

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 March 26, 2018

11 3:33 p.m.

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13  
14 REGULAR SESSION

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16  
17  
18 SENATOR FRED AKSHAR, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

12 Rabbi.

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

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

25 When the Rebbe speaks about

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

8                   And he wants to make the world a  
9 better place, as indeed he did. The Lubavitcher  
10 Rebbe's Chabad today runs 5,000 institutions in  
11 102 countries all over the world.

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

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

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

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

17           May you pass the budget successfully  
18   this week.

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

21           The reading of the Journal.

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

1 Senate adjourned.

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

4 Presentation of petitions.

5 Messages from the Assembly.

6 Messages from the Governor.

7 Reports of standing committees.

8 Reports of select committees.

9 Communications and reports from  
10 state officers.

11 Motions and resolutions.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO:

14 Mr. President, could you please recognize Senator  
15 Flanagan.

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

18 Senator Flanagan.

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

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

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

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

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

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

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

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

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

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

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

23                   SENATOR FLANAGAN: Thank you.

24                   ACTING PRESIDENT AKSHAR: Thank  
25 you, Leader.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO:

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

6 ACTING PRESIDENT AKSHAR: The  
7 Secretary will read.

8 THE SECRETARY: Calendar Number  
9 131, by Senator Serino, Senate Print 2167, an act  
10 to amend the Family Court Act.

11 ACTING PRESIDENT AKSHAR: Call the  
12 roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 51.

15 ACTING PRESIDENT AKSHAR: Senator  
16 DeFrancisco.

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

20 ACTING PRESIDENT AKSHAR: We just  
21 did, sir.

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

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



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

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

6                   ACTING PRESIDENT AKSHAR:    The  
7   amendments are received.

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

11                  ACTING PRESIDENT AKSHAR:    Senator  
12  Valesky.

13                  SENATOR VALESKY:    Thank you,  
14  Mr. President.

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

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

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

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

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

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

10 ACTING PRESIDENT AKSHAR: The  
11 Secretary will read.

12 THE SECRETARY: Calendar Number  
13 127, by Senator Avella, Senate Print 1301, an act  
14 to amend the Family Court Act.

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

18 ACTING PRESIDENT AKSHAR: Call the  
19 roll on reconsideration.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 51.

22 SENATOR VALESKY: I now offer the  
23 following amendments.

24 ACTING PRESIDENT AKSHAR: The  
25 amendments are received.

1 Senator DeFrancisco.

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

7 ACTING PRESIDENT AKSHAR: The  
8 Secretary will read.

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

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

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

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

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

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

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

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

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

25 "WHEREAS, This year, Friday,

1 April 6, 2018, corresponding to 21 Nisan 5778  
2 116th birthday, to Monday, July 30, 2018,  
3 corresponding to 18 Av 5778, celebrated as '116  
4 Days of Education,' in tribute to the educational  
5 endeavors of this visionary leader and learned  
6 gentleman on behalf of all mankind; and

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

14 "RESOLVED, That this Legislative  
15 Body pause in its deliberations to commemorate  
16 the traditional observance of the anniversary of  
17 the birthday of the Lubavitcher Rebbe, Rabbi  
18 Menachem M. Schneerson, upon the occasion of a  
19 reception to be held in the New York State  
20 Capitol on Monday, April 2, 2018, and to  
21 recognize April 6, 2018 to July 31, 2018, as  
22 '116 Days of Education,' in tribute to the  
23 educational endeavors of the beloved Rebbe; and  
24 be it further

25 "RESOLVED, That a copy of this

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

4 ACTING PRESIDENT AKSHAR: Senator  
5 Golden on the resolution.

6 SENATOR GOLDEN: Thank you,  
7 Mr. President.

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

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

25 Welcome back, Rabbi. Glad to have

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

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

8 (Applause.)

9 SENATOR GOLDEN: Thank you very  
10 much.

11 ACTING PRESIDENT AKSHAR: Rabbi,  
12 thank you.

13 Senator DeFrancisco.

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

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

21 Senator DeFrancisco.

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

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

1 (Laughter.)

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

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

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

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

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

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



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

4 ACTING PRESIDENT AKSHAR: Senator  
5 O'Mara.

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

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

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

20 With us today from the band are  
21 Drum Majors Connie Hou and Julianne Tsang and  
22 Band Director Joe Stork.

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

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

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

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

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

1 Coaches Association.

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

7 Thank you, Mr. President.

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

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

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

17 (Applause.)

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

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

24 ACTING PRESIDENT AKSHAR: Yes, sir.

25 SENATOR DeFRANCISCO: Fine. If

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

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

5 ACTING PRESIDENT AKSHAR: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 227, by Senator Serino, Senate Print 2168A, an  
9 act to amend the Insurance Law.

10 ACTING PRESIDENT AKSHAR: Read the  
11 last section.

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

14 ACTING PRESIDENT AKSHAR: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT AKSHAR: The  
18 results?

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT AKSHAR: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 308, by Senator LaValle, Senate Print 3177, an  
24 act to amend the Environmental Conservation Law.

25 ACTING PRESIDENT AKSHAR: Read the

1 last section.

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

4 ACTING PRESIDENT AKSHAR: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT AKSHAR: Announce  
8 the results.

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

12 ACTING PRESIDENT AKSHAR: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 310, by Senator LaValle, Senate Print 4818, an  
16 act to amend the Environmental Conservation Law.

17 ACTING PRESIDENT AKSHAR: Read the  
18 last section.

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

21 ACTING PRESIDENT AKSHAR: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT AKSHAR: Results?

25 THE SECRETARY: Ayes, 57.

1                   ACTING PRESIDENT AKSHAR:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   312, by Senator O'Mara, Senate Print 6195A, an  
5   act to amend the Environmental Conservation Law.

6                   ACTING PRESIDENT AKSHAR:    Read the  
7   last section.

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

10                  ACTING PRESIDENT AKSHAR:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT AKSHAR:    Senator  
14   Hoylman to explain his vote.

15                  SENATOR HOYLMAN:    Thank you,  
16   Mr. President.

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

1                   And just last week, Mr. President,  
2   I'd note that the research showed that the Great  
3   Pacific Garbage Patch, which accounts for  
4   87,000 tons of plastic, is actually four to  
5   16 times bigger than previously thought,  
6   occupying about four times the size of  
7   California.

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

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

15                  Announce the result.

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

20                  Ayes, 50.   Nays, 7.

21                  ACTING PRESIDENT AKSHAR:    The bill  
22  is passed.

23                  THE SECRETARY:    Calendar Number  
24  362, by Senator Tedisco, Senate Print 4149A, an  
25  act to amend the Legislative Law.

1                   ACTING PRESIDENT AKSHAR:   Read the  
2   last section.

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

5                   ACTING PRESIDENT AKSHAR:   Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT AKSHAR:   Results?

9                   THE SECRETARY:   Ayes, 57.

10                  ACTING PRESIDENT AKSHAR:   The bill  
11   is passed.

12                  THE SECRETARY:   Calendar Number  
13   408, by Senator Funke, Senate Print 1443, an act  
14   to amend the Alcoholic Beverage Control Law.

15                  ACTING PRESIDENT AKSHAR:   Read the  
16   last section.

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

19                  ACTING PRESIDENT AKSHAR:   Call the  
20   roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT AKSHAR:   Results?

23                  THE SECRETARY:   Ayes, 57.

24                  ACTING PRESIDENT AKSHAR:   The bill  
25   is passed.



1                   THE SECRETARY:    Calendar Number  
2   411, by Senator Valesky, Senate Print 6966, an  
3   act to amend the Alcoholic Beverage Control Law.

4                   ACTING PRESIDENT AKSHAR:   Read the  
5   last section.

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

8                   ACTING PRESIDENT AKSHAR:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT AKSHAR:   Results.

12                   THE SECRETARY:    Ayes, 57.

13                   ACTING PRESIDENT AKSHAR:   The bill  
14   is passed.

15                   THE SECRETARY:    Calendar Number  
16   431, by Senator Funke, Senate Print 4592A, an act  
17   to amend the Alcoholic Beverage Control Law.

18                   ACTING PRESIDENT AKSHAR:   Read the  
19   last section.

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

22                   ACTING PRESIDENT AKSHAR:   Call the  
23   roll.

24                   (The Secretary called the roll.)

25                   ACTING PRESIDENT AKSHAR:   Senator

1 Krueger to explain her vote.

2 SENATOR KRUEGER: Thank you,  
3 Mr. President.

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

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

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

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

23 Senator Stavisky.

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

1 indicated.

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

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

8 Announce the results.

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

13 Ayes, 52. Nays, 5.

14 ACTING PRESIDENT AKSHAR: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 540, by Senator Helming, Senate Print 4537, an  
18 act to amend the General City Law.

19 ACTING PRESIDENT AKSHAR: Read the  
20 last section.

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

23 ACTING PRESIDENT AKSHAR: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT AKSHAR:    The  
2    results?

3                   THE SECRETARY:    Ayes, 57.

4                   ACTING PRESIDENT AKSHAR:    The bill  
5    is passed.

6                   THE SECRETARY:    Calendar Number  
7    564, by Senator Hannon, Senate Print 5926, an act  
8    to authorize.

9                   ACTING PRESIDENT AKSHAR:    Read the  
10   last section.

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

13                   ACTING PRESIDENT AKSHAR:    Call the  
14   roll.

15                   (The Secretary called the roll.)

16                   ACTING PRESIDENT AKSHAR:    Announce  
17   the results.

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

21                   Ayes, 53.  Nays, 4.

22                   ACTING PRESIDENT AKSHAR:    The bill  
23   is passed.

24                   THE SECRETARY:    Calendar Number  
25   625, by Senator Carlucci, Senate Print 3039, an

1 act to amend the Criminal Procedure Law.

2 ACTING PRESIDENT AKSHAR: Read the  
3 last section.

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

6 ACTING PRESIDENT AKSHAR: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AKSHAR: Senator  
10 Carlucci to explain his vote.

11 SENATOR CARLUCCI: Thank you,  
12 Mr. President.

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

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

1 New Yorker has access to a problem-solving court.

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

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

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

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

25           Thank you, Mr. President.

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

3           Announce the result.

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

6           ACTING PRESIDENT AKSHAR:    The bill  
7   is passed.

8           THE SECRETARY:    Calendar Number  
9   722, by Senator Young, Senate Print 516B, an act  
10  to amend the Mental Hygiene Law.

11          ACTING PRESIDENT AKSHAR:    Read the  
12  last section.

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

15          ACTING PRESIDENT AKSHAR:    Call the  
16  roll.

17          (The Secretary called the roll.)

18          ACTING PRESIDENT AKSHAR:    Senator  
19  Krueger to explain her vote.

20          SENATOR KRUEGER:    Thank you,  
21  Mr. President.

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

1 problems within it yet.

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

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

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



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

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

10 I vote no, Mr. President.

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

14 Senator Phillips to explain her  
15 vote.

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

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

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

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

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

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

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

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

6                   Thank you.

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

10                  Senator Young to close.

11                  SENATOR YOUNG: Thank you,  
12 Mr. President.

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

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

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

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

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

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

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

21 Thank you.

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

24 Announce the result.

25 THE SECRETARY: Ayes, 56. Nays, 2.

1 Senators Krueger and Rivera recorded in the  
2 negative.

3 ACTING PRESIDENT AKSHAR: The bill  
4 is passed.

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

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

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

11 SENATOR DeFRANCISCO: Two  
12 announcements.

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

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

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

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

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

2 ACTING PRESIDENT AKSHAR: On

3 motion, the Senate stands adjourned until

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

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

6 adjourned.)

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