, I'll repeat my question. Why only  
2 that particular class of drug?

3 SENATOR BOYLE: Well, we can  
4 certainly discuss including other drugs.

5 But today, as part of this Heroin  
6 and Opioid Task Force -- and I know that the  
7 Democratic Conference also had a heroin and  
8 opioid task force -- we're focusing on this area  
9 of drugs which is creating a crisis in our state  
10 at this immediate time, ruining families and  
11 destroying lives from one end of the state to the  
12 next. That's why this bill focuses on opioids.  
13 But I'd be happy to discuss another bill  
14 regarding other drugs.

15 SENATOR RIVERA: Through you,  
16 Madam President, if the sponsor would continue to  
17 yield.

18 ACTING PRESIDENT SAVINO: Senator  
19 Boyle, do you continue to yield? Yes.

20 SENATOR BOYLE: Absolutely, I'm  
21 sorry.

22 SENATOR RIVERA: What was the  
23 reason behind the five miles? Why not 10 miles?  
24 What was the reasoning behind the distance?

25 SENATOR BOYLE: Through you,

1 Madam President, five miles gave district  
2 attorneys and other prosecutors the maximum  
3 jurisdiction.

4 We saw in a number of forums that we  
5 hosted around the state, the 18 forums,  
6 prosecutors would say that individuals with the  
7 sole purpose of dealing drugs for profit -- not  
8 personal use, not people that are addicted and  
9 trying to feed their habit -- would travel great  
10 distances from downstate to upstate, upstate to  
11 downstate, from western New York to the eastern  
12 part of the state, through counties, certainly  
13 more than five miles, to deal these drugs and  
14 destroy lives with the sole purpose of making  
15 money.

16 SENATOR RIVERA: Through you,  
17 Madam President, if the sponsor will continue to  
18 yield.

19 ACTING PRESIDENT SAVINO: Senator  
20 Boyle, do you continue to yield?

21 SENATOR BOYLE: I continue to  
22 yield.

23 ACTING PRESIDENT SAVINO: Senator  
24 Boyle yields.

25 SENATOR RIVERA: Thank you,

1 Madam President.

2 What is the amount that is the  
3 threshold that is set in this particular  
4 legislation? Is there a threshold that is set?

5 SENATOR BOYLE: Through you,  
6 Madam President. No, there is no threshold. Any  
7 amount of opioids -- heroin, in the example -- if  
8 you have one packet, three packets or  
9 500 packets, if you travel this distance.

10 Now, there is a defense for personal  
11 use which would lower the criminal penalty. If  
12 you can convince a prosecutor that you're just  
13 using it for your own drug and you travel between  
14 counties or those miles, then you have a defense  
15 and you won't be charged with the Class B felony.

16 SENATOR RIVERA: Through you,  
17 Madam President, if the sponsor would continue to  
18 yield.

19 SENATOR BOYLE: Yes.

20 ACTING PRESIDENT SAVINO: Senator  
21 Boyle yields.

22 SENATOR RIVERA: So there's no set  
23 amount in the bill language itself as far as what  
24 the threshold, what the cutoff would be for it to  
25 be considered private use or personal use as

1       opposed to an intent to distribute?

2                   SENATOR BOYLE:     Through you,  
3       Madam President, that's correct.  There is no  
4       weight limit or amount.

5                   As you know, there's different  
6       weights with different types of drugs.  And  
7       certainly heroin is lighter than those drugs that  
8       have been used in the past or been highlighted in  
9       the past.  So any amount that's brought the  
10      certain number of miles between counties is  
11      prosecutorial.

12                   SENATOR RIVERA:    Thank you.

13                   Madam President, on the bill.

14                   ACTING PRESIDENT SAVINO:    Senator  
15      Rivera on the bill.

16                   SENATOR RIVERA:    I want to thank  
17      Senator Boyle for answering the questions and  
18      certainly for the overall efforts of the task  
19      force.  But I did have to take a second to look  
20      at this particular bill and really point out the  
21      fact that it is precisely the type of bill that I  
22      was referring to earlier as far as going in the  
23      wrong direction.

24                   From the report itself, there is a  
25      few -- there's a section of it which deals

1 with -- actually asks different experts, whether  
2 we're talking about law enforcement officials or  
3 medical professionals, et cetera, what their view  
4 is on what are some of the things that need to be  
5 done to make sure that we can deal with what  
6 currently -- the crisis that we're currently  
7 undergoing.

8 I'll just quote a couple. Ernie  
9 Cutting, who is the sheriff of Chenango County,  
10 states that what he believes is the most  
11 important is expansion of school and  
12 community-based prevention services. Richard  
13 Devlin, sheriff of Otsego County, says that if  
14 you train law enforcement professionals to deal  
15 with withdrawal symptoms and underlying addiction  
16 medical conditions -- I think that might be have  
17 been a typo there, but we get the point.

18 Craig DuMond, who's the undersheriff  
19 from Delaware County, he believes that expansion  
20 of school and community-based prevention services  
21 are what is most necessary.

22 And I could go on. I just picked a  
23 couple particularly from law enforcement  
24 personnel because I think it's important to  
25 underline that there is a recognition amongst

1 these folks that that is the most important thing  
2 that we can do to make sure that we can deal with  
3 this crisis in the long term.

4 And the one thing that we should not  
5 be doing is going back in the direction of  
6 expanding criminal penalties for drug crimes. It  
7 is -- the fear that I have with bills like this,  
8 and there's a couple of other ones on the agenda  
9 that fit in this category, is that we are again  
10 going towards the Rockefeller Drug Laws.

11 And what I mean by that is that we  
12 are going again towards a model that says that  
13 individuals that are -- oh, I think that Senator  
14 Robach has a question.

15 ACTING PRESIDENT SAVINO: Senator  
16 Robach.

17 SENATOR ROBACH: I do. I don't  
18 know if you want to finish, but I would like to  
19 ask you a question at the appropriate time.

20 SENATOR RIVERA: I will yield,  
21 Madam President.

22 ACTING PRESIDENT SAVINO: Senator  
23 Rivera yields.

24 SENATOR ROBACH: Senator Rivera, I  
25 understand your passion, but I'm not sure -- you



1 said this about 25 times, that you are against  
2 any penalties and are against going against the  
3 Rockefeller Drug Laws.

4 We had a bill earlier that I think  
5 you voted no on that would make state law match  
6 federal statute on people who have a wide  
7 variety -- and I don't know if you participated  
8 in any of the hearings or know any of the science  
9 of this, but earlier in my career, if the heroin  
10 that was sold in the '90s was more than  
11 15 percent, it was high.

12 This heroin is 50 percent. Cut with  
13 fentanyl, it is rocket fuel. It is killing  
14 people. These people are making money knowing,  
15 many of them -- not using, knowing that they are  
16 going to put people to their grave.

17 Are you suggesting that that somehow  
18 is okay, and trying to cut off that sales side  
19 has something to do with treatment?

20 SENATOR RIVERA: Madam President,  
21 through you. First of all, no, I am not  
22 suggesting that. Second of all --

23 SENATOR ROBACH: Then why do you  
24 keep saying it?

25 SENATOR RIVERA: Madam President,

1 if I may finish my answer.

2 First, through you, Madam President,  
3 no, I am not suggesting that. Number two, I  
4 would have gone to any of the hearings had we  
5 been invited. We're not members of the task  
6 force, as you know.

7 But more importantly, what I'm  
8 saying here is that to be able to deal with the  
9 deaths that are occurring, to be able to deal --  
10 and many of these, do not forget, Senator  
11 Robach -- through you, Madam President -- they  
12 occur in my neighborhood as well, they occur in  
13 my backyard as well.

14 What I'm saying is that yes, we  
15 should be talking about treatment, but we should  
16 be talking about the effect that the impact of  
17 criminal penalties has on communities like the  
18 ones that I represent, over a long period of  
19 time.

20 What we're saying is that in this  
21 particular bill, to get back to it, it is not  
22 specific enough. And what we're talking about is  
23 that we are creating a category of crime which  
24 potentially could land people that have no  
25 intention of selling the amount that they have on

1       them in this category of crime.

2                       And then what you're doing overall,  
3       Madam President, is that you are creating -- you  
4       are again leading us to the point that we're  
5       talking about criminal penalties as the way to  
6       deal with what is ultimately a public health  
7       problem.

8                       Now, we can talk about the specifics  
9       of different bills, but as it refers to this one  
10      in particular, I am convinced -- to finish my  
11      answer, Madam President, I am not suggesting that  
12      I want to ignore the deaths or the pain of  
13      families all across this state. But what I am  
14      saying is that when we're talking strictly about  
15      criminal penalties or creating new crimes that  
16      make people criminals for merely getting on a  
17      train -- if a person has heroin in their pocket  
18      and they get on a train in Brooklyn and they get  
19      off the train in the Bronx -- by the way, the  
20      possession of it is already a crime.

21                      So now we're saying that on top of  
22      possession there also would be guilty of  
23      transporting an opioid controlled substance, and  
24      then the burden would be on them to prove that  
25      they weren't trying to sell it. This ultimately

1       could lead to more incarcerations.

2                   And ultimately what we're talking  
3       about is that mass incarceration has not worked,  
4       does not work, and ultimately is a public health  
5       issue. And this is not the way to resolve those  
6       issues, Madam President.

7                   SENATOR ROBACH:     Through you,  
8       Madam President, I have so many questions, but  
9       I'll try and focus on this. I think -- you know,  
10      you're a smart guy, you realize that if you cut  
11      down on the supply side that it's going to help  
12      less people be addicted. We agree with that so  
13      far, correct?

14                  SENATOR RIVERA:     Madam President,  
15      through you. I think that there's a -- I would  
16      say that if that -- whether I agree with that or  
17      not, that is not what this bill would do.

18                  SENATOR ROBACH:     All right. Let me  
19      ask another question, then. Through you,  
20      Madam President.

21                  What amount of this deadly toxic  
22      killing drug, what quantity would -- you voted  
23      against a bill earlier that quite frankly I was  
24      shocked that anybody could vote against it. What  
25      quantity would separate from you a user to a

1 dealer before you'd ever be comfortable with a  
2 penalty?

3 Because I think Senator Boyle,  
4 myself, we took this very seriously, others,  
5 trying to go really quantify and make sure we're  
6 getting dealers, not users. But I was wondering  
7 just out of curiosity what threshold you would  
8 ever be happy with, if any.

9 SENATOR RIVERA: Through you,  
10 Madam President, there's no number that I have  
11 right now in my head. We certainly could have a  
12 conversation about determining, with experts that  
13 know far more than either of us -- through you,  
14 Madam President -- as far as this particular  
15 substance.

16 What I am talking about is how mass  
17 incarceration has been a product of drug laws  
18 that impact certainly communities like the one I  
19 represent, overwhelmingly. And the impact that  
20 that has ultimately on the communities as a whole  
21 is something that we have to address.

22 And then when I see a bill like the  
23 one, Madam President, with all due respect not  
24 only to Senator Robach but certainly Senator  
25 Boyle as the sponsor, that ultimately creates a

1 new category of crime, a new category of crime  
2 where we're not specific enough as to what we are  
3 trying to stamp out, you could technically start  
4 to have entire cases built around somebody again  
5 getting on a train. I have a problem with that.

6 So certainly, Madam President, if  
7 Senator Robach wants to continue, I certainly  
8 would yield. But ultimately, ultimately the  
9 issue that I have -- and we can always have a  
10 conversation. Certainly I would have loved to be  
11 included in the conversations, but I'm not a  
12 member of the task force so you all didn't even  
13 ask me.

14 Now, what I think we need to do is  
15 we need to talk about how -- and I'm glad that a  
16 lot of the conversation that's happening on the  
17 floor is exactly that. We're talking about  
18 addiction as a public health issue and not as a  
19 criminal issue. This bill, again, deals with  
20 drug -- with this drug crime as a criminal issue,  
21 not addiction, as we're trying to deal with as a  
22 public health issue.

23 SENATOR ROBACH: One last question,  
24 through you, Madam President.

25 ACTING PRESIDENT SAVINO: Senator

1 Rivera, do you yield?

2 SENATOR RIVERA: And of course I  
3 yield.

4 SENATOR ROBACH: Senator Rivera, we  
5 had Assemblypeople, we had all kinds of people  
6 participate and come to the forum. And if you  
7 felt that you didn't want to, believe me, you'd  
8 have been more than welcome.

9 But in response to all these  
10 parents, which is how we got this multi-approach  
11 to this, from insurance bills to enforcement  
12 bills to education bills to even how we prescribe  
13 certain opiates that seem to lead to this  
14 addiction, what would be your answer to all the  
15 parents, to all the family members, the spouses,  
16 the children that said: Are these people really  
17 able to sell this strong killing heroin and this  
18 is the maximum penalty they can get in New York?  
19 If you don't like our approach to it, what would  
20 you suggest would be a good way to go after the  
21 dealers, not the users?

22 SENATOR RIVERA: Madam President,  
23 through you, I think that's an excellent  
24 question. And ultimately the way that we deal  
25 with dealers -- well, first of all, making the

1 distinction between what has been legally  
2 determined to be a dealer and a user, sometimes  
3 the line is not that clear-cut. Sometimes  
4 somebody who has a certain amount on them is  
5 marked as a dealer because there's some intent to  
6 distribute, potentially because of the amount  
7 that's on them. So I don't think necessarily  
8 that line is so clear-cut.

9           We certainly -- let me be clear.  
10 It's not that I am supportive of illegal usage of  
11 drugs. But I think what I am supportive of is an  
12 approach that is more comprehensive and, as we've  
13 talked about here, considers addiction not a  
14 criminal issue but a public health one. So I  
15 certainly think that this is not -- right now  
16 we're not going to resolve this, obviously. We  
17 have a very serious distinction about what this  
18 bill does.

19           And I believe that as it relates to  
20 dealers, this bill does not deal with the type of  
21 folks that you're talking about. This is not a  
22 Pablo Escobar bill. What this does is it creates  
23 a whole new series of crimes -- through you,  
24 Madam President -- where there's transportation  
25 of opioids for simply having it in your pocket.



1 And if we're talking about the fact that opioids  
2 have been carved out when there's no other drugs  
3 that are included, it just reminds me a little  
4 bit of the distinction that we have between  
5 powdered cocaine and crack cocaine. And we know  
6 overall the type of impact that that's had on  
7 communities like the ones that I represent.

8 So ultimately the reason that I'm  
9 opposed to this bill -- through you, Madam  
10 President -- is that I believe it goes in the  
11 opposite direction of where we need to go. It's  
12 not a criminal issue, it is a public health  
13 issue. And that is why I'm opposed to it.

14 SENATOR ROBACH: I thank Senator  
15 Rivera for his answers and would just suggest  
16 this is a little different than a lot of the  
17 other drugs we deal with. This is clearly  
18 killing people quickly.

19 One of our colleagues earlier had  
20 stated a 40 percent increase. In Rochester, the  
21 fatalities went up 300 percent. That's with 111  
22 people being saved by the application of Narcan.

23 So, you know, for these people that  
24 are selling this, I would just say this isn't  
25 like some of the other drugs that may have a

1 deleterious effect over a long-term time. You  
2 grab the tail of this dragon, you're getting the  
3 whack pretty quick. And so I just think we  
4 should look at it a little bit differently.

5 And I humbly request -- not a  
6 question -- you contemplate that when you're  
7 doing this. Because we need to go after the  
8 dealers on this as well as the treatment side and  
9 the other part you think of as well. But thank  
10 you for indulging me in those questions.

11 SENATOR RIVERA: Of course.

12 Madam President, I'll finish on the  
13 bill.

14 ACTING PRESIDENT SAVINO: Senator  
15 Rivera on the bill.

16 SENATOR RIVERA: While I certainly  
17 thank Senator Robach for his passionate advocacy  
18 on this, I have to focus again, and I will do so  
19 quickly, on the bill.

20 The reason why I'm opposed to this  
21 bill is not because I'm opposed to Senator  
22 Boyle's efforts. Certainly I'm not opposed to  
23 Senator Robach's efforts. I'm not opposed to any  
24 efforts to making sure that less people are  
25 addicted, that we have more people that are

1 healthy, that we have just a healthier New York.

2           The reason I'm opposed to this bill  
3 and to many others like it is that it creates,  
4 again, a type of crime, it criminalizes behavior  
5 and it creates the category where behavior could  
6 be criminalized that is not -- if we're dealing  
7 with it as a public health issue, this is not --  
8 it is not a criminal issue.

9           So we're saying that individuals  
10 that are using heroin and have it in their  
11 pocket, potentially from getting on a train could  
12 be considered to be dealing it because they -- or  
13 at least in this case they would be guilty,  
14 potentially, of the crime of transporting an  
15 opioid controlled substance. I see us going down  
16 the road again where we're creating a different  
17 category of crime that ultimately impacts drug  
18 users.

19           And unfortunately, when we've  
20 created these bills before, when we've created  
21 these laws before, they've had a disproportionate  
22 impact on communities like the ones that I  
23 represent. Mass incarceration does not work. It  
24 has not worked. It will not work. When we deal  
25 with addiction as a public health issue, then we

1 will see our communities be healthy.

2 So in this instance this bill, I  
3 believe, goes down that road which I do not  
4 believe we should go back down, and I will be  
5 voting in the negative.

6 Thank you, Madam President.

7 ACTING PRESIDENT SAVINO: Senator  
8 Krueger on the bill.

9 SENATOR KRUEGER: Would Senator  
10 Robach please yield to a question.

11 ACTING PRESIDENT SAVINO: Senator  
12 Robach, do you yield?

13 SENATOR ROBACH: I would  
14 enthusiastically yield for a question from you,  
15 Senator Krueger. I have been waiting all day.

16 SENATOR KRUEGER: Thank you.

17 So I was listening to the debate.  
18 What kind of dealer purposely tries to kill their  
19 clients?

20 SENATOR ROBACH: I believe in the  
21 case of this heroin that they're selling right  
22 now, every single one of them. Exactly. I think  
23 that they are selling death knowingly,  
24 enthusiastically. It almost defies logic because  
25 you would think you'd want them to be on it

1 long-term.

2 But if you know anything about it or  
3 the chemistry of it, so I just want you to --  
4 early days, and it was bad then, but people would  
5 do it for years or longer periods of time because  
6 it was so -- not so weak, but it was not as pure.

7 I have no idea why they're doing  
8 this. But this country, not just New York State  
9 is flooded with 50 percent heroin cut with  
10 fentanyl, which is a synthetic almost opioid like  
11 heroin that makes this like rocket fuel. So even  
12 those people have to know, where they're all  
13 trying to be who has the strongest in the high,  
14 for anybody who's using this or even somebody who  
15 comes out of short-term treatment and let's say  
16 they were taking three decks before, when they go  
17 out and use this stuff, it's going to kill them.

18 If it wasn't for Narcan, our deaths  
19 in Monroe County would have went from 14 to 176.  
20 That's a lot of dead people. That's a lot of  
21 families.

22 Yes, they are losing a lot of  
23 customers. You'd have to ask them why they're  
24 doing it. But I would say this. Not  
25 politically, but personally, I think those people

1     deserve the strongest punishment because the  
2     game's changed. They're not using and selling to  
3     get high, they're using to make money.

4                     If the misery and death of all these  
5     people and these new users -- some of them very  
6     young, some of them coming off of opioid usage  
7     looking for something else, and they are giving  
8     them, for free, 50 bucks for 10 bags of this  
9     stuff. It's killing. It's crazy. And I think  
10    that the penalty should definitely fit the crime,  
11    100 percent, wholeheartedly.

12                    SENATOR KRUEGER:    Thank you.

13                    On the bill, Madam President.

14                    ACTING PRESIDENT SAVINO:    Senator  
15    Krueger on the bill.

16                    SENATOR KRUEGER:    We've had a  
17    history in this country of different new kinds of  
18    drugs hitting the market, some of them more  
19    disastrous as far as the death toll than others.  
20    This is not our first round with heroin and the  
21    dangers of it. I agree with my colleagues that  
22    we are seeing a much stronger kind of heroin at a  
23    much cheaper price.

24                    But we know, from 75 years of failed  
25    war on drugs, that actually trying to decrease

1 the supply and put people in jail doesn't solve  
2 the problem. We just keep coming up with new  
3 kinds of drugs, or the next generation.

4 What we need to do is much better  
5 public education, much broader treatment options,  
6 more education. And I have to say the question  
7 of whether criminal penalties will address any of  
8 this I find very doubtful. Because, again, as my  
9 colleague explained, we're seeing people die  
10 quickly from too-strong dosages or drugs that are  
11 mixed with nonpure poisonous types of products.

12 Professional drug dealers don't go  
13 into this kind of business. Professional drug  
14 dealers want to get you hooked and keep your  
15 money coming, particularly on a drug that is  
16 unfortunately so inexpensive on the market.  
17 Professional drug dealers are really not  
18 interested in selling you a couple of days' worth  
19 and seeing you die. It's a very bad business  
20 model.

21 Now, I don't want them to have a  
22 better business model, but I think we need to  
23 recognize, cause-effect, what will work. And I  
24 would argue that this bill is not the solution to  
25 the problem.

1                   While I fully agree we have a  
2                   serious problem, I do think it requires massive  
3                   education about the dangers and the risks of  
4                   taking these drugs. I do think it requires  
5                   better and improved models for outreach to our  
6                   schools, because it seems to believe be  
7                   disproportionately young people who don't  
8                   understand the enormous risks from taking these  
9                   kinds of drugs.

10                   And I hope that in coordination with  
11                   our criminal defense system and our police  
12                   departments and our school systems, we can do a  
13                   better job of making sure people don't start  
14                   these drugs and get addicted to these drugs.

15                   But again, repeating what we know in  
16                   this country has failed is not going to give us a  
17                   solution. New York State had and may still have  
18                   the highest incarceration rate for low-level  
19                   nonviolent drug users and dealers. It didn't  
20                   stop us from having this drug problem or the  
21                   history of drug problems we have seen for the  
22                   last 75 years. Expanding on failed models won't  
23                   be the solution.

24                   Now, if there is a subuniverse who  
25                   is intentionally selling heroin with the intent



1 of murdering people, then I actually think we  
2 should go after them with a different kind of  
3 criminal charge, which is bringing them to court  
4 under a charge of murder. They intentionally  
5 wanted to kill people, and heroin was the drug  
6 they chose as their weapon. We have criminal  
7 laws like that, and I believe we should use them.

8 But I think we will find that actual  
9 drug dealers really don't want to kill their  
10 clients, they want them to stay hooked and keep  
11 paying through the nose, literally.

12 So we have a problem. This isn't  
13 the solution. I'll vote no, Madam President.  
14 Thank you.

15 ACTING PRESIDENT SAVINO: Are there  
16 any other members wishing to be heard?

17 Senator Montgomery on the bill.

18 SENATOR MONTGOMERY: Yes, Madam  
19 President, before I make my comments I just want  
20 to make sure we are talking about the same bill.  
21 My assumption is this is Senator Boyle's bill,  
22 Senate Bill 7659?

23 ACTING PRESIDENT SAVINO: Yes.  
24 Yes, Senator Montgomery.

25 SENATOR MONTGOMERY: I ask because

1 I hear Senator Robach talking about, you know,  
2 what's the difference in a drug dealer and a drug  
3 user, and he goes on and on and on. And I'm not  
4 sure we're talking about the same bill. I didn't  
5 know what bill he was talking about. So I just  
6 wanted to clarify that.

7 Let me just -- on the bill, my  
8 comments on this bill that we're debating that's  
9 on the floor. I want to be clear that this  
10 particular bill speaks to -- it's a very novel  
11 way of introducing a brand-new criminal act,  
12 which is -- according to this, it is a crime,  
13 it's a new crime of transport of an opiate  
14 controlled substance in the second degree. It  
15 establishes a Class E felony for transporting  
16 whatever you're transporting five miles.

17 So that means that if someone  
18 travels from my district in Bedford-Stuyvesant to  
19 your district in Coney Island, in addition to  
20 whatever else they may be charged with, there is  
21 an additional crime referred to as transport of a  
22 controlled substance.

23 Now, the fact of the matter is this  
24 is simply a sentencing bill. It has nothing to  
25 do with any of the other issues that we have

1 discussed today in terms of education and  
2 treatment and trying to address the problem of  
3 heroin addiction, redefining it as a health  
4 issue. This is right back to, as some of my  
5 colleagues -- Senator Rivera, Senator Krueger --  
6 have said, this is simply an undercover  
7 sentencing bill which adds a new crime not  
8 related to anything that we are talking about  
9 today, but establishing a new way of  
10 incarcerating people.

11 So I'm definitely opposed to this,  
12 as I have been opposed to all of the other  
13 attempts to just put on the floor sentencing laws  
14 in the name of addressing a criminal issue. So,  
15 Madam President, I'm voting no on this bill.

16 ACTING PRESIDENT SAVINO: Thank  
17 you, Senator Montgomery.

18 Are there any other members wishing  
19 to be heard on the bill?

20 Seeing none, debate is closed. The  
21 Secretary will ring the bells.

22 Read the last section.

23 THE SECRETARY: Section 3. This  
24 act shall take effect on the 90th day.

25 ACTING PRESIDENT SAVINO: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT SAVINO: Senator  
4 Squadron to explain your vote.

5 SENATOR SQUADRON: Thank you,  
6 Madam President.

7 This bill, for a simple possession  
8 with no weight threshold and no intent to sell,  
9 no intent to sell -- simple possession for a  
10 user, for an addict, creates a Class E felony.

11 Some of the other components of this  
12 bill that I know were debated I'm much more  
13 sympathetic to. But we're all agreeing that we  
14 shouldn't be creating felons out of addicts who  
15 have no intent to sell or who have a very small  
16 amount. That's what this bill would do.

17 That's why I'm voting no,  
18 Madam President. Thank you.

19 ACTING PRESIDENT SAVINO: Senator  
20 Squadron to be recorded in the negative.

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar 1148, those recorded in the negative are  
24 Senators Dilan, Hoylman, Krueger, Montgomery,  
25 Perkins, Rivera and Squadron.

1                   Absent from voting: Senators  
2   Addabbo, Espaillat, Golden, Hannon, Sampson and  
3   Sanders.

4                   Ayes, 46. Nays, 7.

5                   ACTING PRESIDENT SAVINO: The bill  
6   is passed.

7                   SENATOR LIBOUS: Madam President,  
8   could we take up Calendar Number 355, please.

9                   ACTING PRESIDENT SAVINO: The  
10   Secretary will read.

11                  THE SECRETARY: Calendar Number  
12   355, by Senator Skelos, Senate Print 1388, an act  
13   to amend the Penal Law.

14                  ACTING PRESIDENT SAVINO: Read the  
15   last section.

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

18                  ACTING PRESIDENT SAVINO: Call the  
19   roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT SAVINO: Senator  
22   Boyle to explain his vote.

23                  SENATOR BOYLE: Madam President, to  
24   briefly explain my vote.

25                  This is a good bill, and I commend

1 the leader for bringing it in. I just want to  
2 thank --

3 SENATOR LIBOUS: Madam President,  
4 Madam President, can we have some order?

5 Members seem to be leaving while I  
6 see a member standing on the floor explaining his  
7 vote as the rules allow him to. So if we could  
8 just have some order in the chamber, it would  
9 be --

10 ACTING PRESIDENT SAVINO: Could we  
11 please have some order in the chamber.

12 Senator Boyle, please explain your  
13 vote. And those of you who would like to leave,  
14 please do so quietly and unobtrusively, if at all  
15 possible.

16 SENATOR BOYLE: Thank you,  
17 Madam President.

18 I'd briefly like to thank all my  
19 colleagues on the task force and those on the  
20 Democratic side of the aisle for their great  
21 proposals to combat this heroin epidemic.

22 I'd also like to thank my vice  
23 chairs, Senators Nozzolio and Carlucci, and thank  
24 the staff most importantly. We traveled 8,000  
25 miles, had 18 forums, 2300 attendees and

1 276 total witnesses at these task forces. We had  
2 a package of 25 bills, in my years in government,  
3 the most comprehensive legislative proposals I've  
4 ever seen.

5 And I know a lot was said about the  
6 criminal aspects, the law enforcement aspects.  
7 The fact is we had 25 bills and 10 of them  
8 regarding law enforcement. Fifteen, the vast  
9 majority, dealt with prevention and treatment.

10 And every DA, as Senator Rivera  
11 said, wants to focus. They know that we cannot  
12 arrest our way out of this crisis. We need to  
13 help those that are truly addicted. That's what  
14 we intended to do.

15 And I want to thank all my  
16 colleagues for the strong bipartisan support of  
17 this legislative proposal. I vote in the  
18 affirmative.

19 ACTING PRESIDENT SAVINO: Thank  
20 you, Senator Boyle. You will be recorded in the  
21 affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to  
24 Calendar 355, those recorded in the negative are  
25 Senators Hoylman, Krueger, Montgomery, Perkins,

1 Rivera, Serrano and Squadron.

2 Absent from voting: Senators  
3 Addabbo, Espaillat, Golden, Hannon, Sampson and  
4 Sanders.

5 Ayes, 46. Nays, 7.

6 ACTING PRESIDENT SAVINO: The bill  
7 is passed.

8 Senator Libous, that completes the  
9 reading of the controversial calendar.

10 SENATOR LIBOUS: Madam President,  
11 if we could go back to motions.

12 ACTING PRESIDENT SAVINO: Returning  
13 to motions and resolutions.

14 SENATOR LIBOUS: Thank you. On  
15 behalf of Senator Maziarz, I'd like to call up  
16 his bill, Senate Print 5149, recalled from the  
17 Assembly, which is now at the desk.

18 ACTING PRESIDENT SAVINO: The  
19 Secretary will read.

20 THE SECRETARY: Calendar Number 71,  
21 by Senator Maziarz, Senate Print 5149, an act to  
22 amend the Public Service Law.

23 SENATOR LIBOUS: Madam President, I  
24 now move to reconsider the vote by which this  
25 bill was passed.



1                   ACTING PRESIDENT SAVINO:    Call the  
2 roll on consideration.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 59.

5                   SENATOR LIBOUS:    Madam President, I  
6 now offer up the following amendments.

7                   ACTING PRESIDENT SAVINO:    The  
8 amendments are accepted.

9                   SENATOR LIBOUS:    Thank you.

10                  On behalf of Senator Ritchie, on  
11 page 39 I offer the following amendments to  
12 Calendar Number 646, Senate Print 1946, and ask  
13 that said bill retain its place on the Third  
14 Reading Calendar.

15                  ACTING PRESIDENT SAVINO:    So  
16 ordered.

17                  SENATOR LIBOUS:    On behalf of  
18 Senator Larkin, on page 11 I offer the following  
19 amendments to Calendar 1091, Senate Print 7625A,  
20 and ask that said bill retain its place on the  
21 Third Reading Calendar.

22                  ACTING PRESIDENT SAVINO:    So  
23 ordered.

24                  SENATOR LIBOUS:    On behalf of  
25 Senator Marcellino, on page 43 I offer the

1 following amendments to following amendments to  
2 Calendar Number 689, Senate Print 6962, and ask  
3 that said bill retain its place on the Third  
4 Reading Calendar.

5 ACTING PRESIDENT SAVINO: So  
6 ordered.

7 SENATOR LIBOUS: On behalf of  
8 Senator Maziarz, on page 65 I offer the following  
9 amendments to Calendar Number 977, Senate Print  
10 7312, and ask that said bill retain its place on  
11 the Third Reading Calendar.

12 ACTING PRESIDENT SAVINO: So  
13 ordered.

14 SENATOR LIBOUS: On behalf of  
15 Senator Bonacic, on page 70 I offer the following  
16 amendments to Calendar Number 1029, Senate Print  
17 2015, and ask that said bill retain its place on  
18 the Third Reading Calendar.

19 ACTING PRESIDENT SAVINO: So  
20 ordered.

21 Senator Libous.

22 SENATOR LIBOUS: And, Madam  
23 President, on behalf of Senator Ritchie, I wish  
24 to call up her bill, Senate Print 6693B, recalled  
25 from the Assembly, but it's now at the desk.

1                   ACTING PRESIDENT SAVINO:    The  
2   Secretary will read.

3                   THE SECRETARY:    Calendar Number  
4   252, by Senator Ritchie, Senate Print 6693B, an  
5   act to amend the Agriculture and Markets Law.

6                   SENATOR LIBOUS:    Madam President, I  
7   now move to reconsider the vote by which this  
8   bill was passed.

9                   ACTING PRESIDENT SAVINO:    The  
10   Secretary will call the roll on reconsideration.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 59.

13                   ACTING PRESIDENT SAVINO:    The bill  
14   is restored to its place on the Third Reading  
15   Calendar.

16                   SENATOR LIBOUS:    Thank you, Madam  
17   President. I offer up to the following  
18   amendments.

19                   ACTING PRESIDENT SAVINO:    The  
20   amendments are accepted.

21                   Senator Libous.

22                   SENATOR LIBOUS:    Madam President,  
23   is there any further business before the house?

24                   ACTING PRESIDENT SAVINO:    There is  
25   no further business before the house.

1                   SENATOR LIBOUS:    There being no  
2 further business, I move that the Senate adjourn  
3 until tomorrow, Tuesday, June 10th, at 11:00 a.m.

4                   ACTING PRESIDENT SAVINO:   On  
5 motion, the Senate stands adjourned until  
6 tomorrow, Tuesday, June 10th, at 11:00 a.m.

7                   (Whereupon, at 6:42 p.m., the Senate  
8 adjourned.)

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