NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:33 p.m.

REGULAR SESSION

SENATOR FRED AKSHAR, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT AKSHAR: The Senate will come to order.

I ask everyone present, please rise and repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT AKSHAR: Rabbi Shmuel Butman is with us today to give the invocation. He is rabbi of the Lubavitch Youth Organization in Brooklyn, New York.

Rabbi.

RABBI BUTMAN: {In Hebrew} Our heavenly Father, please bestow Your blessings on all the members of the New York State Senate who are gathered here today. Give them the health and give them the understanding to do exactly what you want in leading the State of New York in all paths of peace and justice, democracy and order.

We want to thank you all for passing the resolution for 116 Days of Education in honor of the 116th birthday of the Rebbe, Rabbi Menachem M. Schneerson.

When the Rebbe speaks about

education, he means education of every child -- the Jewish child, the American child, the African child, the Indian child, the Arab child, all the children of the world. The Rebbe said many times he wants the children to know that there is an eye that sees and an ear that hears and that the world is not a jungle.

And he wants to make the world a better place, as indeed he did. The Lubavitcher Rebbe's Chabad today runs 5,000 institutions in 102 countries all over the world.

In the year 1991 I was invited to go to Washington to open the United States Senate in Washington. Before I went, I went to see the Rebbe. And the Rebbe said to me: "While you're opening the Senate, please take a pushkeh." A pushkeh is a tzedakah box that I'm holding in my hand. "And while you're opening the Senate, you should give a dollar into the pushkeh and let everybody know what money should be used for."

So now I'm going to do exactly what the Rebbe asked me, and I'm going to put in a dollar -- on the dollar it says "In God We Trust" -- in the pushkeh, in the tzedakah box. This is an act of goodness and kindness.

I would like to invite all of you to join me in giving a dollar for tzedakah. And I don't want you to get scared. This is not a fundraising campaign. Because if it would be, I would ask you for much more than one dollar. This is a campaign for doing goodness and kindness.

I want you to know that home in our shuls, in our synagogues, every Sabbath morning we say a special prayer for all of you. We say {in Hebrew}, which means all those who serve the public faithfully, as you do, we ask for Almighty God to bestow His blessing on you and on your families for all wonderful things, of health and happiness in your communal life as well as in your public lives.

May you pass the budget successfully this week.

ACTING PRESIDENT AKSHAR: Thank you, Rabbi. Thank you.

The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 25th, the Senate met pursuant to adjournment. The Journal of Saturday, March 24th, was read and approved. On motion,

Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, could you please recognize Senator Flanagan.

ACTING PRESIDENT AKSHAR: Can I have some order in the house, please.

Senator Flanagan.

SENATOR FLANAGAN: Mr. President, I'd appreciate it if everyone could be quiet. And thank you for that point.

On a day like today, there's a lot of swirl and a lot of activity, a tremendous amount of stuff going on -- some good, some bad, some crazy, but it's all part of the budget

process that we find ourselves in here in the last week of March.

I'll be succinct and sincere. When I think about working in government, I think about a lot of different people -- people who work here, people who work on the outside, people who work on the outside to influence the process here, all in a good way. Generally people like that are referred to as lobbyists. And people always think about the highly paid lobbyists; I think about the PTA mom, the high school student advocating for higher ed and things like that.

But today, this morning, we lost a very valuable public servant, Cindy Shenker. Cindy Shenker -- I can see by people's reactions some didn't know, some have known. Cindy, in my opinion, epitomized what it meant to be a really valued public servant. She was a lobbyist for many years, and quite successful. Part of the reason she was quite successful was because of who she was.

So I'm asking for a moment of silence, but I just -- with this image in mind. A fabulous smile. A joi de vivre that could be unparalleled in many ways. And she cut her teeth

working in the Legislature, as many of us know. She was floor counsel in the New York State Assembly and was really terrific at what she did. And unfortunately, God decided that it was her time.

So to her loving family -- because if I remember one thing about her in particular, in conjunction with that smile, it was how much she loved the people that were close to her, especially her husband and her children.

So, Mr. President, I know this is a little unusual, we don't normally do things like that. But Cindy was unusual in a very positive way. Respectfully, I would ask for a moment of silence on her behalf and for the well-being of her family.

ACTING PRESIDENT AKSHAR: Majority Leader Flanagan, on behalf of our friend and colleague, this great house will pause for a moment of silence on behalf of Cindy Shenker.

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

SENATOR FLANAGAN: Thank you.

ACTING PRESIDENT AKSHAR: Thank you, Leader.

Senator DeFrancisco.

SENATOR DeFRANCISCO:

Mr. President, I'd like to call up Senate Print Number 2167, by Senator Serino, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Calendar Number 131, by Senator Serino, Senate Print 2167, an act to amend the Family Court Act.

ACTING PRESIDENT AKSHAR: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT AKSHAR: Senator DeFrancisco.

SENATOR DeFRANCISCO: I now move to reconsider the vote by which this bill was passed. Is that what we just did?

ACTING PRESIDENT AKSHAR: We just did, sir.

SENATOR DeFRANCISCO: Well, I just wanted to show that I was reading properly.

Is the bill now restored to its place on the Third Reading Calendar?

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

SENATOR DeFRANCISCO: In that case, I now move the following amendments.

ACTING PRESIDENT AKSHAR: The amendments are received.

SENATOR DeFRANCISCO: Mr. President, could you now recognize Senator Valesky.

ACTING PRESIDENT AKSHAR: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Avella, on page 16 I offer the following amendments to Calendar 264, Senate Bill 1487, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT AKSHAR: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR VALESKY: On behalf of Senator Peralta, on page 5 I offer the following amendments to Calendar 60, Senate Bill 7332, and

ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT AKSHAR: Those amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR VALESKY: And on behalf of Senator Avella, I wish to call up his bill, 1301, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Calendar Number 127, by Senator Avella, Senate Print 1301, an act to amend the Family Court Act.

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

ACTING PRESIDENT AKSHAR: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR VALESKY: I now offer the following amendments.

ACTING PRESIDENT AKSHAR: The amendments are received.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, can we now take up previously adopted Resolution 4156, by Senator Hamilton, read it in its entirety, and call on Senator Golden to speak.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4156, by Senator Hamilton, commemorating the anniversary celebration of the birthday of the revered Lubavitcher Rebbe, Rabbi Menachem M. Schneerson.

"WHEREAS, The true architects of society and community are those individuals whose faith and unremitting commitment serve to sustain the spiritual and cultural values of life; the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, was surely such an individual; and

"WHEREAS, World Jewry is now celebrating the 116th birthday of the renowned and revered leader, the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson; and

"WHEREAS, Serving over 44 years of dedicated leadership, Rabbi Schneerson

established over 1,500 Lubavitch Centers, helping people of all walks of life throughout the world -- from Australia to Africa, from Holland to Argentina, and from Moscow to Jerusalem; and

"WHEREAS, Rabbi Schneerson's educational activities throughout the globe have enriched and strengthened the religious, educational, cultural, moral and ethical fibers of all citizens of the world; and

"WHEREAS, He was a remarkable and holy man who inspired millions of Jews and non-Jews to greater dedication, loyalty and commitment in all matters 'between man and G-d' and 'between man and man'; and

"WHEREAS, Rabbi Schneerson proclaimed the Redemption was on its way, and he called upon all citizens of the world to prepare with a personal commitment to increase all activities of goodness and kindness; and

"WHEREAS, A Memorial Reception will be held in the New York State Capitol on Monday, March 26, 2018, in tribute and remembrance of Rabbi Schneerson, the leading rabbi of his generation; and

"WHEREAS, This year, Friday,

April 6, 2018, corresponding to 21 Nisan 5778 116th birthday, to Monday, July 30, 2018, corresponding to 18 Av 5778, celebrated as '116 Days of Education,' in tribute to the educational endeavors of this visionary leader and learned gentleman on behalf of all mankind; and

"WHEREAS, Throughout his purposeful journey of life, Rabbi Schneerson compiled, with dignity and grace, decades filled with philanthropic causes, humanitarian effort and astute Judaic leadership, justly earning the devotion of his followers and the admiration and respect of his fellow man; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the traditional observance of the anniversary of the birthday of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, upon the occasion of a reception to be held in the New York State Capitol on Monday, April 2, 2018, and to recognize April 6, 2018 to July 31, 2018, as '116 Days of Education,' in tribute to the educational endeavors of the beloved Rebbe; and be it further

"RESOLVED, That a copy of this

resolution, suitably engrossed, be transmitted to Rabbi Shmuel M. Butman, director of the Lubavitch Youth Organization."

ACTING PRESIDENT AKSHAR: Senator Golden on the resolution.

SENATOR GOLDEN: Thank you, Mr. President.

I rise to welcome Rabbi Shmuel Butman back to Albany in updating and having this resolution before our conference here, celebrating the 116th birthday of the renowned Grand Rebbe Menachem Schneerson.

Rabbi Butman is the leader of the Lubavitch and the senior Chabad Rabbi for Crown Heights, the executive director of the Lubavitch Youth Organization, publishes the weekly Chabad magazine, L'Chaim. Rabbi Butman was responsible for the erection of the largest menorah in the world in the southeast corner of Central Park. He is influential in continuing to spread the message of Rabbi Schneerson, who realized that Crown Heights is one community, not separate communities. And from April 6th to July 30th, we will celebrate "116 Days of Education."

Welcome back, Rabbi. Glad to have

you here. And this is a great, great resolution for a great, great Rebbe. Thank you very much. Please continue on with his great work.

If we could all rise, please, and give the Rebbe a round of applause, and the Rabbi, for their good work and all that they do. Please.

(Applause.)

SENATOR GOLDEN: Thank you very much.

ACTING PRESIDENT AKSHAR: Rabbi, thank you.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. That resolution is open for cosponsorship. If anyone wants to cosponsor, they should go to the desk and advise you.

ACTING PRESIDENT AKSHAR: This resolution is open for cosponsorship. If you wish to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I guess we're going to call a play at the line at this point.

ACTING PRESIDENT AKSHAR: Sure. I'm ready to play when you are, sir.

(Laughter.)

SENATOR DeFRANCISCO: All right. Would you now -- let's see. We have two more resolutions. Would you like to call them up, is that what you're telling me?

First of all, can we now call up previously adopted Resolutions 3648 -- let's start with that one -- by Senator O'Mara, and also 3649. I don't know if we can do it together. But just reading the short title of each, and call on Senator O'Mara, please.

ACTING PRESIDENT AKSHAR: The Secretary will read Number 3648, title only.

THE SECRETARY: Legislative Resolution Number 3648, by Senator O'Mara, congratulating the Corning-Painted Post High School Competition Band for winning the Large School Division 3 New York State Field Band Conference Championship on October 29, 2017.

ACTING PRESIDENT AKSHAR: The Secretary will read the title only of Resolution Number 3649.

THE SECRETARY: Legislative Resolution Number 3649, by Senator O'Mara, commending Ray Lawson upon the occasion of being

named the New York State Boys High School Coach of the Year by the United States Track and Field and Cross Country Coaches Association.

ACTING PRESIDENT AKSHAR: Senator O'Mara.

SENATOR O'MARA: Thank you, Mr. President. And sorry for the confusion on the resolutions before us here today.

But we have with us this afternoon members of the Corning-Painted Post High School, both of the High School Competition Band and of the Boys Varsity Cross Country Team, both of which won state championships last year in 2017.

First, on the first resolution that was previously adopted, the Corning-Painted Post Competition Band has 86 students in it -- 44 wind players, 18 percussionists, 19 Color Guard members, three drum majors, and two field crew members.

With us today from the band are Drum Majors Connie Hou and Julienne Tsang and Band Director Joe Stork.

This band's season began in June, after only two months of practice, two weeks of band camp in August, and competitions beginning

in September. The Hawks went into the state championship with an undefeated record. Corning won the Large School 3 Division, which was held at the Carrier Dome in Syracuse, edging Sachem and Rome Free Academy by slight margins. Rounding out the division was Hilton, Greece, Auburn and East Ramapo.

I want to congratulate the band members that are with us today, and I'll move on to the Cross Country Team that on November 11th of 2017 captured the State Championship Class A for the second straight year. They were the first Section 14 to qualify for the Nike Cross Country Nationals in Portland, Oregon, where they finished in 12th place in the Nationals.

With us today are runners Quinn Nicholson, Dan Gahagan, Torrey Jacobson-Evans, Nathan Lawson, Bryce Derick, Camden Zaidel, volunteer coach and parent Jim Derick, and Coach Ray Lawson.

We'll also note that Coach Lawson, who also coaches the Girls Cross Country Team, was recently named for the second consecutive year New York State Boys High School Coach of the Year by U.S. Track and Field and Cross Country

Coaches Association.

We're very proud today to have these members of these two fine teams from the school of Corning-Painted Post with us. Congratulations on your successes, and we all will recognize your accomplishments here.

Thank you, Mr. President.

ACTING PRESIDENT AKSHAR: Thank you, Senator O'Mara.

To the cross country team, to the high school competition band, to the coach, on behalf of the New York State Senate we welcome you and we extend all the privileges and courtesies of the house.

Ladies and gentlemen, if we could rise in a round of applause, please.

(Applause.)

ACTING PRESIDENT AKSHAR: Senator DeFrancisco, this resolution was previously adopted on February 6th. And it's open for cosponsorship, is my understanding.

SENATOR DeFRANCISCO: That includes both resolutions you're referring to?

ACTING PRESIDENT AKSHAR: Yes, sir.

SENATOR DeFRANCISCO: Fine. If

it's open for cosponsorship, please notify the desk if you'd like to be a cosponsor. Thank you.

Can we now do the noncontroversial reading of the calendar, please.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Calendar Number 227, by Senator Serino, Senate Print 2168A, an act to amend the Insurance Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: The results?

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 308, by Senator LaValle, Senate Print 3177, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT AKSHAR: Read the

last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 54. Nays, 3. Senators Hoylman, Krueger and Serrano recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 310, by Senator LaValle, Senate Print 4818, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Results?

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 312, by Senator O'Mara, Senate Print 6195A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I'm voting against this bill. With all due respect, while the sponsor believes that this is a more ecologically friendly way to carry cans, these types of rings -- can carriers, I think they're known as -- that would be legalized under this legislation are not photo biodegradable. In other words, through this legislation we will be contributing to plastics in our ocean.

And just last week, Mr. President, I'd note that the research showed that the Great Pacific Garbage Patch, which accounts for 87,000 tons of plastic, is actually four to 16 times bigger than previously thought, occupying about four times the size of California.

So we need to be doing more in this chamber and across the country to reduce plastic waste. And unfortunately this legislation legalizes a product that does just the opposite, so I'll be voting in the negative.

ACTING PRESIDENT AKSHAR: Senator Hoylman to be recorded in the negative.

Announce the result.

THE SECRETARY: In relation to 312, those recorded in the negative are Senators Benjamin, Hoylman, Kavanagh, Krueger, Parker and Rivera. Also Senator Bailey.

Ayes, 50. Nays, 7.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 362, by Senator Tedisco, Senate Print 4149A, an act to amend the Legislative Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Results?

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 408, by Senator Funke, Senate Print 1443, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Results?

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 411, by Senator Valesky, Senate Print 6966, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 180th day.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 431, by Senator Funke, Senate Print 4592A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator

Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

It's not necessarily that I oppose the concept of allowing certain kinds of alcohol to be provided in a leisure or recreation district. My problem is the bill doesn't define anything about what a leisure or recreation district would be.

And so as I read this bill, we would be saying that any geographic area could be interpreted as being an open-carry district. And I don't think that's what most people would want for their own communities. They would want specific definitions of who, what, where, when, and this has none of those in the bill.

So I'm hoping that this bill might be clarified before it actually might move to the next house or even to the Governor's desk. So I'll vote no, Mr. President.

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

Senator Stavisky.

SENATOR STAVISKY: Yeah, Mr. President, I have the same concerns as just

indicated.

And if I knew where there's an example of a leisure and recreation district, I'd be inclined to vote for it. But in the absence of clarification, I vote no.

ACTING PRESIDENT AKSHAR: Senator Stavisky to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 431, those recorded in the negative are Senators Benjamin, Hoylman, Kavanagh, Krueger and Stavisky.

Ayes, 52. Nays, 5.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 540, by Senator Helming, Senate Print 4537, an act to amend the General City Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the first of July.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: The results?

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 564, by Senator Hannon, Senate Print 5926, an act to authorize.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: In relation to Calendar 564, those recorded in the negative are Senators Akshar, Bonacic, Larkin and O'Mara.

Ayes, 53. Nays, 4.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 625, by Senator Carlucci, Senate Print 3039, an

act to amend the Criminal Procedure Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank my colleagues for supporting this very important legislation. What this legislation does is allows for people around New York State that have been arrested the access to a problem-solving or diversion court.

And problem-solving courts aren't anything new. They've had tremendous success in our state and around the nation. But unfortunately, in upstate New York, believe it or not, we have over 1,300 village and town courts. And under our current statute, you would have to recreate each problem-solving court in every one of those courts to make sure that every

New Yorker has access to a problem-solving court.

What this legislation does is allows for someone to be transferred, their case, to a local problem-solving court. So there could be a domestic violence court, a mental health court, a veterans court -- it could be right down the road, but you don't have access to it right now.

We've made tremendous strides in reforming our criminal justice system. We have a lot more work to do. But let's give people the option. Let's have rehabilitation instead of incarceration. Let's get people help instead of sending them to jail or to prison. This model works. Let's make sure you can access it no matter where you live in the State of New York.

This will go a long way to making sure we're helping people to be productive members of society and adding to improving the quality of life for everyone here in New York.

So again, I want to thank my colleagues for supporting this legislation. Let's see it become law and make sure we're diverting people from our criminal justice system.

Thank you, Mr. President.

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

Announce the result.

THE SECRETARY: Ayes, 56. Nays, 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 722, by Senator Young, Senate Print 516B, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I vote again against this bill this year -- not because I am opposed to the concept of Kendra's Law, but I don't think it should be made permanent because we haven't fixed the

problems within it yet.

For example, I have several memos from mental health providers talking about it being an unfunded mandate by the state. And the result of that is we are mandating our localities to do something they're actually not doing, and then we're going to find everyone out of compliance, and we may find ourselves putting even more mentally ill people into a treatment program coercively simply because we didn't have the outpatient services they actually needed and were trying to get.

So to set up a system where our mental health providers fail, our mentally ill constituents -- who are looking for the help and need the help -- fail because we don't provide them the services, but then to say, Well, at least we locked them all up for some period of time doesn't get us to the answer I think the Senator who sponsors the bill wants us to get to and doesn't get to the answer I hope we'll get to.

So I do believe that this system can be fixed, but it requires a commitment by the state -- not just to say we're making certain

things required, but to actually have the actual people and services in place to provide the services when they're needed.

So I continue to believe that there's an opportunity to improve the program. It's not sunsetting now. I don't believe it sunsets till 2022. So I'm afraid that if we make it permanent, nobody will really go back and try to make the real fixes we need.

I vote no, Mr. President.

ACTING PRESIDENT AKSHAR: Thank you, Senator Krueger. You'll be recorded in the negative.

Senator Phillips to explain her vote.

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

So in 1999 I regularly rode the subway to and from work, and I vividly remember Kendra's story. It was an event that struck fear and terror into the hearts of not just subway riders, but truly all New Yorkers. And needless to say, it was a young girl that lost her life too soon to some violent actions of untreated mental illness.

And, you know, too often we hear these stories, these tragic stories of individuals suffering from mental illness causing harm to themselves and to others.

So as legislators, we've worked hard to improve mental illness -- you know, to increase access to treatment, to ensure individuals have insurance coverage, and to provide those in need with adequate care.

Making Kendra's Law permanent not only helps prevent those with mental illness from harming others, but we provide essential treatment to those who are most in need.

The proposals in this bill expand upon the original measure and provide even greater protection to both the public and those suffering from mental illness. Because family and household members often witness dangerous behavior first, or know when a loved one is facing a serious personal crisis, this measure will provide a new avenue of support and care.

And by adding attempted suicide as a qualifying condition, we will provide recourse for those who believe they have run out of options.

Thank you. Thank you, Senator Young, for championing this cause. For the safety of all New Yorkers and for those struggling with mental illness, I vote aye and urge my colleagues to do so as well.

Thank you.

ACTING PRESIDENT AKSHAR: Thank you, Senator Phillips. You'll be recorded in the affirmative.

Senator Young to close.

SENATOR YOUNG: Thank you, Mr. President.

And I proudly stand today to sponsor this legislation. And thank you, Senator Phillips, for those great words.

I want to commend all of my colleagues, because this is a very, very crucial piece of legislation. Kendra's Law works. All of the statistics show that it works. It reduces violence, it reduces incarcerations, it reduces recidivism, it reduces costs -- not only human costs, but also costs to the taxpayers. It reduces hospitalizations. It reduces suicides.

When you look at it across the board, it has been very, very, very effective as

far as helping people who are severely mentally ill who are a danger to themselves or others.

And I believe that we as a Legislature have an obligation to make sure that people who need help get help. Unfortunately, we have seen, ripped from the headlines, far too often these days people who have severe mental illness who are not getting the help that they need, with terrible, terrible consequences.

This is a way for us to be proactive. This is a way for us to take action. This is a way for us to deal with the scourge of mental illness for people who want to get better, who desperately want to get better yet don't get the treatment that they need.

I believe very strongly that this is the right way to go, this actually will help improve the lives of countless New Yorkers. It is a public safety issue also. And I urge all of our colleagues to vote aye.

Thank you.

ACTING PRESIDENT AKSHAR: Senator Young to be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 56. Nays, 2.

Senators Krueger and Rivera recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

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

SENATOR DeFRANCISCO: Is there any further business at the desk?

ACTING PRESIDENT AKSHAR: There is no further business at the desk.

SENATOR DeFRANCISCO: Two announcements.

The Republican Conference will not meet immediately following session. However, everyone is informed to stay close to their telephones because you'll be called on a moment's notice.

Also, there's an immediate meeting of the Insurance Committee in Room 124 of the Capitol.

ACTING PRESIDENT AKSHAR: There will be an immediate meeting of the Insurance Committee in Room 124 of the Capitol.

SENATOR DeFRANCISCO: Since there's no further business, I move to adjourn until

Tuesday, March 27th, at 3:00 p.m.

ACTING PRESIDENT AKSHAR: On motion, the Senate stands adjourned until Tuesday, March 27th, at 3:00 p.m.

(Whereupon, at 4:08 p.m., the Senate adjourned.)