NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 30, 2018

2:01 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

THE PRESIDENT: Today we have Reverend Peter G. Young, of the Mother Teresa Community Center in Albany.

Reverend Young?

REVEREND YOUNG: Thank you, Governor.

May we join together today and welcome Senator Mayer and Senator Sepúlveda. We welcome them and we pray, too, for the good people that have been here to fulfill their commitment for public service as Senate members.

We ask You, O God, to bless all of the dedicated people who have been here to be committed in leadership for the citizens of our great state.

May we thank You for all of our vetted people and the people that have been sacrificing their time and family and personal

obligations to work here as a public servant and for the pride and joy of being a New York State citizen.

We ask You to bless them and their good work. Amen.

THE PRESIDENT: Thank you, Reverend.

The reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 29th, the Senate met pursuant to adjournment. The Journal of Saturday, April 28th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 7, Senator Griffo moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 8288B and substitute it for the identical Senate Bill 6335C, Third Reading Calendar 96.

On page 10, Senator Murphy moves to discharge, from the Committee on Investigations

and Government Operations, Assembly Bill Number 7178 and substitute it for the identical Senate Bill 6128, Third Reading Calendar 152.

On page 20, Senator Bonacic moves to discharge, from the Committee on Judiciary, Assembly Bill Number 8003 and substitute it for the identical Senate Bill 6137, Third Reading Calendar 324.

On page 30, Senator Lanza moves to discharge, from the Committee on Agriculture, Assembly Bill Number 62A and substitute it for the identical Senate Bill 4796A, Third Reading Calendar 494.

And on page 32, Senator Serrano moves to discharge, from the Committee on Health, Assembly Bill Number 10065 and substitute it for the identical Senate Bill 7625, Third Reading Calendar 532.

THE PRESIDENT: The substitutions are ordered.

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: Madam President, I wish to call up Senator Bonacic's bill, Print 1064, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 142, by Senator Bonacic, Senate Print 1064, an act to amend the Vehicle and Traffic Law.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR DeFRANCISCO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR DeFRANCISCO: I also move to amend Senate Bill 1115A, on behalf of Senator Akshar, by striking out the amendments made on January 12, 2018, and restoring it to its

original print number, namely 1115.

THE PRESIDENT: So ordered, and the bill shall retain its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: On page 7, I offer the following amendments to Calendar 101, Senate Print 5912B, by Senator Jacobs, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered, and the bill shall retain its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: On page 43, I offer the following amendments to Calendar 686, Senate Print 1297A, by Senator Marcellino, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: Finally, on page 52, I offer the following amendments to Calendar 796, Senate Print 6072A, by Senator LaValle, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: Could you now

please -- would you now please recognize Senator Klein.

THE PRESIDENT: Senator Klein.

SENATOR KLEIN: Thank you, Madam President.

On behalf of Senator Hamilton, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 8263.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: Madam President, could we please take up previously adopted Resolution 4126, by Senator Comrie, read it in its entirety, and call on Senator Comrie to speak, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4126, by Senator Comrie, congratulating Cayla D. Kumar upon the occasion of being crowned Miss New York's Outstanding Teen.

"WHEREAS, It is the sense of this Legislative Body to act to honor today's young

people, the leaders of tomorrow, whose character and achievements exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate Cayla D. Kumar upon the occasion of being crowned Miss New York's Outstanding Teen on Saturday, April 7, 2018; prior to this competition, she won the Miss Bronx's Outstanding Teen Pageant; and

"WHEREAS, With this monumental win, Cayla D. Kumar will represent New York State in the Miss America's Outstanding Teen competition in July, to be held in Orlando, Florida; and

"WHEREAS, The Miss New York's Outstanding Teen Organization recognizes young women around the Empire State for their talents, scholastic achievement and community service; by the young age of 15, Cayla D. Kumar has already donated more than 4,100 hours of her precious time and energy to serving others; and

"WHEREAS, Cayla D. Kumar also cooks meals for families of sick children at the Ronald McDonald House Charities of Long Island, and

raises funds for children's cancer research through her Gold Ribbon Project: Curing Pediatric Cancer initiative; and

"WHEREAS, Cayla D. Kumar finds time in her busy schedule to participate in various pageants on the local, state, national, and international levels, where she takes great pride in serving as an advocate for pediatric cancer research; classically trained in Indian dances from the Sadhanalaya School of Dance and the Natraj Center for the Performing Arts, she performs Bollywood dances for the audience; and

"WHEREAS, Cayla courageously decided to channel grief into action after she witnessed first-hand the heartbreaking reach of cancer when she lost her great-grandmother to breast cancer; and

"WHEREAS, Following her victory in the inaugural Young Voice of New York City talent competition, Cayla was crowned as the first-ever youth ambassador to St. Jude Children's Research Hospital, an institution dedicated to defeating the scourge of pediatric cancer, where she found kindred dreamers and leaders in her pursuit of the same goal; and

"WHEREAS, By the age of 13, Cayla Kumar had raised $25,000 for St. Jude Hospital, and, possessing a heart and soul eternally restless in endeavoring to triumph in the long march toward a cure and a more hopeful tomorrow for the youngest and sickest among us, has dedicated herself to raising a total of $2.7 million for that same hospital, which shines, like she does, as a beacon of hope for countless families forced to find hope when it is scarce; and

"WHEREAS, Currently, Cayla D. Kumar is a student at Archbishop Molloy High School, in Briarwood, New York; after she graduates in 2020, she plans to attend Johns Hopkins University School of Medicine in Maryland, in hopes of becoming a pediatric oncologist; and

"WHEREAS, Cayla's fortitude and resolve in working indefatigably to eradicate this increasingly rampant disease was further bolstered after her seven-year-old cousin was recently diagnosed with a brain tumor; and

"WHEREAS, For her steadfast and unremitting commitment to her community and her passion for eradicating pediatric cancer, Cayla

D. Kumar is the recipient of five Presidential Volunteer Service Awards; in 2015, she received the New York State Governor's Recognition Award, 3C Award, and Public Advocate of New York City Award; and

"WHEREAS, Cayla D. Kumar is an exemplary young woman who will undoubtedly leave her mark on the lives of those she has touched personally through her promotion, leadership, and passion for her community and fellow New Yorkers, and it is clear that in the many years she has left she will do all she can to shape our collective humanity to be more compassionate, loving, and responsive to the needs of those who suffer; and

"WHEREAS, The children of New York's immigrants and the young women of New York State have both contributed greatly to the cause of history's progress, breaking down traditional barriers and beating expectations, and Cayla Kumar, being both a young woman and a first-generation American, carries on this long tradition of activism and leadership into the newest generation of those for whom future successes are all but inevitable; and

"WHEREAS, Cayla D. Kumar exemplifies the potential inherent in our young women; she is an outstanding role model for her peers and for the young people with whom she works and stands with poise and purpose to face the challenges of new experiences; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Cayla D. Kumar upon the occasion of being crowned Miss New York's Outstanding Teen, with the anticipation of her continued exemplary representation of the people of this great Empire State; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Cayla D. Kumar."

THE PRESIDENT: Senator Comrie on the resolution.

SENATOR COMRIE: Thank you, Madam President. Thank you, Floor Leader, for allowing this resolution to be read in total.

I want to commend to all of my members today that we have a young woman that is gracing our chamber who is an exceptional young lady. As it has been said, she has already, at

15 years old, put in more than 4,000 hours of volunteer community service, focusing on her idea and her desire to deal with children with cancer -- already focusing on a career path because of the tragedies that have happened in her family, already working to make sure that she does volunteer work not just for cancer victims, but people throughout this state on various needs and concerns.

Cayla Kumar has been working to try to find herself and become an independent and resourceful person, and decided to focus on winning a pageant. And in winning this pageant that she is now the representative for New York State for the Miss New York's Outstanding Teen competition, and will be going to Orlando, Florida, later this year to compete on a national level, she has taken herself from a person that was shy, that was introspective, to a person that if you have a chance to talk to her -- and I would invite you to talk to her today -- she is bright, she is active, she is a person that will engage you and shows you her positivity, shows you her radiance.

She has worked hard to change

herself and make herself competition-worthy, a person with high self-esteem and with high moral values.

I want to thank her mother, Romeena Kumar, for all the things that she's doing today.

We are also joined by Mr. Rik Darmstadt, the president of Miss New York's Outstanding Teen, which is a program that is focusing on making children whole -- not giving them an opportunity just to participate in competition but to understand that they can be people that are worthy, people that are looking for causes. They're focusing on giving them a focus on volunteer activities, honing their skills, creating opportunities for them to become better orators, better people.

Cayla has also, unfortunately, been harassed her entire -- up to today, she's still being bullied over the Internet because she is a successful young lady, because she desired to go and be in a pageant, because she desired to try to make something of herself, because she desired to want to focus on volunteerism.

We have to make sure that young people like Cayla that have a vision, that have a

drive, that have a desire to do something, are nourished by the entire community and not be bullied over the Internet, not be picked on by their peers because they're being successful.

Because they are a bright star that wants to shine and help our community, because they are a young lady or a young person that wants to do something to make a difference in this world, she should be complimented and applauded at every stage.

So I ask you today to please give her the privileges of the house. She has done a lot of work to do the things that she has to get her to this point where she's Miss New York's Outstanding Teen, where she has the time to be a person that is not just trained in classical dance, but she's even had time to go to the White House to fight for more pediatric cancer research funding. She's not just a varsity swimmer and a member of her high school's broadcast and newspaper club, but she's a student and a daughter.

I want to again just say that, you know, Cayla represents what all New Yorkers should be -- someone that wants to strive to make

a difference, someone that wants to take an opportunity and give that opportunity to many other people.

So I want to thank you, Madam President. I ask you to extend the privileges of the house to Miss Cayla Kumar. This is not the last time that we will hear great things about Cayla, because I'm sure that Cayla is a change agent that we all need to embrace and watch as her star continues to rise.

Thank you.

THE PRESIDENT: Mr. Floor Leader.

SENATOR DeFRANCISCO: I would like to congratulate Cayla as well.

If you've done all of this in 15 years, I can't imagine what you're going to do during your lifetime. It's an incredible, incredible set of accomplishments.

I can tell you Senator Comrie is breathing a sigh of relief because you're too young to run against him.

(Laughter.)

SENATOR DeFRANCISCO: And that would be a very difficult race.

One other thing I wanted to mention,

when Senator Comrie mentioned about the bullying. You know, it's amazing that you would have to go through anything like that. But let me tell you what I think of whenever that happens to me. You can't imagine that I get bullied.

But in any event, when someone is criticizing me, I always take the position that the people that are doing the nonconstructive criticism are really the people that don't do a damn thing. Okay? They're the ones that just complain. You're the one doing. You're the one doing great things. And always remember that, because you've got a great future and we wish you the best.

Thank you.

THE PRESIDENT: Senator Little on the resolution.

SENATOR LITTLE: Thank you, Madam President.

And I would like to just join my colleagues in thanking you for what you have done and what you have become. There's a saying that it's not what happens to you, but it's how you deal with it. And you've certainly dealt with it better than many, many people will. And you are

a great example to other teenagers.

So congratulations. And as Senator DeFrancisco said, I know you're going to go on to great things in your lifetime. So well done.

Thank you.

THE PRESIDENT: Mr. Floor Leader.

SENATOR DeFRANCISCO: That resolution is open for cosponsorship. If you'd like to cosponsor, please notify the desk.

THE PRESIDENT: The resolution is open for cosponsorship. If you'd like to cosponsor, please notify the desk.

(Standing ovation.)

THE PRESIDENT: Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, could you now please recognize Senator Stewart-Cousins for some introductions.

THE PRESIDENT: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Madam President.

It is really an honor to have you here presiding and certainly celebrating a lot of greatness in the chamber, including our Miss Teen New York. But one of the things that you did

earlier, an honor for our two new members, you swore them in. So thank you so much for that.

And I'd like to introduce these extraordinary new Senators to the house. And give you an opportunity to really celebrate some of the best that the Assembly has to offer. And I was told that by Assemblymembers that came over to watch the swearing-in -- they said "You got two of our best," and I know that we did.

These two new Senators actually have traveled the road together. They came in in 2013. So it is wonderful that they are now able to come to the, quote, unquote, upper house together in 2018.

They are both attorneys. They are both activists. They are both people who find no more pleasure than in public service and serving their communities.

Senator Sepúlveda, as I said, is an attorney. His passion is criminal justice. His passion is advocacy in the mental health area. His passion is making sure that New Yorkers get everything we have to offer them.

Senator Sepulve -- Sulp -- you know what, I'm being trained on this. I grew up in

the Bronx, and the emphasis was on another syllable.

(Laughter.)

SENATOR STEWART-COUSINS: So Senator Luis Sepúlveda is joined here by his wife Elizabeth, his two sons, Julian and Luis, and his mother-in-law, Barbara. And I just want to say that again -- and I've said it before -- they don't have to come over. It's a little bit tougher here. But we get the toughest, and we get the best, and we extend our gratitude for what you are going to bring to this house.

So welcome, Senator Sepúlveda.

(Standing ovation.)

SENATOR STEWART-COUSINS: Our second new Senator is Senator Shelley Mayer. Shelley is no stranger to this chamber. Many of you remember her when she was counsel to the Democrats some years back. Prior to that, she worked with Attorney General Robert Abrams.

But as I said, she's been in the Assembly. And she has distinguished herself as a champion, as a partner in all things good for me, because we share a district in Westchester County -- she has the east side, I have the west

side. And there has not been a greater advocate, again, for justice, for working people and families, and for education.

So I know that Senator Mayer will again bring her tremendous expertise and energy to make this a better place and to make New York State a better state.

Welcome, Senator Shelley Mayer.

(Standing ovation.)

SENATOR STEWART-COUSINS: And I just wanted to say, because he will kill me after all the work that he's done, that she is joined here by her wonderful husband Lee, wherever Lee is.

(Applause.)

THE PRESIDENT: Senator Flanagan.

SENATOR DeFRANCISCO: Yes, would you now please recognize Senator Flanagan.

THE PRESIDENT: I'd be honored.

Senator Flanagan.

(Laughter.)

SENATOR FLANAGAN: We were just talking for a second. Sorry for the delay.

Madam President, it's nice to see you here today. We have that big burly strapping

young man next to you, for whatever kind of protection you may need up there today.

(Laughter.)

SENATOR FLANAGAN: I'm not sure if we should give you a step stool up or make him take a step down, but nonetheless, it's nice to --

(Laughter.)

SENATOR FLANAGAN: All right, good job, James. Good job.

Before I recognize, in conjunction with Senator Stewart-Cousins, our two newest colleagues, I just want to add my voice quickly. This is one of the things about our jobs that I still really like, when we get to see an outstanding young woman -- really, in reality, she's still a girl -- but she's a young woman. And this, for me, it's a renewal of faith. You know, you come in, you get to listen to a long resolution talk about her accomplishments -- 4,000 hours of community service. We're lucky. We're lucky and we're blessed because she's already one of our leaders and will be a future leader.

So not only do you look spectacular,

but you've obviously served with distinction already. So please just let me congratulate you as well and add my voice to the chorus of applause that you so richly deserve. All the best to you.

To our colleagues. I have been repetitious, but not to a fault. I have been repetitious in talking about the value of public service, the nobility of public service, the value of being an elected official, and we should all be proud for that.

Senator Stewart-Cousins spoke glowingly of her new colleagues and our new colleagues. And it is pretty interesting because I can look around the room, there are so many members who are seated here who did serve in the Assembly.

I -- just a little bit different. Senator Seward and I got elected the same year. But I'm at a juncture in my career where I have fifty-fifty: 16 years in the Assembly and now 16 years in the Senate.

So to Senator Shelley Mayer, to Senator Luis Sepúlveda, bienvenido --

SENATOR STEWART-COUSINS:

Sepúlveda.

SENATOR FLANAGAN: Sepúlveda, right.

(Laughter.)

SENATOR FLANAGAN: All right, here's the safest thing we can do. I'm just going to say "Hey, Senator, good to see you. Good luck."

(Laughter.)

SENATOR FLANAGAN: We'll work on the verbiage after.

But we are at a juncture now, as you all well know, we have six or seven weeks and we have to go about the people's business. So I know we're going to do that and to have two new fresh voices with experience. Let's continue to serve with distinction. You will cut your own path, as you already have. I wish you Godspeed, and let's make sure that we get the people's business done in a way and shape and form that makes all of us proud, including our constituents.

Welcome to both you.

(Applause.)

THE PRESIDENT: If I could just

take a second to add my voice in congratulation to Senator Sepúlveda, Senator Mayer -- that has a nice sound to it.

And I want to welcome you to join us here in a place where people do the work of the people every single day. And while you may hear controversy outside these doors, inside this room there is a strong sense of a calling that each one of us has this unique opportunity to serve the people of our districts and the people of our state.

So it is a great honor of mine to be able to have sworn you in and to welcome you as our newest Senators. Thank you.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Madam President, Senator Stewart-Cousins hands up the following Democrat Conference committee assignments.

THE PRESIDENT: The committee assignments are received and filed with the Journal Clerk.

SENATOR DeFRANCISCO: Okay, there will now be an immediate meeting of the Rules Committee in Room 332.

THE PRESIDENT: Immediate meeting of the Rules Committee in Room 332 of the Capitol.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:27 p.m.)

(Whereupon, the Senate reconvened at 2:46 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will return to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, is there a report of the Rules Committee at the desk?

ACTING PRESIDENT GRIFFO: There is a report of the Rules Committee at the desk, and the Secretary will read.

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

Senate Print 623, by Senator Boyle, an act to amend the Penal Law;

Senate 638, by Senator Boyle, an act to amend the Penal Law;

Senate 816, by Senator Funke, an act to amend the Public Health Law;

Senate 880, by Senator Ortt, an act to amend the Penal Law;

Senate 933B, by Senator Croci, an act to amend the Public Health Law;

Senate 1127, by Senator Akshar, an act to amend the Penal Law;

Senate 1211, by Senator Ortt, an act to amend the Penal Law;

Senate 2639, by Senator Lanza, an act to amend the Public Health Law;

Senate 2730, by Senator Griffo, an act to amend the Penal Law;

Senate 2814, by Senator Hannon, an act to amend the Penal Law;

Senate 2819, by Senator Lanza, an act to amend the Executive Law;

Senate 2997A, by Senator LaValle, an act to amend the Executive Law;

Senate 3845, by Senator Marchione, an act to amend the Penal Law;

Senate 4036, by Senator Tedisco, an act to amend the Penal Law;

Senate 4821, by Senator LaValle, an act to amend the Executive Law;

Senate 5399A, by Senator Golden, an

act to amend the Penal Law;

Senate 5884A, by Senator Jacobs, an act to amend the Public Health Law;

Senate 5949, by Senator Akshar, an act to amend the Public Health Law;

Senate 6200A, by Senator Lanza, an act to amend the Criminal Procedure Law;

Senate 6348, by Senator Robach, an act to amend the State Finance Law;

Senate 6846, by Senator Golden, an act to amend the Criminal Procedure Law;

Senate 7370, by Senator Little, an act to amend the Penal Law;

Senate 7531B, by Senator Ritchie, an act to amend the Executive Law; and

Senate 7976, by Senator Murphy, an act to amend the Penal Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move to accept the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Committee on Rules report

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted and before the house.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can we now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 96, substituted earlier by Member of the Assembly Paulin, Assembly Print 8288B, an act to amend the Public Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator

Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

So some people might see this bill as an anti-environmental bill, but I don't agree. I am voting for this bill because I support transparency in almost anything imaginable, including understanding our utility bills.

The reason I say some people might incorrectly think this is somehow anti-environmental is I think because they think it's going to show that moving to REV-standard sustainable energy will actually increase the cost for people. But in fact I'm quite sure, based on the science and even the financial institutions analysis, that the expense and costs of environmentally sound sustainable energy are plummeting as we speak. And as we expand it, it even decreases the prices for moving to renewable energy standards.

So I actually think that ultimately, and pretty quickly, this bill will show ratepayers that because we're moving to sustainable energy, their utility costs are going down, and that is a win. And so we'll have

transparency and then we'll be able to see that moving as quickly as possible to environmentally sustainable energy is good public policy and good for our pocketbooks.

I vote yes. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 152, substituted earlier by Member of the Assembly Englebright, Assembly Print 7178, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 247, by Senator Amedore, Senate Print 898A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I'm voting no on this bill. I went back and forth until someone pointed out to me that this bill, which would provide for OASAS to be able to contract with for-profit substance abuse providers -- that in this bill language it actually removes language that is required of not-for-profit substance abuse providers, where they would have the right to turn people away and they would not actually have to meet the same standards as are required in other OASAS

contracts for non-for-profit providers.

So while I'm not ultimately opposed to a bill that would treat for-profit substance abuse providers on the same playing fields as we have for not-for-profit providers, this bill actually would allow them some special exemptions from existing law that I don't think are good public policy.

So somebody hands me a different bill at a different time, I might change my vote, but I'm no for today.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 247, those recorded in the negative are Senators Alcantara, Brooks, Hamilton, Hoylman, Krueger, Montgomery, Persaud, Sanders and Savino. Also Senator Bailey. Also Senator Rivera.

Ayes, 51. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 273, by Senator Comrie, Senate Print 6497A, an

act to authorizing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 273, those recorded in the negative are Senators Akshar, Bonacic, Helming, O'Mara, Ortt and Ranzenhofer.

Ayes, 56. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 307, by Senator Ranzenhofer, Senate Print 3025, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 307, those recorded in the negative are Senators Hoylman, Krueger, Rivera and Serrano.

Ayes, 58. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 313, by Senator DeFrancisco, Senate Print 6853A, an act --

SENATOR KLEIN: Lay the bill aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 324, substituted earlier by Member of the Assembly Braunstein, Assembly Print 8003, an act to amend the Estates, Powers and Trusts Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 392, by Senator Little, Senate Print 1672, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 482, by Senator Serino, Senate Print 6083A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 494, substituted earlier by Member of the Assembly Paulin, Assembly Print 62A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 515, by Senator Addabbo, Senate Print 3072, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 532, substituted earlier by Member of the Assembly Glick, Assembly Print 10065, an act to amend Chapter 192 of the Laws of 2011.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 600, by Senator Griffo, Senate Print 6756A, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 9. This

act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 615, by Senator Murphy, Senate Print 7737, an act to amend the Public Buildings Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 757, by Senator Larkin, Senate Print 2389, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 789, by Senator Funke, Senate Print 4007A, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 801, by Senator Golden, Senate Print 7440A, an act in relation to.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 803, by Senator Bonacic, Senate Print 7715, an act in relation to.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of today's active-list calendar.

SENATOR DeFRANCISCO: Would you

please take up the controversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 313, by Senator DeFrancisco, Senate Print 6853A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you.

If through you, Mr. President, the sponsor would please yield for some questions.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes.

SENATOR KRUEGER: Thank you.

So my understanding is this bill would allow the Department of Environmental Conservation to permit certain people to hunt certain animals when it's not officially hunting season. Could you clarify for me under what circumstances DEC would be approving these people?

SENATOR DeFRANCISCO: This has

nothing to do with a hunting permit. This happens to be a bill that's trying to rectify a situation, primarily in the rural areas, where the deer population is so extensive that it is causing accidents, both causing personal injury and property damage.

This is not to try to get people with hunting licenses outside of the specific hunting seasons. Basically, it's a way to cull the deer population where needed.

Now, Senator Persaud is an expert on this, because she learned the other day in Bible class that one of our members that shows up has actually hit six deer. And that's in a much more rural area than our area in Central New York.

But even in the City of Syracuse -- a sanctuary city, the City of Syracuse -- people in the City of Syracuse are calling for culling of the deer population.

So what this bill does, what this bill does is in the past the DEC was authorizing these permits, but someone read the statute more carefully and found that they couldn't authorize these type of permits. So we're putting the authority back to the DEC legally to issue the

permits they were doing before.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you. I appreciate the sponsor's answer.

And yes, I don't think I was confused about giving permits; rather, expanding who could take wildlife in nonhunting season. And he clarified the reasons DEC would want to do this.

But in addition, this bill expands certain activities that are not currently allowed hunters I think anywhere.

So through you, Mr. President, if the sponsor would explain why his bill would allow you to shoot across a highway.

SENATOR DeFRANCISCO: Where does it say that?

SENATOR KRUEGER: One second.

Section 4, paragraph 2 -- no, excuse me, Section 4, paragraph 1. "Discharge of

firearm, crossbow or longbow in such a way as will result in the load, bolt or arrow thereof passing over a public highway."

SENATOR DeFRANCISCO: This is a process by which the applicant would have to get authority from the DEC, and would only have the authority as was issued by the permit.

If it was a high-populated area or if you're not in some county that no one passes the highway during hours from 3:00 in the morning to 6:00 in the morning, it gives the DEC the authority to do it. But obviously we would assume that the DEC has enough sense that it only would give the authority to provide -- to cull the deer under circumstances that would be safe to the public.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: So this bill would give authority by DEC to individuals, and then the individuals would be allowed to do

whatever is allowed under this bill.

So it would not be DEC says to John DeFrancisco, you're a sharpshooter; you can shoot across highways. Liz Krueger, you're a lousy shot, you can't shoot across highways.

Am I reading that correct, that we would both get about the same authority whether or not either of us had proved we were pretty good at not shooting at cars as we were shooting across a highway?

SENATOR DeFRANCISCO: Well, first of all, to clarify that point, when I got my carry permit I went with my son to a target range and he discharged his handgun all in the chest area. When I got my turn, I discharged my gun, and when you looked at the target it was all in the groin area.

(Laughter.)

SENATOR DeFRANCISCO: Even though that hurts -- and that's a true story -- it doesn't show that I'm a sharpshooter at all. The DEC is going to have to make the determinations as to each person who should be given that responsibility.

And it's not like individuals are

going to the DEC. For example, in my county, the Town of DeWitt has been trying like crazy to get a permit to get professional sharpshooters to cull the deer so that they're not traveling over city highways and highways just outside of the city.

So the DEC, I have full faith in them. And it's not to create any harm to others, and that they would restrict the permits depending upon who they gave the authority.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: This bill does not apply to New York City. Why is that?

SENATOR DeFRANCISCO: Because you would oppose it.

(Laughter.)

SENATOR KRUEGER: Through you, Mr. President, the sponsor is indeed correct. But I'm opposing it everywhere else also.

Through you, Mr. President, if the

sponsor would continue to yield.

SENATOR DeFRANCISCO: No, the serious answer is that the upstate counties were asking for this authority, and the DEC was previously giving this authority but then they found the language wasn't right in the bill, so we're correcting that.

The original regulations did not say anything about New York City.

ACTING PRESIDENT GRIFFO: The sponsor continues to yield.

SENATOR KRUEGER: Thank you.

There's also a section of the bill -- Section 4, paragraph 2 -- which actually defines the distance from structures where people might be -- homes, schools, churches, other public structures. And it shortens the distance you can be from those structures compared to other hunting bills.

Again, why would we feel a need to allow hunting closer to buildings and structures where we know people are?

SENATOR DeFRANCISCO: Again, this is not hunting. This is an activity to try to make the communities safe and not hit deer and

not have people veering off the highway to miss a deer and end up killing themselves.

So this isn't hunting, this is a necessary activity that is being done. And in the past, as I said, the DEC was routinely providing these permits until they found out that it wasn't broad enough and they needed more flexibility.

So this has been vetted with the DEC, and we believe it's a reasonable bill to balance the safety of individuals, whether they're in the line of a shot going to a deer or just trying to avoid a deer, and to provide safer roads as well.

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

I appreciate the sponsor's answers.

I'm not actually opposed to DEC saying because of overpopulation there may be public health reasons or public vehicle or private vehicle reasons to want to cull the quantity of animals. I certainly hear about

those issues on behalf of farmers and other people who have come in contact with deer and other large animals on the highways.

What I specifically object to is this bill incorporates into it proposals I've seen in other bills that have come on this floor which expand the places and the ways that people can hunt beyond existing law.

So yes, it's not hunting as a sport, it's hunting for DEC purposes. I get that, and don't have a problem.

Yes, it's not an expanded season for permits. Rather, it's DEC saying: X, Y and Z, you can help us reduce the population in certain areas certain times of the year. I get that.

What I can't support and I don't think this state should allow to become law in the state is the concept where you can shoot across a highway to hit an animal. Because frankly, being confident that cars aren't coming and going in either or both directions, particularly referencing the sponsor's answer -- but it could be very early in the morning or late in the evening, where your likelihood of actually seeing vehicles, particularly at dusk, are the

worst time to possibly be near a highway shooting across it.

While it's terrible when somebody hits a deer with their car and does damage, it would also be terrible to be shot by someone who thought they were aiming at a deer but you were driving through between them and the deer.

The same response from me as to why I'll vote no on this bill is there's common sense about how close hunters should be allowed to shoot dangerous guns and crossbows and other weapons near where people live and work and play. And the concept that a small child not wearing any kind of I.D. and perhaps being the height of a deer could be running around in the backyard -- which might be wooded in, so the DEC person would be there thinking they were culling animals, but it's that close to a home or a school where children are playing or someone's going and chopping down the tree in their backyard. I do not think it is good public policy to reduce the distance.

And I think if you're culling herds, somebody can -- excuse me -- urge the deer to move 500 feet away before they shoot them. Or

across the highway to shoot at the deer rather than across the highway.

So those are the reasons that I urge a no vote. It's for human safety, which I think should actually rate higher than the DEC's goal of being able to take control of perhaps overproduction of certain animals in certain parts of the state.

So I would urge DEC to revise this bill and bring it back to the Legislature. And I'll be voting no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator that wishes to be heard, debate is closed -- Senator Funke.

SENATOR FUNKE: Thank you, Mr. President. On the bill.

I want to thank Senator DeFrancisco for bringing this legislation forward.

Those of us who live upstate have seen an explosion in the deer population of incredible magnitude. I live in a typical suburban house in Perinton, New York, and counted 12 deer in my front yard just yesterday.

They eat everything, including the

shingles on your house. It's becoming a problem -- not only a problem for homeowners, but it's becoming a safety issue for sure for young people who drive in the neighborhood and so on.

For the DEC, we're talking about professionals here. We're not talking about your average run-of-the-mill hunter, we're talking about hiring professionals to cull the deer population. It's absolutely something that needs to happen in upstate New York in particular.

And I just want to thank Senator DeFrancisco for recognizing the problem, as so many other communities have. And I vote aye.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator that wishes to be heard, debate is -- Senator Lanza.

SENATOR LANZA: I'm sorry, Mr. President, I couldn't let the moment pass.

So New York City has a very interesting and creative solution to this problem, which ignores a lot of the safety concerns that I just heard from my colleague Senator Krueger.

So on Staten Island, the upstate of

New York City, we have a deer problem. We have a lot of deer. But it's not as open and as expansive as the rest of New York State. In fact, we have 550,000 people crammed in on Staten Island. We have some open spaces, sure, but they're never too far from schools and young, short children.

And so here's New York City's wonderful solution to the deer so-called problem on Staten Island -- the only place really that still has open spaces and green areas, because we on Staten Island really love the environment and protect it I think in a way that is better than most other places around the city.

So here's what they're doing. They've spent $4 million to date. They have people with high-powered rifles going into neighborhoods on Staten Island. They bait the deer -- they put these huge piles of corn and they lure the deer in. And then they shoot the deer -- never more than a few hundred feet from young children running around without tags and without signs on them saying "I'm a young child, don't shoot me."

And they dart these deer, they put

them under, and they give them a vasectomy.

(Laughter.)

SENATOR LANZA: That's what New York City has spent $4 million doing over the last two years. They give these deer vasectomies.

Now, sadly, what ends up happening is about 30 percent of these deer, after this procedure -- because I'm sure they hired the best, in New York City, vasectomy-ologists --

(Laughter.)

SENATOR LANZA: -- about 30 percent of them are soon found to be dead. And it's sad, and it's tragic. And none of that meat goes to soup kitchens, goes to the needy, it's just wasted. In fact, they litter the sides of the road minutes after they're given these vasectomies.

So to my colleagues upstate, you might want to consider something like that -- or not, because it's ridiculous.

I vote aye.

ACTING PRESIDENT GRIFFO: Now seeing no one that wishes -- Senator Savino.

SENATOR SAVINO: Thank you,

Mr. President.

I just want to add to the insanity of the New York City plan. Thank you, Senator Lanza, for describing just how ridiculous it is.

Not only are they shooting them, they are tranquilizing them, they are performing vasectomies on them. But the problem with the vasectomies is even if they survive this, it doesn't prevent the female deer from going into heat. And so they are running around now in heat, and the stags are still rutting, although they're not able to impregnate the deer. And so we have deer running around, in heat, crazy and frustrated.

(Laughter.)

SENATOR SAVINO: So I don't know what the solution is, but I can tell you this: The Department of Environmental Conservation doesn't know either. So I'm going to vote for this bill --

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: Would Senator Savino --

SENATOR SAVINO: -- I'm voting for

this bill because we certainly need solutions. Thank you.

SENATOR DeFRANCISCO: Would Senator Savino suffer a question?

SENATOR SAVINO: Sure.

SENATOR DeFRANCISCO: I'm wondering whether Staten Island would be interested if the state distributed condoms.

(Laughter.)

SENATOR SAVINO: At this point I think we would try just about anything to deal with our deer problem.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you,

Mr. President.

I just wanted to point out that just last month we voted on a bill -- and passed -- S7813A, that would define discharging a firearm within a thousand feet of a school as a terroristic threat. And now today, with this bill, we are eliminating the 500-foot rule when it comes to public schools and the discharge of firearms altogether.

I think that is sending a bad message, and I'll be voting in the negative.

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

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I just want to mention another point that I forgot. The sponsor in the Assembly is Pamela Hunter, who lives in the City of Syracuse, on the east side of the City of Syracuse, and they're having a huge problem with the deer population.

We had a little fun with this bill, but on the other hand, this is an important thing that has to be done in order to provide safety to the residents of the state.

Again, this is not a willy-nilly situation where you're just -- anybody can go around and shoot a gun anywhere they want to or -- they've got to have approval from the DEC.

And as Senator Funke mentioned, these are people that are professionals that are doing this. It's a necessary thing that has to be done in certain communities.

So I vote aye.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 313, those recorded in the negative are Senators Addabbo, Alcantara, Avella, Benjamin, Boyle, Brooks, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Krueger, Mayer, Montgomery, Parker, Rivera, Sepúlveda, Serrano, Stavisky, Stewart-Cousins. Also Senator Bailey. Also Senator Persaud. Also Senator Sanders.

Ayes, 39. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the controversial reading of today's active list.

SENATOR DeFRANCISCO: There's a Senate supplemental calendar which are some of the bills that were the subject of the Rules Committee meeting. It's Calendar Number 36A. Could we have the noncontroversial reading of that calendar.

ACTING PRESIDENT GRIFFO: The Secretary will take up the noncontroversial reading of Senate Calendar 36A.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can we take them up one at a time.

The first will be -- please call up 857.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 857, by Senator Boyle, Senate Print 623, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 857, those recorded in the negative are Senators Benjamin, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker and Sanders. Also Senators Alcantara and Sepúlveda. Also Senator Rivera.

Ayes, 52. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up 858, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 858, by Senator Boyle, Senate Print 638, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 858, those recorded in the negative are Senators Alcantara, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Persaud, Rivera, Sanders, Sepúlveda and Serrano.

Ayes, 47. Nays, 16.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Will you please take up Calendar 859, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 859, by Senator Funke, Senate Print 816, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please take up 860.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 860, by Senator Ortt, Senate Print 880, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 860, those recorded in the negative are

Senators Alcantara, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Persaud, Rivera, Sanders, Sepúlveda and Serrano. Also Senator Hamilton. Also Senator Stavisky.

Ayes, 45. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please take up Calendar 862.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 862, by Senator Akshar, Senate Print 1127, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Akshar to explain his vote.

SENATOR AKSHAR: Mr. President, thank you for your indulgence. I rise to explain my vote.

We're taking up a series of bills related to the heroin and opioid epidemic. And I'm sitting here scratching my head watching some of my esteemed colleagues.

I would remind everybody that the Department of Health recently reported that over the last five years, overdose deaths have doubled across this great state. So just for a moment -- everybody stay with me -- let's agree that we have to do something and this is probably one of the most pervasive issues plaguing communities across this great state, whether you are in Binghamton, Buffalo or Brooklyn.

I have said this since the moment I walked into this city, that dealing with this particular issue is a nonpartisan issue. We should truly be acting, and we should be acting now.

Today, as we have in the past, we're putting forth a comprehensive package of bills that deals with this issue. And I would note that the bills that we're putting forth, we

didn't arrive at these bills by a bunch of bureaucrats sitting in a room collectively together. We traveled this state, and we listened to the people who were fighting this epidemic on the front line.

We're taking a comprehensive approach, dealing with education, prevention, treatment, recovery and yes, my friends, enforcement. Enforcement is an important piece in all of this.

And I say this with the utmost respect. We really need leaders in this house and in the other house to wake up. I would respectfully offer that we should stop playing politics with people's lives, and we should all collectively be helping drive drug dealers out of our communities. Collectively we should be helping make access to poison harder, not easier.

Our constituents depend on us to show a little leadership on this particular issue. It would benefit everybody that we represent.

So as we move forward in dealing with these bills today and in the days that come, I would challenge both our friends in the

Assembly and all of us in this house to put people before politics when we deal with this particular issue.

If you can't do that, if you can't put the people of this great state before politics, then I have another challenge for you. I challenge you to all go back to your district, look your constituents in the eyes and tell them that you had a chance to do more, but you chose not to. You chose to put people who side with the peddlers of poison before protecting our children.

Mr. President, I vote aye.

ACTING PRESIDENT GRIFFO: Senator Akshar to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I'm voting no on this bill for specific reasons, but I voted no on quite a few of the others and I think I have several other nos to go.

People who lived in this state through drug epidemics in the past and the creation of the Rockefeller Drug Laws learned

that there seemed to be no correlation between people abusing dangerous drugs and the numbers of years that you were throwing people in prison because they had a drug problem themselves that also overlapped perhaps with selling the drug. All it did was fill our prisons up and leave us with peoples's lives ruined forever, when perhaps what they needed was the education and the treatment and an alternative.

I don't think it's politics that have some of us voting yes and some of us voting no. We all don't want anyone to be addicted to drugs that do them damage, that end up killing themselves. We also should all recognize the correlation between having the drug addiction and ending up potentially involved in the sale of drugs.

And hopefully, if we go back and revisit the 35 years of studies and data and analysis of what we wasted during the Rockefeller drug era, we might recognize that repeating the mistakes of the past won't solve today's problems, won't save lives, but may put us back to having a discussion again, 30 years into the future, why did we do in 2018 that which we knew

didn't work in the '80s, '90s and '00s?

So yes, I'm voting no. I can go home and explain that. We all don't want anyone dying of drugs, addicted to drugs. But we also, as my colleague just said, we need to be smart about the policies we put in place and not knee-jerk assume just increasing penalties and putting people in jail with no judicial discretion for 15, 18, 25 years to life, without thinking through cause and effect -- that those are not the right answers for the State of New York, and they won't solve the problem.

Mr. President, I vote no.

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

Senator Robach to explain his vote.

SENATOR ROBACH: You can go -- go with Bailey.

ACTING PRESIDENT GRIFFO: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President.

This is an interesting conversation we're having today, or isn't it. On Saturday, at oddly enough my opioid awareness event, my

constituents asked me where was the state for the last 25 years when people in my community were dying. Where were they? Where was this passion that it was a health problem when I was going to school, walking around people that were called junkies and dope fiends?

Now they're called addicts. And it should be a health awareness problem, Mr. President. And to my colleagues, that's what it always should have been. But let's be very clear and let's be fair about what's happening now and what wasn't happening back then.

So I can and I will go proudly back to my community and say, This is what I'm doing for you. This is how I represent you.

And oddly enough, I'm actually up on this bill. This isn't a bill that I have a problem with. But the idea that this opioid crisis all of a sudden just popped up is something I have a problem with.

And -- anticlimactic, but I do vote aye, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bailey to be recorded in the affirmative.

Senator Robach. Senator Robach

would like to explain his vote.

SENATOR ROBACH: Yeah, Mr. President, I vote to support this bill. This is an interesting one. And much of what everybody's saying is true.

Though I would applaud everybody in the chamber, because we've done a lot of bills over the time or through the budget to add more money for treatment, to cover long-term care, to do Narcan, to do I-STOP, to do things.

So it isn't new. I guess I'm going to date myself as one of the older people in the chamber, and I remember fairly early in my career when I started working for the Department of Public Safety -- again, if you found heroin on the street that was 15 percent, it was high. What people are selling now, and who they're preying on, they're not users. They're making money.

We have a gentleman, again, who's selling straight carfentanil for $18. He knows he's probably going to kill you. Yet he's out there doing it and preying on this.

So I happen to think -- I support Senator Akshar's bill, I supported Senator

Amedore's bill. I do think we have to continue the multipronged approach of treating the people that need it. But I think this is very different than users supporting their habit. I think we have people literally selling death who need to have the penalty fit the crime.

So I wholeheartedly support Senator Akshar's bill and hope that we'll all continue to look at the wide range of ways we can stop this. Because with all the work and the money we've spent, we almost seem to be going in the wrong direction. Without Narcan, the amount of people being killed in every one of our communities would be astronomically high, and probably higher than any other disease.

So I want to applaud Senator Akshar, and I vote in the affirmative.

ACTING PRESIDENT GRIFFO: Senator Robach to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 862, those recorded in the negative are Senators Hoylman, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders and Sepúlveda.

Ayes, 55. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please take up Calendar 864.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 864, by Senator Lanza, Senate Print 2639, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please take up Calendar Number 866.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 866, by Senator Hannon, Senate Print 2814, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please take up 869.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 869, by Senator Marchione, Senate Print 3845, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 3. Senators Hoylman, Kavanagh and Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: And the last bill that we'll take up on the calendar is Calendar 874.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 874, by Senator Akshar, Senate Print 5949, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of today's supplemental active-list calendar.

SENATOR DeFRANCISCO: Would you please take up previously adopted Resolution 3531, by Senator Hannon. And momentarily, would you read the title only.

(Pause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3531, by Senator Hannon, memorializing Governor Andrew M. Cuomo to proclaim April 2018 as Organ and Tissue Donor Awareness Month in the State of New York, in conjunction with the observance of National Donate Life Month.

ACTING PRESIDENT GRIFFO: Senator Hannon on the resolution.

SENATOR HANNON: Thank you, Mr. President.

Part of the balancing of interests in dealing with the healthcare system is dealing

with so many different aspects of it at once. One of the most important is why we're doing this resolution today, so that we would further encourage people to do transplantation to save lives, to continue lives, to have a sense of purpose for their own life -- living donation, donation from cadavers. That's why we pause today.

We have all acted in this chamber to advance it by virtue of applications for driver's licenses and other things to make it permanent, all sides of the aisle. And so I just urge the adoption of this resolution today.

ACTING PRESIDENT GRIFFO: Thank you.

Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank Senator Hannon and everyone for supporting this important resolution to proclaim April as Organ Donor Awareness Month.

Thanks to the advances in modern medicine, organ transplants can be performed at a level of safety and precision that just has never been possible until now.

And with that said, unfortunately in the United States over 100,000 people are currently waiting for an organ donation. And unfortunately, about 20 people pass away every day waiting. In fact, every 10 minutes, a new person is added to the waiting list.

And what's worse is that in New York State, historically, we have lagged behind almost every other state in the nation when it comes to the percentage of people enrolled in the Organ Donor Program. And like Senator Hannon said, this chamber and advocates in New York State have started to turn that number around.

A few years ago I worked with a young lady named Lauren Shields, who was only 9 years old when she received a heart transplant that saved her life. We worked together, and we passed what we call Lauren's Law that requires people, when they're getting a driver's license or a nondriver I.D., to be asked the question "Would you like to be an organ donor, yes or skip the question."

I have another friend in Rockland County, Roxanne Watson, she lives in Nanuet. She received a heart transplant a few years back.

And since that time she has enrolled personally over 10,000 people to become organ donors.

I mention these things because we have made a difference. And in fact, in New York State we have doubled -- since that time that Lauren's Law was passed, we have doubled the percentage of people enrolled in the Organ Donor Program. We've gone from 14 percent to 28 percent. We now have over 5 million people in New York State enrolled to be an organ donor.

That means that we will save people's lives. And that means that we have to continue to do everything that we can by speaking up about this important issue, but also by implementing important policy that will save people's lives.

We're making a difference. Let's continue to do that. I want to thank everyone across this state and nation that has stepped up and has made a difference by signing people up to become organ donors.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: As indicated, the resolution was previously adopted in January of this year.

Senator Hannon would like to open the resolution up for cosponsorship. Should you choose to be a cosponsor, please notify the desk.

Senator DeFrancisco.

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

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

SENATOR DeFRANCISCO: There being none, I move to adjourn until Tuesday, May 1st, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Tuesday, May 1st, at 3:00 p.m.

The Senate stands adjourned.

(Whereupon, at 3:43 p.m., the Senate adjourned.)