NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 9, 2014

2:47 p.m.

REGULAR SESSION

SENATOR DIANE J. SAVINO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

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

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

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

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

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

Let's bow our heads.

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

Let everything going to be

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

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

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

Amen.

ACTING PRESIDENT SAVINO: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

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

ACTING PRESIDENT SAVINO: Substitutions ordered.

Messages from the Governor.

Report of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

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

ACTING PRESIDENT SAVINO: Senator Valesky.

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

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

ACTING PRESIDENT SAVINO: So ordered.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

On page 35, I offer the following

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

ACTING PRESIDENT SAVINO: So ordered.

Senator Libous.

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

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT SAVINO: Senator Libous.

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

ACTING PRESIDENT SAVINO: So ordered.

Senator Libous.

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

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT SAVINO: The bill is passed.

Senator Libous.

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

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

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

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

ACTING PRESIDENT SAVINO: The amendments are received.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

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

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

ACTING PRESIDENT SAVINO: The amendments are accepted.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

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

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT SAVINO: The amendments are accepted.

SENATOR LIBOUS: Thank you, Madam President.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT SAVINO: The bill

is restored to the Third Reading Calendar.

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

ACTING PRESIDENT SAVINO: The amendments are accepted.

SENATOR LIBOUS: Thank you, Madam President.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

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

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

ACTING PRESIDENT SAVINO: The amendments are accepted.

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

ACTING PRESIDENT SAVINO: So ordered.

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

ACTING PRESIDENT SAVINO: So ordered.

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

ACTING PRESIDENT SAVINO: So ordered.

SENATOR LIBOUS: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

On behalf of Senator Golden, on

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

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

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

You with me? Am I doing okay?

ACTING PRESIDENT SAVINO: You're doing fine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Laughter.)

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

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

SENATOR LIBOUS: Thank you.

Would you call on Senator Avella, please.

ACTING PRESIDENT SAVINO: Senator

Avella.

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

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

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

And the Senate will stand at ease.

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

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

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

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

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

Senator Libous.

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

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

The Secretary will read.

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

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

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

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

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

Senate 1005A, by Senator Little, an

act to amend the Tax Law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senate 7503, by Senator Ranzenhofer,

an act to amend the Correction Law;

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

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

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

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

All bills reported direct to third reading.

ACTING PRESIDENT SAVINO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

ACTING PRESIDENT SAVINO: Returning to motions and resolutions.

The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

commitment to helping others through his numerous charity efforts; and

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

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

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

ACTING PRESIDENT SAVINO: The Secretary will continue to read.

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

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

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

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

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

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

to Russia'; and

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

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

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

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

"WHEREAS, In June of 1968, Liberty

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

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

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

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

Italian Restaurant and New York State of Mind; and

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Carlucci on the resolutions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

(Applause.)

ACTING PRESIDENT SAVINO: Thank you, Senator Carlucci.

Senator Hoylman on the resolution.

SENATOR HOYLMAN: Thank you,

Madam President.

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

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

(Laughter.)

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Thank you, Senator Hoylman.

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

Senator Montgomery would like to speak.

SENATOR MONTGOMERY: Yes, Madam President, thank you.

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

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

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

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

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

So thank you, Madam President.

ACTING PRESIDENT SAVINO: Thank you, Senator Montgomery.

Senator Lanza.

SENATOR LANZA: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

(Laughter; applause.)

ACTING PRESIDENT SAVINO: Senator Farley on the resolution.

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

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

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

(Applause.)

ACTING PRESIDENT SAVINO: Senator Díaz.

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

You know, recognizing Tony Danza,

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

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

(Laughter.)

SENATOR DIAZ: Thank you.

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

Any other members wishing to be heard on this resolution?

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

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

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

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

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

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

(Laughter.)

ACTING PRESIDENT SAVINO: The

Secretary will read.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

to amend the Penal Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the

last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

negative.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

to amend the Public Health Law.

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: In relation to

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

Ayes, 47. Nays, 12.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

Ayes, 53. Nays, 6.

ACTING PRESIDENT SAVINO: The bill

is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

Ayes, 41. Nays, 18.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the

last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill

is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

THE SECRETARY: Calendar Number 1108, by Senator Hannon, Senate Print 2948, an act to amend the Public Health Law.

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

THE SECRETARY: Calendar Number 1109, by Senator Krueger, Senate Print 3143, an act to amend the Social Services Law.

ACTING PRESIDENT SAVINO: Read the

last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you, Madam President.

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

Announce the results.

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

Ayes, 49. Nays, 10.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 2.

Senator Gipson recorded in the negative.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Perkins to explain his vote.

SENATOR PERKINS: So thank you very much.

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

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

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

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

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

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

approach I cannot support.

Thank you. I'll be voting against this.

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

Senator Krueger to explain her vote.

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

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

And so I know we are all concerned

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

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

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

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President.

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

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

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

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

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

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

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

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

Any other members wishing to explain their vote?

Seeing none, announce the results.

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

Ayes, 53. Nays, 6.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

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

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

ACTING PRESIDENT SAVINO: The bill is still passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Madam President.

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

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

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

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

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

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

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

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Thank you, Senator Rivera.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

SENATOR SERRANO: Lay it aside, please.

ACTING PRESIDENT SAVINO: The bill is laid aside.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill

is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Montgomery to explain her vote.

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Tkaczyk to explain her vote.

SENATOR TKACZYK: Thank you, Madam President.

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

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

Thank you, Madam President.

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

SENATOR TKACZYK: I vote in the affirmative.

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

situation that he once found himself.

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

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

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

Announce the results.

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

Ayes, 51. Nays, 8.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the

last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

Senator Nozzolio to explain his vote.

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

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

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

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

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

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

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

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

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

Announce the results.

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

ACTING PRESIDENT SAVINO: The bill is passed.

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

to amend the Penal Law.

SENATOR SERRANO: Lay it aside, please.

ACTING PRESIDENT SAVINO: The bill is laid aside.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the

last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Gipson to explain his vote.

SENATOR GIPSON: Thank you,

Madam President.

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

Just in my district alone, the deaths from heroin have risen almost 40 percent in the last year. And one of my counties, Putnam County, is now seizing three times the amount of heroin they were getting just this time last year.

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

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

our work on this issue.

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

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

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 90th day.

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

Ayes, 54. Nays, 5.

ACTING PRESIDENT SAVINO: The bill is passed.

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

SENATOR SERRANO: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

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

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

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

The Secretary will read.

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

SENATOR KRUEGER: Explanation.

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

SENATOR FLANAGAN: Thank you, Madam President.

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Flanagan, do you yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT SAVINO: Senator Flanagan yields.

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

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

SENATOR KRUEGER: I'm sorry.

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

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT SAVINO: Senator Flanagan yields.

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

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

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

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

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT SAVINO: Senator Flanagan yields.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

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

SENATOR FLANAGAN: Yes.

SENATOR KRUEGER: Thank you.

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

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

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

Would you agree that's a change?

SENATOR FLANAGAN: I would completely disagree.

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

SENATOR KRUEGER: I'm sorry. Excuse me.

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

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

SENATOR KRUEGER: Oh, certainly.

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

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

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

SENATOR KRUEGER: Through you,

Madam President, if the sponsor would continue to yield.

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

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

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

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

ACTING PRESIDENT SAVINO: Senators --

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

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

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

the chair.

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

ACTING PRESIDENT SAVINO: Senator Flanagan, continue.

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

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

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

ACTING PRESIDENT SAVINO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

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

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

public placement.

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

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

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

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

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

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

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

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

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

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

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

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

paid for by insurance.

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

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

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

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

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

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

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

There are also constitutional issues

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Flanagan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT SAVINO: Senator Krueger.

SENATOR KRUEGER: Would the sponsor please yield?

ACTING PRESIDENT SAVINO: Senator Flanagan, would you yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT SAVINO: Senator Flanagan yields.

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

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

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

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

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

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

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

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

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

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

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT SAVINO: Senator

Flanagan yields.

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

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

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

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

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

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

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

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

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

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

So the language that prevents the

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

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

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT SAVINO: Senator Flanagan yields.

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

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

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

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

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

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

SENATOR KRUEGER: There you go.

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

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

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

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

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

So there are vagaries in this

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

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

ACTING PRESIDENT SAVINO: Senator Flanagan?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT SAVINO: Senator Flanagan yields.

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

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

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

did not shy away from doing it last year.

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

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

ACTING PRESIDENT SAVINO: Senator Krueger on the bill.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Thank you, Senator Krueger.

Senator Hoylman on the bill.

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

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

(Laughter.)

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

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

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

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

I'll be voting no.

ACTING PRESIDENT SAVINO: Thank you, Senator Hoylman.

Are there any other members wishing to be heard?

Seeing none, debate is closed.

The Secretary will ring the bells.

(Pause.)

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

ACTING PRESIDENT SAVINO: Read the

last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Felder to explain your vote.

SENATOR FELDER: Thank you very much.

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

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

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

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

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

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

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

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

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

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

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

more importantly that are mandated federally.

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

I vote yes.

(Applause.)

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

Senator Díaz to explain his vote.

SENATOR DIAZ: Thank you.

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

(Applause.)

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

Announce the results.

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

Absent from voting: Senators Addabbo and Espaillat.

Ayes, 37. Nays, 20.

ACTING PRESIDENT SAVINO: The bill is passed.

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

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

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

Italian American Legislators event.

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

SENATOR RIVERA: Explanation.

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

SENATOR CARLUCCI: Thank you, Madam President.

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

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

recover and to get better.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Rivera.

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

ACTING PRESIDENT SAVINO: Senator Carlucci, do you yield?

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

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

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

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

where they saw the deterioration of their loved one.

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

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

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

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

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

SENATOR RIVERA: Madam President, I

have trouble hearing him, first of all.

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

Senator Carlucci, could you repeat your response?

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

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

SENATOR CARLUCCI: Yes.

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

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

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

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

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

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

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

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

And I'll answer that question. I

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

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

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

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR RIVERA: Thank you, Madam President.

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

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

SENATOR CARLUCCI: Well, the way

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Carlucci?

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR RIVERA: Thank you, Madam President.

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

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

SENATOR CARLUCCI: Familiar. Somewhat familiar, yeah.

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

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

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

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

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

SENATOR CARLUCCI: Yes.

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

SENATOR RIVERA: Madam President, on the bill.

ACTING PRESIDENT SAVINO: Senator Rivera on the bill.

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

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

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

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

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

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

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

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

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

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

And lastly, I do think that there's

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

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

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

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

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

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Rivera.

Senator Robach on the bill.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Robach.

Senator Savino on the bill.

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

presiding because I did want to speak on this bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Díaz.

SENATOR DIAZ: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Thank you, Senator Díaz.

Senator Breslin on the bill.

SENATOR BRESLIN: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Thank you, Senator Breslin.

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

Seeing none, debate is closed.

The Secretary will ring the bells.

Oh, Senator Gianaris on the bill.

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

ACTING PRESIDENT SAVINO: Senator Breslin, happy birthday.

(Applause.)

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

(Laughter.)

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Krueger to explain her vote.

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

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

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

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

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

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

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

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

Announce the results.

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

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

Ayes, 52. Nays, 2.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: The

Secretary will read will Calendar Number 1148.

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

SENATOR RIVERA: Explanation.

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

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

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

SENATOR BOYLE: Yes, I yield.

ACTING PRESIDENT SAVINO: Senator Boyle yields.

SENATOR RIVERA: Thank you, Madam President.

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

SENATOR BOYLE: Why only opioids?

SENATOR RIVERA: Yes, Madam

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Boyle, do you continue to yield? Yes.

SENATOR BOYLE: Absolutely, I'm sorry.

SENATOR RIVERA: What was the reason behind the five miles? Why not 10 miles? What was the reasoning behind the distance?

SENATOR BOYLE: Through you,

Madam President, five miles gave district attorneys and other prosecutors the maximum jurisdiction.

We saw in a number of forums that we hosted around the state, the 18 forums, prosecutors would say that individuals with the sole purpose of dealing drugs for profit -- not personal use, not people that are addicted and trying to feed their habit -- would travel great distances from downstate to upstate, upstate to downstate, from western New York to the eastern part of the state, through counties, certainly more than five miles, to deal these drugs and destroy lives with the sole purpose of making money.

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

ACTING PRESIDENT SAVINO: Senator Boyle, do you continue to yield?

SENATOR BOYLE: I continue to yield.

ACTING PRESIDENT SAVINO: Senator Boyle yields.

SENATOR RIVERA: Thank you,

Madam President.

What is the amount that is the threshold that is set in this particular legislation? Is there a threshold that is set?

SENATOR BOYLE: Through you, Madam President. No, there is no threshold. Any amount of opioids -- heroin, in the example -- if you have one packet, three packets or 500 packets, if you travel this distance.

Now, there is a defense for personal use which would lower the criminal penalty. If you can convince a prosecutor that you're just using it for your own drug and you travel between counties or those miles, then you have a defense and you won't be charged with the Class B felony.

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

SENATOR BOYLE: Yes.

ACTING PRESIDENT SAVINO: Senator Boyle yields.

SENATOR RIVERA: So there's no set amount in the bill language itself as far as what the threshold, what the cutoff would be for it to be considered private use or personal use as

opposed to an intent to distribute?

SENATOR BOYLE: Through you, Madam President, that's correct. There is no weight limit or amount.

As you know, there's different weights with different types of drugs. And certainly heroin is lighter than those drugs that have been used in the past or been highlighted in the past. So any amount that's brought the certain number of miles between counties is prosecutorial.

SENATOR RIVERA: Thank you.

Madam President, on the bill.

ACTING PRESIDENT SAVINO: Senator Rivera on the bill.

SENATOR RIVERA: I want to thank Senator Boyle for answering the questions and certainly for the overall efforts of the task force. But I did have to take a second to look at this particular bill and really point out the fact that it is precisely the type of bill that I was referring to earlier as far as going in the wrong direction.

From the report itself, there is a few -- there's a section of it which deals

with -- actually asks different experts, whether we're talking about law enforcement officials or medical professionals, et cetera, what their view is on what are some of the things that need to be done to make sure that we can deal with what currently -- the crisis that we're currently undergoing.

I'll just quote a couple. Ernie Cutting, who is the sheriff of Chenango County, states that what he believes is the most important is expansion of school and community-based prevention services. Richard Devlin, sheriff of Otsego County, says that if you train law enforcement professionals to deal with withdrawal symptoms and underlying addiction medical conditions -- I think that might be have been a typo there, but we get the point.

Craig DuMond, who's the undersheriff from Delaware County, he believes that expansion of school and community-based prevention services are what is most necessary.

And I could go on. I just picked a couple particularly from law enforcement personnel because I think it's important to underline that there is a recognition amongst

these folks that that is the most important thing that we can do to make sure that we can deal with this crisis in the long term.

And the one thing that we should not be doing is going back in the direction of expanding criminal penalties for drug crimes. It is -- the fear that I have with bills like this, and there's a couple of other ones on the agenda that fit in this category, is that we are again going towards the Rockefeller Drug Laws.

And what I mean by that is that we are going again towards a model that says that individuals that are -- oh, I think that Senator Robach has a question.

ACTING PRESIDENT SAVINO: Senator Robach.

SENATOR ROBACH: I do. I don't know if you want to finish, but I would like to ask you a question at the appropriate time.

SENATOR RIVERA: I will yield, Madam President.

ACTING PRESIDENT SAVINO: Senator Rivera yields.

SENATOR ROBACH: Senator Rivera, I understand your passion, but I'm not sure -- you

said this about 25 times, that you are against any penalties and are against going against the Rockefeller Drug Laws.

We had a bill earlier that I think you voted no on that would make state law match federal statute on people who have a wide variety -- and I don't know if you participated in any of the hearings or know any of the science of this, but earlier in my career, if the heroin that was sold in the '90s was more than 15 percent, it was high.

This heroin is 50 percent. Cut with fentanyl, it is rocket fuel. It is killing people. These people are making money knowing, many of them -- not using, knowing that they are going to put people to their grave.

Are you suggesting that that somehow is okay, and trying to cut off that sales side has something to do with treatment?

SENATOR RIVERA: Madam President, through you. First of all, no, I am not suggesting that. Second of all --

SENATOR ROBACH: Then why do you keep saying it?

SENATOR RIVERA: Madam President,

if I may finish my answer.

First, through you, Madam President, no, I am not suggesting that. Number two, I would have gone to any of the hearings had we been invited. We're not members of the task force, as you know.

But more importantly, what I'm saying here is that to be able to deal with the deaths that are occurring, to be able to deal -- and many of these, do not forget, Senator Robach -- through you, Madam President -- they occur in my neighborhood as well, they occur in my backyard as well.

What I'm saying is that yes, we should be talking about treatment, but we should be talking about the effect that the impact of criminal penalties has on communities like the ones that I represent, over a long period of time.

What we're saying is that in this particular bill, to get back to it, it is not specific enough. And what we're talking about is that we are creating a category of crime which potentially could land people that have no intention of selling the amount that they have on

them in this category of crime.

And then what you're doing overall, Madam President, is that you are creating -- you are again leading us to the point that we're talking about criminal penalties as the way to deal with what is ultimately a public health problem.

Now, we can talk about the specifics of different bills, but as it refers to this one in particular, I am convinced -- to finish my answer, Madam President, I am not suggesting that I want to ignore the deaths or the pain of families all across this state. But what I am saying is that when we're talking strictly about criminal penalties or creating new crimes that make people criminals for merely getting on a train -- if a person has heroin in their pocket and they get on a train in Brooklyn and they get off the train in the Bronx -- by the way, the possession of it is already a crime.

So now we're saying that on top of possession there also would be guilty of transporting an opioid controlled substance, and then the burden would be on them to prove that they weren't trying to sell it. This ultimately

could lead to more incarcerations.

And ultimately what we're talking about is that mass incarceration has not worked, does not work, and ultimately is a public health issue. And this is not the way to resolve those issues, Madam President.

SENATOR ROBACH: Through you, Madam President, I have so many questions, but I'll try and focus on this. I think -- you know, you're a smart guy, you realize that if you cut down on the supply side that it's going to help less people be addicted. We agree with that so far, correct?

SENATOR RIVERA: Madam President, through you. I think that there's a -- I would say that if that -- whether I agree with that or not, that is not what this bill would do.

SENATOR ROBACH: All right. Let me ask another question, then. Through you, Madam President.

What amount of this deadly toxic killing drug, what quantity would -- you voted against a bill earlier that quite frankly I was shocked that anybody could vote against it. What quantity would separate from you a user to a

dealer before you'd ever be comfortable with a penalty?

Because I think Senator Boyle, myself, we took this very seriously, others, trying to go really quantify and make sure we're getting dealers, not users. But I was wondering just out of curiosity what threshold you would ever be happy with, if any.

SENATOR RIVERA: Through you, Madam President, there's no number that I have right now in my head. We certainly could have a conversation about determining, with experts that know far more than either of us -- through you, Madam President -- as far as this particular substance.

What I am talking about is how mass incarceration has been a product of drug laws that impact certainly communities like the one I represent, overwhelmingly. And the impact that that has ultimately on the communities as a whole is something that we have to address.

And then when I see a bill like the one, Madam President, with all due respect not only to Senator Robach but certainly Senator Boyle as the sponsor, that ultimately creates a

new category of crime, a new category of crime where we're not specific enough as to what we are trying to stamp out, you could technically start to have entire cases built around somebody again getting on a train. I have a problem with that.

So certainly, Madam President, if Senator Robach wants to continue, I certainly would yield. But ultimately, ultimately the issue that I have -- and we can always have a conversation. Certainly I would have loved to be included in the conversations, but I'm not a member of the task force so you all didn't even ask me.

Now, what I think we need to do is we need to talk about how -- and I'm glad that a lot of the conversation that's happening on the floor is exactly that. We're talking about addiction as a public health issue and not as a criminal issue. This bill, again, deals with drug -- with this drug crime as a criminal issue, not addiction, as we're trying to deal with as a public health issue.

SENATOR ROBACH: One last question, through you, Madam President.

ACTING PRESIDENT SAVINO: Senator

Rivera, do you yield?

SENATOR RIVERA: And of course I yield.

SENATOR ROBACH: Senator Rivera, we had Assemblypeople, we had all kinds of people participate and come to the forum. And if you felt that you didn't want to, believe me, you'd have been more than welcome.

But in response to all these parents, which is how we got this multi-approach to this, from insurance bills to enforcement bills to education bills to even how we prescribe certain opiates that seem to lead to this addiction, what would be your answer to all the parents, to all the family members, the spouses, the children that said: Are these people really able to sell this strong killing heroin and this is the maximum penalty they can get in New York? If you don't like our approach to it, what would you suggest would be a good way to go after the dealers, not the users?

SENATOR RIVERA: Madam President, through you, I think that's an excellent question. And ultimately the way that we deal with dealers -- well, first of all, making the

distinction between what has been legally determined to be a dealer and a user, sometimes the line is not that clear-cut. Sometimes somebody who has a certain amount on them is marked as a dealer because there's some intent to distribute, potentially because of the amount that's on them. So I don't think necessarily that line is so clear-cut.

We certainly -- let me be clear. It's not that I am supportive of illegal usage of drugs. But I think what I am supportive of is an approach that is more comprehensive and, as we've talked about here, considers addiction not a criminal issue but a public health one. So I certainly think that this is not -- right now we're not going to resolve this, obviously. We have a very serious distinction about what this bill does.

And I believe that as it relates to dealers, this bill does not deal with the type of folks that you're talking about. This is not a Pablo Escobar bill. What this does is it creates a whole new series of crimes -- through you, Madam President -- where there's transportation of opioids for simply having it in your pocket.

And if we're talking about the fact that opioids have been carved out when there's no other drugs that are included, it just reminds me a little bit of the distinction that we have between powdered cocaine and crack cocaine. And we know overall the type of impact that that's had on communities like the ones that I represent.

So ultimately the reason that I'm opposed to this bill -- through you, Madam President -- is that I believe it goes in the opposite direction of where we need to go. It's not a criminal issue, it is a public health issue. And that is why I'm opposed to it.

SENATOR ROBACH: I thank Senator Rivera for his answers and would just suggest this is a little different than a lot of the other drugs we deal with. This is clearly killing people quickly.

One of our colleagues earlier had stated a 40 percent increase. In Rochester, the fatalities went up 300 percent. That's with 111 people being saved by the application of Narcan.

So, you know, for these people that are selling this, I would just say this isn't like some of the other drugs that may have a

deleterious effect over a long-term time. You grab the tail of this dragon, you're getting the whack pretty quick. And so I just think we should look at it a little bit differently.

And I humbly request -- not a question -- you contemplate that when you're doing this. Because we need to go after the dealers on this as well as the treatment side and the other part you think of as well. But thank you for indulging me in those questions.

SENATOR RIVERA: Of course.

Madam President, I'll finish on the bill.

ACTING PRESIDENT SAVINO: Senator Rivera on the bill.

SENATOR RIVERA: While I certainly thank Senator Robach for his passionate advocacy on this, I have to focus again, and I will do so quickly, on the bill.

The reason why I'm opposed to this bill is not because I'm opposed to Senator Boyle's efforts. Certainly I'm not opposed to Senator Robach's efforts. I'm not opposed to any efforts to making sure that less people are addicted, that we have more people that are

healthy, that we have just a healthier New York.

The reason I'm opposed to this bill and to many others like it is that it creates, again, a type of crime, it criminalizes behavior and it creates the category where behavior could be criminalized that is not -- if we're dealing with it as a public health issue, this is not -- it is not a criminal issue.

So we're saying that individuals that are using heroin and have it in their pocket, potentially from getting on a train could be considered to be dealing it because they -- or at least in this case they would be guilty, potentially, of the crime of transporting an opioid controlled substance. I see us going down the road again where we're creating a different category of crime that ultimately impacts drug users.

And unfortunately, when we've created these bills before, when we've created these laws before, they've had a disproportionate impact on communities like the ones that I represent. Mass incarceration does not work. It has not worked. It will not work. When we deal with addiction as a public health issue, then we

will see our communities be healthy.

So in this instance this bill, I believe, goes down that road which I do not believe we should go back down, and I will be voting in the negative.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Krueger on the bill.

SENATOR KRUEGER: Would Senator Robach please yield to a question.

ACTING PRESIDENT SAVINO: Senator Robach, do you yield?

SENATOR ROBACH: I would enthusiastically yield for a question from you, Senator Krueger. I have been waiting all day.

SENATOR KRUEGER: Thank you.

So I was listening to the debate. What kind of dealer purposely tries to kill their clients?

SENATOR ROBACH: I believe in the case of this heroin that they're selling right now, every single one of them. Exactly. I think that they are selling death knowingly, enthusiastically. It almost defies logic because you would think you'd want them to be on it

long-term.

But if you know anything about it or the chemistry of it, so I just want you to -- early days, and it was bad then, but people would do it for years or longer periods of time because it was so -- not so weak, but it was not as pure.

I have no idea why they're doing this. But this country, not just New York State is flooded with 50 percent heroin cut with fentanyl, which is a synthetic almost opioid like heroin that makes this like rocket fuel. So even those people have to know, where they're all trying to be who has the strongest in the high, for anybody who's using this or even somebody who comes out of short-term treatment and let's say they were taking three decks before, when they go out and use this stuff, it's going to kill them.

If it wasn't for Narcan, our deaths in Monroe County would have went from 14 to 176. That's a lot of dead people. That's a lot of families.

Yes, they are losing a lot of customers. You'd have to ask them why they're doing it. But I would say this. Not politically, but personally, I think those people

deserve the strongest punishment because the game's changed. They're not using and selling to get high, they're using to make money.

If the misery and death of all these people and these new users -- some of them very young, some of them coming off of opioid usage looking for something else, and they are giving them, for free, 50 bucks for 10 bags of this stuff. It's killing. It's crazy. And I think that the penalty should definitely fit the crime, 100 percent, wholeheartedly.

SENATOR KRUEGER: Thank you.

On the bill, Madam President.

ACTING PRESIDENT SAVINO: Senator Krueger on the bill.

SENATOR KRUEGER: We've had a history in this country of different new kinds of drugs hitting the market, some of them more disastrous as far as the death toll than others. This is not our first round with heroin and the dangers of it. I agree with my colleagues that we are seeing a much stronger kind of heroin at a much cheaper price.

But we know, from 75 years of failed war on drugs, that actually trying to decrease

the supply and put people in jail doesn't solve the problem. We just keep coming up with new kinds of drugs, or the next generation.

What we need to do is much better public education, much broader treatment options, more education. And I have to say the question of whether criminal penalties will address any of this I find very doubtful. Because, again, as my colleague explained, we're seeing people die quickly from too-strong dosages or drugs that are mixed with nonpure poisonous types of products.

Professional drug dealers don't go into this kind of business. Professional drug dealers want to get you hooked and keep your money coming, particularly on a drug that is unfortunately so inexpensive on the market. Professional drug dealers are really not interested in selling you a couple of days' worth and seeing you die. It's a very bad business model.

Now, I don't want them to have a better business model, but I think we need to recognize, cause-effect, what will work. And I would argue that this bill is not the solution to the problem.

While I fully agree we have a serious problem, I do think it requires massive education about the dangers and the risks of taking these drugs. I do think it requires better and improved models for outreach to our schools, because it seems to believe be disproportionately young people who don't understand the enormous risks from taking these kinds of drugs.

And I hope that in coordination with our criminal defense system and our police departments and our school systems, we can do a better job of making sure people don't start these drugs and get addicted to these drugs.

But again, repeating what we know in this country has failed is not going to give us a solution. New York State had and may still have the highest incarceration rate for low-level nonviolent drug users and dealers. It didn't stop us from having this drug problem or the history of drug problems we have seen for the last 75 years. Expanding on failed models won't be the solution.

Now, if there is a subuniverse who is intentionally selling heroin with the intent

of murdering people, then I actually think we should go after them with a different kind of criminal charge, which is bringing them to court under a charge of murder. They intentionally wanted to kill people, and heroin was the drug they chose as their weapon. We have criminal laws like that, and I believe we should use them.

But I think we will find that actual drug dealers really don't want to kill their clients, they want them to stay hooked and keep paying through the nose, literally.

So we have a problem. This isn't the solution. I'll vote no, Madam President. Thank you.

ACTING PRESIDENT SAVINO: Are there any other members wishing to be heard?

Senator Montgomery on the bill.

SENATOR MONTGOMERY: Yes, Madam President, before I make my comments I just want to make sure we are talking about the same bill. My assumption is this is Senator Boyle's bill, Senate Bill 7659?

ACTING PRESIDENT SAVINO: Yes. Yes, Senator Montgomery.

SENATOR MONTGOMERY: I ask because

I hear Senator Robach talking about, you know, what's the difference in a drug dealer and a drug user, and he goes on and on and on. And I'm not sure we're talking about the same bill. I didn't know what bill he was talking about. So I just wanted to clarify that.

Let me just -- on the bill, my comments on this bill that we're debating that's on the floor. I want to be clear that this particular bill speaks to -- it's a very novel way of introducing a brand-new criminal act, which is -- according to this, it is a crime, it's a new crime of transport of an opiate controlled substance in the second degree. It establishes a Class E felony for transporting whatever you're transporting five miles.

So that means that if someone travels from my district in Bedford-Stuyvesant to your district in Coney Island, in addition to whatever else they may be charged with, there is an additional crime referred to as transport of a controlled substance.

Now, the fact of the matter is this is simply a sentencing bill. It has nothing to do with any of the other issues that we have

discussed today in terms of education and treatment and trying to address the problem of heroin addiction, redefining it as a health issue. This is right back to, as some of my colleagues -- Senator Rivera, Senator Krueger -- have said, this is simply an undercover sentencing bill which adds a new crime not related to anything that we are talking about today, but establishing a new way of incarcerating people.

So I'm definitely opposed to this, as I have been opposed to all of the other attempts to just put on the floor sentencing laws in the name of addressing a criminal issue. So, Madam President, I'm voting no on this bill.

ACTING PRESIDENT SAVINO: Thank you, Senator Montgomery.

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

Seeing none, debate is closed. The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT SAVINO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Squadron to explain your vote.

SENATOR SQUADRON: Thank you, Madam President.

This bill, for a simple possession with no weight threshold and no intent to sell, no intent to sell -- simple possession for a user, for an addict, creates a Class E felony.

Some of the other components of this bill that I know were debated I'm much more sympathetic to. But we're all agreeing that we shouldn't be creating felons out of addicts who have no intent to sell or who have a very small amount. That's what this bill would do.

That's why I'm voting no, Madam President. Thank you.

ACTING PRESIDENT SAVINO: Senator Squadron to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 1148, those recorded in the negative are Senators Dilan, Hoylman, Krueger, Montgomery, Perkins, Rivera and Squadron.

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

Ayes, 46. Nays, 7.

ACTING PRESIDENT SAVINO: The bill is passed.

SENATOR LIBOUS: Madam President, could we take up Calendar Number 355, please.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: Calendar Number 355, by Senator Skelos, Senate Print 1388, an act to amend the Penal Law.

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Boyle to explain his vote.

SENATOR BOYLE: Madam President, to briefly explain my vote.

This is a good bill, and I commend

the leader for bringing it in. I just want to thank --

SENATOR LIBOUS: Madam President, Madam President, can we have some order?

Members seem to be leaving while I see a member standing on the floor explaining his vote as the rules allow him to. So if we could just have some order in the chamber, it would be --

ACTING PRESIDENT SAVINO: Could we please have some order in the chamber.

Senator Boyle, please explain your vote. And those of you who would like to leave, please do so quietly and unobtrusively, if at all possible.

SENATOR BOYLE: Thank you, Madam President.

I'd briefly like to thank all my colleagues on the task force and those on the Democratic side of the aisle for their great proposals to combat this heroin epidemic.

I'd also like to thank my vice chairs, Senators Nozzolio and Carlucci, and thank the staff most importantly. We traveled 8,000 miles, had 18 forums, 2300 attendees and

276 total witnesses at these task forces. We had a package of 25 bills, in my years in government, the most comprehensive legislative proposals I've ever seen.

And I know a lot was said about the criminal aspects, the law enforcement aspects. The fact is we had 25 bills and 10 of them regarding law enforcement. Fifteen, the vast majority, dealt with prevention and treatment.

And every DA, as Senator Rivera said, wants to focus. They know that we cannot arrest our way out of this crisis. We need to help those that are truly addicted. That's what we intended to do.

And I want to thank all my colleagues for the strong bipartisan support of this legislative proposal. I vote in the affirmative.

ACTING PRESIDENT SAVINO: Thank you, Senator Boyle. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 355, those recorded in the negative are Senators Hoylman, Krueger, Montgomery, Perkins,

Rivera, Serrano and Squadron.

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

Ayes, 46. Nays, 7.

ACTING PRESIDENT SAVINO: The bill is passed.

Senator Libous, that completes the reading of the controversial calendar.

SENATOR LIBOUS: Madam President, if we could go back to motions.

ACTING PRESIDENT SAVINO: Returning to motions and resolutions.

SENATOR LIBOUS: Thank you. On behalf of Senator Maziarz, I'd like to call up his bill, Senate Print 5149, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: Calendar Number 71, by Senator Maziarz, Senate Print 5149, an act to amend the Public Service Law.

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

ACTING PRESIDENT SAVINO: Call the roll on consideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

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

ACTING PRESIDENT SAVINO: The amendments are accepted.

SENATOR LIBOUS: Thank you.

On behalf of Senator Ritchie, on page 39 I offer the following amendments to Calendar Number 646, Senate Print 1946, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SAVINO: So ordered.

SENATOR LIBOUS: On behalf of Senator Larkin, on page 11 I offer the following amendments to Calendar 1091, Senate Print 7625A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SAVINO: So ordered.

SENATOR LIBOUS: On behalf of Senator Marcellino, on page 43 I offer the

following amendments to following amendments to Calendar Number 689, Senate Print 6962, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SAVINO: So ordered.

SENATOR LIBOUS: On behalf of Senator Maziarz, on page 65 I offer the following amendments to Calendar Number 977, Senate Print 7312, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SAVINO: So ordered.

SENATOR LIBOUS: On behalf of Senator Bonacic, on page 70 I offer the following amendments to Calendar Number 1029, Senate Print 2015, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SAVINO: So ordered.

Senator Libous.

SENATOR LIBOUS: And, Madam President, on behalf of Senator Ritchie, I wish to call up her bill, Senate Print 6693B, recalled from the Assembly, but it's now at the desk.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: Calendar Number 252, by Senator Ritchie, Senate Print 6693B, an act to amend the Agriculture and Markets Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

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

SENATOR LIBOUS: Thank you, Madam President. I offer up to the following amendments.

ACTING PRESIDENT SAVINO: The amendments are accepted.

Senator Libous.

SENATOR LIBOUS: Madam President, is there any further business before the house?

ACTING PRESIDENT SAVINO: There is no further business before the house.

SENATOR LIBOUS: There being no further business, I move that the Senate adjourn until tomorrow, Tuesday, June 10th, at 11:00 a.m.

ACTING PRESIDENT SAVINO: On motion, the Senate stands adjourned until tomorrow, Tuesday, June 10th, at 11:00 a.m.

(Whereupon, at 6:42 p.m., the Senate adjourned.)