NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 21, 2018

3:29 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask everyone present to please bow their heads in a moment of silent prayer and/or reflection.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 20th, the Senate met pursuant to adjournment. The Journal of Monday, March 19th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: Without objection, the Journal will stand approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, could you please recognize Senator Little for a brief but important introduction.

ACTING PRESIDENT GRIFFO: Order in the house, please.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

It's my honor and privilege today to introduce to this body a group of Girl Scouts who have come down to Albany to spend some time at the Women's Suffrage Exhibit in the State Museum. The girls are working towards their New York State Girl Scouts Suffrage Badge and learning about how women 100 years ago got the right to vote in New York State -- and in 2020, we will

celebrate 100 years for the whole country.

They're a special group of Girl Scouts to me because they are led by my daughter, Elizabeth Little Hogan, and her cousin Rhianna is the coleader, and the members of this troop include my granddaughter.

And I'd ask each of them to stand when I call your name. My granddaughter, Josephine Ann Hogan. And Alexa Hogan, Claire, Chloe, Ana, Vivian and Lily. I ask you to give them the honor of being here in the house, and welcome them. They're a very special group, working hard in everything they do, but enjoying being Girl Scouts.

Thank you.

ACTING PRESIDENT GRIFFO: On behalf of the New York State Senate, we're very proud and honored to have Senator Little's family here, and all of these Girl Scouts who are continually dedicating themselves to a quality education and community service.

So we extend a warm welcome to all of you, and extend the privileges of the house. Please stand, everyone, and be recognized again.

Let's give them a round of applause.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can we now take up previously adopted Resolution 3137, by Senator Marchione, title only, and call on the Senator to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3137, by Senator Marchione, memorializing Governor Andrew M. Cuomo to proclaim March 21, 2018, as Down Syndrome Awareness Day in the State of New York, in conjunction with the observance of World Down Syndrome Day.

ACTING PRESIDENT GRIFFO: Senator Marchione.

SENATOR MARCHIONE: Thank you, Mr. President.

I rise to speak on this resolution today, but before I begin, I'd like to ask, are you all wearing your Lots of Socks?

MULTIPLE SENATORS: Yes.

SENATOR MARCHIONE: Thank you all

so very much. I know you are, we've been kind of having fun with that today, having photographs taken. And it's a great way, a fun way, to start a very serious conversation about Down syndrome.

You know, by wearing your Lots of Socks, you are supporting this resolution and you're advancing this incredibly important, worthy cause and helping to raise awareness of Down syndrome. And again, I thank you each and every one of you.

You know, Down syndrome is not an illness, it's a genetic condition affecting the body's development caused by the presence of three copies of chromosome 21 in the cell nucleus. It's also called trisomy 21.

There are an estimated 7 million people with Down syndrome worldwide. You know, Down Syndrome International will be celebrating the 13th anniversary of World Down Syndrome Day today, March 21, 2018. This date, 3/21, was chosen to represent that scientific basis of this condition.

World Down Syndrome Day is a global awareness that has been officially observed by the United States since 2012. Each year the

voice of people with Down syndrome and those who live and work with them and love them grows even louder.

But there is still so much more to do in terms of raising awareness. More and more New Yorkers are interacting with individuals with Down syndrome, increasing the need for widespread public education and acceptance.

Make no mistake, we're seeing real success in breaking down barriers and raising awareness of this issue. In fact, the 2018 Gerber spokesbaby is a boy named Lucas Warren, a one-year-old from Dalton, Georgia, with a glowing, giggly smile who loves to play, loves to laugh, and loves to make other people laugh, as noted by his mother Courtney. Lucas is the first child with Down syndrome to be named a Gerber Spokesbaby since the contest started in 2010. Lucas was chosen from more than 140,000 others to be the 2018 spokesperson.

This was wonderful, terrific news and proof positive as to why raising awareness is so critical.

You know, as many of you know, my great-nephew Nathan is a child with Down

syndrome. Nathan embodies the saying that the only difference between ordinary and extraordinary is that little difference, is that little extra. You know, Nathan has that little extra. He's watching me today on TV. I couldn't be prouder to be standing up here and saying the wonderful things about his beautiful smile and how he inspires us with who he is and what he does.

This Down Syndrome Awareness Day and every day, let us continue recognizing the dignity, the worth, and the countless value of the contributions of people and persons with Down syndrome. Let us recognize them as promoters of well-being and diversity for our communities. Let us recognize the importance of their individual autonomy, their independence, their dignity and equality, including the freedom to make their own choices.

And let us focus on the incredible ability of individuals like my great-nephew Nathan and Lucas Warren and the hundreds of thousands of our fellow Americans who are bright shining lights and have so much to teach us as they make our communities, our state, our nation,

and our world a far better place.

Thank you very much for supporting this effort.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marchione.

Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

First of all, I want to thank Senator Marchione for bringing this resolution before us here today.

World Down Syndrome Day holds a very special place in my heart. For the past over 30 years, I have been fortunate to serve on the board of trustees of Pathfinder Village, which is located in Edmeston, New York, a small village in Otsego County about 15 miles west of Cooperstown.

The world-renowned residential home, school and research facility is a true leader in community-based services for both children and adults with Down syndrome. Plain and simple, Pathfinder Village is a very special place. The teachers and the staff at Pathfinder do an incredible job and truly are changing lives for the better every single day.

Pathfinder has grown greatly over the years, now encompassing some 300 acres that include a dairy farm, community youth soccer fields, as well as a community health center. Just last week, Pathfinder Produce -- it's a weekly farmers market offering affordable, nutritious food to the community -- celebrated its fifth anniversary.

And the very close connection between Pathfinder residents and the surrounding community is truly something very special. The Pathfinder residents are truly part of the local community in many, many ways. And it's very inspiring to see firsthand the boundless capabilities of those with Down syndrome. Truly -- and I'm pleased that this is becoming more so as time goes on -- there are no limits to what they can accomplish.

You know, Pathfinder's strategic vision says it best: "... that each life may find meaning." And that's exactly what happens at Pathfinder, and that's exactly something that is so important to all with Down syndrome.

So I'm very pleased to stand today and pay tribute to those very special

individuals, their families and caregivers in support of World Down Syndrome Day.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Seward.

Senator Akshar.

SENATOR AKSHAR: Thank you, Mr. President. On the resolution.

Senator Marchione, thank you. This by far is probably my most favorite resolution that we do each and every single year. And it's not because I am rocking my Lots of Socks, which I appreciate and I have a lot of fun with, but it's because of the importance of this particular resolution.

It's important that we all remember that those with Down syndrome dream just like we dream in this room. And they want to live just like we live in this particular room. And they want and deserve to be respected and appreciated, just like every single one of us do.

We owe Senator Marchione, as far as I'm concerned, a big round of applause today, because this is incredibly important. I can't help but think about folks at home that have Down

syndrome -- a young girl named Juice, I love her. Great big hug every time I see her. Cooper Bush, a young boy with Down syndrome who has terminal cancer. And these folks bring so much joy to their families and to our communities.

We owe you a debt of gratitude for bringing this to the forefront. And again, one of my most favorite resolutions that we do every single year. Thank you, Senator Marchione.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Akshar.

Is there anyone else that wishes to speak?

Senator Tedisco.

SENATOR TEDISCO: Thank you, Mr. President.

I would be remiss if I didn't thank Senator Marchione also. I have my lovely socks on today, like everyone else.

And I stand because I think I have to stand on behalf of my brother Joey. And I was about 8 years old when my mother got pregnant with my brother Joey. And along that way, we found that he was a Down syndrome baby. And

there was a lot of discussions going on, we had a lot of confusion back then. This was a while back.

Joey passed away in the year of 1975 at the age of 15, from leukemia, childhood leukemia. If he was alive today, he probably would have beaten that. And I remember my father being in the hospital laying next to Joey for what seemed like maybe days in there, just waiting, trying everything they could to have him survive. And he passed away in my father's arms in the bed in the hospital.

But I remember the children weren't nice at that point, and people weren't nice at that point when you were having a Down syndrome child. And they were saying some strange things to me as a child about, oh, boy, this -- using the term "monster." This is terrible, this is the worst thing in the world.

So when my mother was going to have the baby, got in the car, my father, the whole family went over there with my other brother Tommy, four years older than me. Got to the hospital, my mother had the baby. And I was really shaken. I didn't know, you know, if I

wanted to see my brother or not see my brother, all the things I've heard.

And finally, got to go in and see my mother with the baby in her arms, my brother Joey, the most beautiful baby I ever saw in my life. And I was confused. I said, "Where's our baby, Mom?" Well, that was our baby. That was the Down syndrome baby. That's the baby that's the Gerber baby now.

And we have an obligation to make sure we understand that the quality of life is important no matter what the challenges are. And Joey had some challenges throughout his life, but I can tell you this. The doctor actually went in to my mother and said, "You're probably going to want to send your child to a facility out West. We have a facility where these children go." My mother looked at him and said, "We take our babies home. This is an Italian family. We don't send our children out West." And "Oh, okay," and the doctor walked out.

And we took Joey home. And I have to tell you, probably in my entire life -- I went to some good colleges, had some good educators, some good -- probably learned maybe the most

important lessons from my brother Joey. Learned something about unconditional love. Learned something about it's not necessarily the challenges we have, it's the way the family cares for the challenges, it's the way society treats those challenges, it's the way society respects those challenges.

And understand, each of us, as neighbor to neighbor, as legislators, the most important objective we should have as elected officials I think is pretty easy, is to do everything we can to remove the obstacles that are for every one of the 19.5 million people, help them to do that so they can be everything they can be with the God-given talents they've been given.

And I remember that from that experience of having a Down syndrome brother like Joey. Because he taught us that challenges can be overcome in a lot of ways. And you won't reach perfection, but others have the obligation to help in every way and to respect every individual and to respect every individual's challenges.

And I think that's what today is all

about. We remember these beautiful children. We remember the importance of the quality of life, quality of life for all of us. Because everybody in this room has a challenge that they need to overcome, or many challenges. Every one of us. And maybe Joey, maybe some of the other children have bigger and larger challenges. We have an obligation to help them fight through those challenges and become everything they can be.

And as Senator Seward said, we've got movie stars now, going to make a lot more money than everybody in this room, and doing a darn good job of what they do at it.

So I think the lesson from Joey and the lesson that Senator Marchione is teaching us today as we wear those socks and show the respect for all children, no matter what their challenge is, is that we have an obligation to do everything we can to let them reach their full goals. And the goals are much larger now, much bigger. They can reach higher heights. They're living a lot longer. And we have an obligation to even expand that.

So I thank you, Mr. President. I thank my colleagues. I thank the Senator for

sponsoring this bill. And today I know Joey is looking down and said, Thank you, brother Jim, for standing up and speaking up for me and all our children who face the challenge of Down syndrome.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Tedisco.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I also want to thank Senator Marchione.

But we have to also remember Tom Libous, who used to sit in this seat, because he brought this issue up early on when it wasn't much of an issue, and would have a day like this each year in the Senate. Tom didn't get us socks, though. In order to get the new socks every year, we had to rely on Senator Marchione.

But it's a reminder to us, as we walk around on this day, how important this issue is to so many people. You may not remember, but a few years ago a young woman by the name of Kayla McKeon, from Syracuse, came up here. She was honored because she became -- a Down syndrome young woman who works at a place in Syracuse, a

magnificent place for individuals with Down syndrome to congregate, to learn, to have fun, called GiGi's Place.

Well, she was a paid employee there, and she was outstanding. Well, she got an award because she became a national spokesperson for Down syndrome, and right now she moved to Washington in order to perform her job more effectively.

And when Senator Tedisco mentioned about how things are so much different nowadays, and things are so much different so Kayla could actually be down in Washington, leaving home, being a national spokesman for this particular issue, is unbelievable.

So we've got to keep the momentum going, and Senator Marchione is doing just that. Thank you, Senator.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

As noted, the resolution has been previously adopted. Senator Marchione has opened up the resolution for cosponsorship. If you choose to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. Can we now take up previously adopted Resolution 3721, by Senator Tedisco, title only, and call on the Senator to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3721, by Senator Tedisco, commending the Capital Region Chamber of Commerce upon the occasion of celebrating the Military Appreciation event on March 21, 2018.

ACTING PRESIDENT GRIFFO: Senator Tedisco.

SENATOR TEDISCO: Thank you, Mr. President.

Today we had a wonderful press conference with our UMAC team, and I said "UMAC is on track." And I'm going to explain to you exactly what the Unified Military Affairs Council is here for the Capital Region. It's a program of the Capital Region, in partnership with the Saratoga County Chamber, the Chamber of Southern Saratoga County, and it highlights the importance of the military presence in the Capital Region and ensures its long-term viability and success.

And the leader of this was the Capital Region Chamber of Commerce, who got a lot of members together to protect the viability of our military bases and our facilities here, not only as it relates to our way of life and the fact that they protect our freedom and liberty, but the economic impact in the Capital Region.

I'm proud to be the Senate sponsor of UMAC Day and have support from our local Capital Region Senate delegation. Today we are calling attention to the global, national, statewide and regional impact the Capital Region's military units have in protecting our safety and security and contributing to our local economy.

These military units do more than protect our state and nation and way of life. They're an important part of our community, contributing more than $1 billion a year to the Capital Region's economy and supporting thousands of jobs in the 49th Senate District and across this Capital Region. And I'm sure many of you have some bases in your districts, and the same impact is taking place.

Today we're shining the spotlight on

the everyday American heroes who work at our bases. I like to call them the best, the brightest, the most courageous and compassionate fighting force for good on earth. They are the men and women of the United States armed forces.

I just want to say a few words about the installations themselves. From Scotia, in my district, we have the Stratton Air National Guard Base, which is home to the 109th Air Lift Wing, part of the New York Air National Guard. The unit flies the world's only ski-equipped LC-130s, or "ski birds," as well as traditional C-130 "wheel birds."

The 109th has the responsibility of flying missions for the National Science Foundation-led program to the polar ice cap and to Antarctica. It's the only mission that flies from America to Antarctica.

Out of Ballston Spa, we have the Nuclear Power Training Unit, which trains half of the U.S. Navy officers and enlisted personnel to operate the U.S. Navy's nuclear reactor plants on nuclear-powered warships, submarines and aircraft carriers.

We also have the Naval Support

Activity, Saratoga Springs, located in the Town of Milton. Its primary mission is to provide operational support to the Nuclear Power Training Unit in Ballston Spa.

The other key military installations for the Capital Region is the U.S. Army's Watervliet Arsenal -- which I believe, Senator Breslin, you represent -- which is widely known as "America's cannon factory" and is an Army-owned-and-operated manufacturing facility. It is the nation's oldest continuously operated arsenal, having begun its manufacturing of military hardware during the War of 1812. Today, the arsenal is relied upon by the United States to produce the most advanced high-tech weaponry for cannons, howitzers and mortar systems.

Now I'd like to introduce some of the service people, men and women, who are here with us today, and maybe they could stand up when I call their names: First Lieutenant Andrew Streim, Second Lieutenant Joshua Speziale, Master Sergeant Brian MacKay, Master Sergeant Brian Bennett, Sergeant First Class James Montesano, Technical Sergeant Donald Brooks, Technical Sergeant Robert Raymond, Staff Sergeant Brad

Owens, Staff Sergeant Greg LaCoppola, Sergeant Caitlin Johnson, Senior Airman Christopher Denegar, Senior Airman Patrick Hanley, Senior Airman Matthew Akiwowo, Airman Antonio Carreras, Specialist Casey Frankoski, and Private First Class John Koenig.

Along with them, we have some of the members of the UMAC Steering Committee: Peter Bardunias, and he is the leader of the Southern Saratoga Chamber of Commerce; Tom O'Connor, Capital Region Chamber; Jim Huelle, Division of Military and Naval Affairs; Amy Amoroso, Veteran Business Outreach Center; Kayla Wicks, works at the Watervliet Arsenal, is also a member of the 109th.

And I would ask you to welcome all these outstanding military personnel and Americans, and thank them for their service, for letting us put our head down on the pillows at night and know they are there, vigilant for us, to keep us safe and protect our freedom and liberty -- and help us get a few bucks into the Capital Region, because $1 billion is a lot of money. So we want to keep you here.

And I would be remiss if I didn't

mention -- you probably know this, that we have the BRAC commission at the federal government, on occasion, which rears up and decides it wants to close some of our bases across the nation, and it looks into New York when it does that. So UMAC is vigilant and being prepared to make the case that we need these men and women working at these bases, not only to protect our freedom but to help protect our economy.

So I wish you would welcome them and offer them all the cordialities of this august Senate body.

ACTING PRESIDENT GRIFFO: Thank you. We will do that, Senator Tedisco, but I will also recognize Senator Amedore first.

SENATOR AMEDORE: Thank you, Mr. President.

I rise to also thank Senator Tedisco, as well as the members who are here of the military armed forces and the Chamber of Commerce.

I represent part of the Capital Region, and I do know the effects, in a positive way, that the military units throughout the Capital Region have played. It's not just about

a billion-dollar kind of investment or economic development or benefit that the Capital Region has because of the investments here, these fine men and women, but it's because of their heart and their soul. No matter when and where they're called to, they go. They go to the call of duty.

And there's so many times throughout the Capital Region that we need a little helping hand, whether it's from floods, power outages, a storm -- whatever it is, our military and UMAC comes together and helps out the private citizens throughout the Capital Region. And I applaud you for that.

And thank you for your dedication and love of country and your public service.

So, Mr. President, please welcome them, as Senator Tedisco has said.

ACTING PRESIDENT GRIFFO: Thank you, Senator Amedore.

Senator Marchione.

SENATOR MARCHIONE: Thank you, Mr. President.

I'd also like to thank Senator Tedisco for inviting our guests to be here today. You are certainly true American heroes, and I'm

very honored that you represent me in the Capital Region.

I have the Saratoga Springs unit within my district, and I can tell you that there are so many times that we're talking about the military, how the military can -- how we can help the military, how the military can interact with us. And you folks are there. Amy Amoroso is there.

We're working on a new website that we can hopefully get some more information out to our military, our veterans within our district and the partnerships that we form, as the economic dollars that you bring in, the heroes that you are, the protections that you give our country.

Thank you all so very much to the Chambers of Commerce and both of your leaders. You guys are great partners as well, and you can see that by how you're all here together today.

Thank you all so very much. And again, Senator Tedisco, thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marchione.

To the members of the Unified

Military Affairs Council present today, civilians, commissioned officers, noncommissioned officers, we extend a warm welcome to you. We want to express our sincere gratitude for your commitment, your courage and dedication and service to our community and our nation. We extend to you all the privileges of the house here today. We wish you all success. May God bless you and continue to keep you safe and strong in your mission.

And I would ask all to please rise and recognize these distinguished members of the military.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Thank you.

The resolution was previously adopted as indicated, and Senator Tedisco has opened the resolution up for cosponsorship. If a member would like to be a cosponsor, they should please approach and notify the desk.

Senator Ritchie.

SENATOR RITCHIE: Can we now take up previously adopted Resolution Number 4023, by Senator Amedore, read the title only, and call on

Senator Amedore to speak.

ACTING PRESIDENT GRIFFO: We will read shortly, Senator Ritchie, we're just dealing with some logistical issues.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4023, by Senator Amedore, commending Russell H. Reimer upon the occasion of his retirement after more than 32 years of distinguished service to the New York State Legislative Bill Drafting Commission.

ACTING PRESIDENT GRIFFO: Senator Amedore.

SENATOR AMEDORE: Thank you, Mr. President.

It's an honor for me today to recognize a constituent of mine, a great public servant, Russ Reimer. Russ retired earlier this year after 32 years of public service in the Legislative Bill Drafting Commission.

He also served 10 years in the Navy Reserve, reaching the rank of lieutenant commander.

You know, many people outside these walls often don't realize the contributions made

by staff. But every legislator in both houses knows how crucial of a role they all play in the day-to-day operations of government.

Russ is a true professional who played a crucial role in bill drafting for over three decades, starting as a legal assistant and working his way up to the role of special counsel.

I have had the good fortune to work with Russ over the years, and I know his retirement will be felt by many members in this chamber who have had the opportunity to work with him.

Russ, thank you for your service to our nation and to our state. You epitomize a true public servant. I wish you a blessed and relaxed retirement alongside your beautiful wife Natalie and your beautiful daughter Nicole, and may you have a long life and happiness. Thank you so much, and God bless.

Mr. President, please welcome and honor and wish -- he doesn't need the cordialities, because he's been here for so long.

(Laughter.)

ACTING PRESIDENT GRIFFO: Thank

you, Senator Amedore.

We have a number of other speakers, though.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

I want to add my good wishes to Russ Reimer upon his retirement. Russ has been my bill drafter since I was in the Assembly. So for well over a decade he has written legislation for me, many important things that have now become law in New York State. And many good ideas that I've had here in the Senate that the Majority won't put up for a vote, Russ was the drafter on those bills, and he's done terrific work.

He epitomizes true nonpartisan public service. We will miss him. Russ, good wishes to you, and I hope whoever they assign me next is as good as you've been all these years.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I too would like to wish Russ congratulations on his retirement. But I must

say, it was not good news when I heard Russ was retiring. I've had the privilege of having him as part of my team, and we all know that we're here and have to have a team with us working together to do the work we try to do.

So I've had the privilege of having Russ as my bill drafter for -- since 1995, 23 years, when I started in the Assembly. And he just has always been able to do a great job making things sound good, look good. And so many people have been able to appreciate the words of Russ in legislative resolutions as well as the laws that we do.

So thank you very much for all you've done. Best wishes.

ACTING PRESIDENT GRIFFO: So anyone else? At this point in time I want to indicate that the resolution was previously adopted.

You didn't write the resolution either, right, Russ?

(Laughter.)

ACTING PRESIDENT GRIFFO: The resolution was previously adopted. And I'm going to say that we will put everybody on the resolution. If you choose not to be a cosponsor,

please notify the desk.

Russ, thank you so much for your work, for your many contributions to our great country and to the State of New York. We appreciate your hard work and your dedication to the Senate. We wish you the very best, a happy, healthy and enjoyable retirement. God bless you.

And may you all please rise and let's acknowledge this fine servant of the Senate.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Can you now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 79, by Senator Griffo, Senate Print 2725A, 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.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 188, by Senator Lanza, Senate Print 6294, an act to amend the General Municipal 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.

I rise to explain that I am voting no on this bill. The City of New York reports that this could actually lose them $600 million in revenue per year.

And while there is a description in

the bill of treating credits and exemptions as not being allowed to be calculated in, therefore decreasing the amount of a property tax increase each year -- that might sound good on its surface. We have to remember many of these tax credits they have to have, such as J-51, we're passing in New York State and telling the city you must do this. And then to penalize them on the other side of the formula just seems incredibly unfair.

And we have a pattern of seeming to like to control other's people tax revenue, and this would be our taking, so to speak, of the city's ability to raise its own property tax revenue, the only tax available to them.

So I urge my colleagues not to overstep our role as a state legislature and start to impinge on the one municipal tax that anyone gets to hopefully control for themselves, their property tax.

I vote no, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to

Calendar 188, those recorded in the negative are Senators Bailey, Benjamin, Comrie, Gianaris, Hamilton, Hoylman, Krueger, Montgomery, Parker, Persaud, Rivera. Also Senator Dilan. Also Senator Stavisky. Also Senator Sanders.

Ayes, 47. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 229, by Senator Seward, Senate Print 5847, an act to amend the Insurance 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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 278, by Senator Marchione, Senate Print 6942A, an act to authorize.

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, 60. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 382, by Senator Ranzenhofer, Senate Print 2894, an act to amend the Not-For-Profit Corporation 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, 59. Nays, 2. Senators Hoylman and Kavanagh recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 388, by Senator Ortt, Senate Print 874A, 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 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Little recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 389, by Senator Marcellino, Senate Print 1134A, an act 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: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 425, by Senator Klein, Senate Print 1987A, an act to amend the Alcoholic Beverage Control 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 called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 458, by Senator Griffo, Senate Print 4757, an act to amend the Election 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: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 481, by Senator Marcellino, Senate Print 5852A, an act to amend the 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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 509, by Senator Croci, Senate Print 959, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 511, by Senator Avella, Senate Print 1482, an act to amend the Public Housing Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 514, by Senator Lanza, Senate Print 2599B, 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 521, by Senator Young, Senate Print 3940A, an act to amend the Private Housing Finance 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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 635, by Senator Valesky, Senate Print 1237A, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR DeFRANCISCO: Well, then I would suggest and actually ask you to call for an immediate meeting of the Rules Committee in Room 332.

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:13 p.m.)

(Whereupon, the Senate reconvened at 4:22 p.m.)

ACTING PRESIDENT GRIFFO: The

Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there a report of the Rules Committee at the desk?

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

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

Senate Print 516B, by Senator Young, an act to amend the Mental Hygiene Law;

Senate 2761, by Senator Amedore, an act to amend the Penal Law;

Senate 3698, by Senator Croci, an act to amend the Executive Law; and

Senate 7582A, by Senator Helming, an act to amend the Correction Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, I'll entertain a motion to accept the Rules Committee report.

SENATOR DeFRANCISCO: I was just going to do that. I move to accept the report of

the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: On Senate Supplemental Calendar 23A, I would request that you do the noncontroversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will begin with Senate Supplemental Calendar 23A, noncontroversial.

Calendar Number 722 is high and ineligible for consideration. Lay it aside for the day.

Number 723.

THE SECRETARY: Calendar Number 723, by Senator Amedore, Senate Print 2761, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Amedore to explain his vote.

SENATOR AMEDORE: Thank you, Mr. President.

You know, today is Laree's birthday. She would have been 24 years old today if she had lived. And here's a young girl who graduated high school at the age of 16 years old with an advanced Regents diploma, who was a star softball player, who was very bright and brilliant but was bound by addiction.

And Patty Farrell, who many of us in this chamber know because she used to work here in the Senate as a sergeant-at-arms, fought tooth and nail every single day to try to get Laree free and in recovery. And one day, about five days before her 18th birthday, Patty found her daughter Laree dead upstairs in her bed because she overdosed on heroin.

So I appreciate the support. And I know today Patty couldn't be here because of some very urgent health issues that she's going through right now. But I truly believe that Laree is looking down on us, and as a body we are obligated to do everything we can to fight this scourge of addiction, substance use disorder.

Yes, we need more funding for prevention and education. Yes, we need more treatment, more recovery services or CASAC workers. Yes, we need to make sure we have everything possible readily available for those most vulnerable in our communities who are struggling with addiction. Recovery is possible.

But yes, we also must give our law enforcement the resources they need to go after the big drug dealers who are putting the poison on the street and cutting it with more deadly chemicals like Fentanyl and carfentanil.

So, Mr. President, today -- you know, it's emotional for me because I spoke to Patty today. And if I could only go through with you on the floor -- and I won't, because it's personal -- what she's going through right now. I just know that good things happen to good

people. So this is not a life wasted, this is an investment that Patty and Laree have made to the future of the residents of the State of New York who are bound by addiction but who struggle to be in recovery. This bill will go a long way in helping them and help others to overcome such addiction.

So thank you, Mr. President, and I vote aye.

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I think all of us have been hit with the reality of losing someone to a drug overdose at this point, given the rate of opioid addiction and overuse in this state and in this country.

And I appreciate that the sponsor thinks this is an answer to the problem, but I can't share his view. This bill is written in way too broad a way so that, as I have raised in other years on this floor, a teenager who steals some drugs from perhaps his mother's prescription-drug bottle and then crosses county

lines, say, from Manhattan to the Bronx and gives it to his friend, who might overdose and die from it, would be defined as a kingpin and end up in jail for 15 to 25 to life.

We want to do everything we can, as the sponsor just said, to get these drugs off of our streets and away from our adults and young people. But frankly, returning to a concept where your solution to drug addiction is to penalize the addicts is not the answer.

And despite the presentation by my colleague about who this bill targets, it targets a much broader universe of story lines -- not ones that the solution ought to be lock them up forever but, rather, get them off the drugs too and get these drugs out of the hands of way too many people who have them and easy access to them now.

So I vote no, Mr. President.

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

Senator Robach to explain his vote.

SENATOR ROBACH: Yes, I want to thank Senator Amedore for getting this bill across the goal line. This was one of the

recommendations from the first task force.

And I'm not sure what is being read or what bill is being looked at. I don't think this bill does anything. It takes out users, casual users. This is absolutely to focus on -- and we know they're out there -- the people who don't use who are selling drugs that they know has a good potential of killing people or OD'g them, and holding them responsible and accountable.

And I think the time is long overdue. I would agree with Senator Amedore, we should do all we can to get people out of using it. Unfortunately, people continue to use, but there's nothing being done about the people who are literally selling death, and they know it.

There's a gentleman in Rochester, not yet apprehended, that's selling just Fentanyl, there's not even heroin in it. They know it's deadly. And for their profit, they want people to die, yet the penalties are relatively low. That really should change.

And it's very, very hard to look into the eyes of a family or a victim and say, What are we doing about this, and the answer

really is not too much. Commerce is open. We're open for letting them sell this death for a very, very small penalty.

So I would ask my colleagues and everybody else to take a very, very close look at this. There is a reason -- this is a different type of drug. This is not casual death, slow death. As a matter of fact, in Monroe County, without Narcan, we would have three people a day dying. And there's only a few people selling this very deadly material out there every day. This is one where we should definitely do all we can to shut down the supply side as well as trying to get people off of addiction.

So I will be voting in the affirmative and would encourage everyone else to do the same.

ACTING PRESIDENT GRIFFO: Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Mr. President, I wasn't going to -- thank you. I wasn't going speak on this bill, but I just -- this is -- this bill has about 17 lines of text and it's pretty straightforward. And the Majority members are standing up and asserting things that are not in

the bill.

There is not a general exception for casual users in this bill. There's a very limited exception that if you acquire the drug with the deceased with the intent to use it with the deceased, then you're exempt. There's not an exemption for casual users, there's not an exemption for small-time sellers, there's not an exemption that would affect the scenario that Liz Krueger, my colleague, described. There's not a reference in this bill to dealers who might be cutting other substances into the drugs and that's what's causing the death.

This is a very straightforward bill. It says if you provide an opiate to somebody and you cross a county line or you do any of several other actions that would cause you to be brought up on this, you're guilty of an A-1 felony. It's a very aggressive bill.

And many of us who have worked with people who have suffered from these conditions and have great sympathy are voting no because this bill just is far too broad for its intended purpose.

Thank you, Mr. President.

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

Senator Akshar to explain his vote.

SENATOR AKSHAR: Mr. President, thank you.

I can't help but scratch my head. I love to hear some of my colleagues stand here and talk and make excuses about why we shouldn't do something.

We're losing a generation of people. It's time we stepped up and did what is right. I'm a former member of law enforcement and a proud cochair of the Senate's Task Force on Heroin and Opioid Addiction, and it's very infrequently in which I say we should be advancing enforcement pieces. But this piece makes sense.

Senator Amedore, thank you for your leadership on this issue. We have in fact made record investments in treatment, prevention, education and recovery. And every now and again, my friends, we have to advance a piece that deals with enforcement on this particular issue. And Laree's Law is exactly what we should be doing.

And my friends across the aisle,

there's something called judicial discretion, prosecutorial discretion. We would hope, of course, that prosecutors and judges would use that discretion.

And to my dear colleague Senator Kavanagh, who I respect, I think lines 19 through 23 address the issues that you're speaking of. Paired with judicial and prosecutorial discretion.

Mr. President, I'm proudly voting aye today.

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

Senator Parker to explain his vote.

SENATOR PARKER: Thank you very much, Mr. President.

First let me thank Senator Amedore for his concern on this issue and all my colleagues in this chamber. This is something that we have consistently talked about over the last three or four years that we have -- as you heard Senator Akshar refer to, we have done some significant actions together on the issue of education and treatment.

There's a lot more, actually, on

those fronts that need to be done. And so I rise today, both as the ranking member on the Senate Committee on Alcoholism and Substance Abuse, but also as somebody who comes from a family where this has been a real serious issue. My older brother Eric Davis Parker died as a heroin addict. Right? And so I lived with that as a young man until he died in 1988. And so I've seen this firsthand.

And certainly we know the personal story that brought this legislation to bear, and certainly we continue to mourn and grieve with that family and all the families in the State of New York and, frankly, across our country who are suffering with opioid addiction.

But again, I think part of what we understand is that doing draconian criminal justice enforcement actually doesn't solve drug addiction. And it actually doesn't even stop drug sales. And we know this already. The history tells us that. It didn't work with the Rockefeller drug laws, so much so that even on the federal level they rolled back most of those provisions because it has not stopped drug addiction. It didn't stop us from getting into

this opioid crisis.

And so I don't understand how going backwards in our criminal justice modalities would do something that we already know does not work.

We need to do better around mental health issues, we need to do better around quality of life in our communities, we need to do better -- you know, we've done some things around education. We need to do more things around education, about drug use and opioid use. We need to do more around treatment to make sure that -- so we've done some things, but we haven't done enough.

And as you heard both Senator Krueger and Senator Kavanagh both indicate, this legislation is written way too broad to do those things. We certainly want to stand in unity and address these issues, but this specific piece of one-house legislation is not the way that we believe is going to get the job done.

Thank you, Mr. President.

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

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

I'd want to piggyback onto a couple of the comments that my colleagues made. With all due respect to some of my colleagues on the other side, this does not -- this bill does not make sense.

As we've talked for the last couple of years, I am thankful at least that there has been a conversation about opioid addiction, moving away from it being a criminal justice issue and having it be dealt with as the public health issue that it is.

To take a bill as broad as this for the sake of doing some sort of enforcement does not actually address the real issue.

I will also remind my colleagues that even to this day, when we're talking about opioid deaths, most of them are happening in neighborhoods like the ones that I represent. And those deaths are not new. People have been dying from overdoses in places like the Bronx for a very long time.

And as I said, I am thankful that some of my colleagues in the last few years have

finally come on to the boat that many of us have been on for a while of trying to deal with this issue not by putting more and more people in jail, but by trying to figure out how, as a public health issue, it can be resolved. And this bill does not do that.

And lastly, I will say that as far as judicial or prosecutorial discretion, much judicial and prosecutorial discretion has existed for many of these bills for a while now. And sadly, we still see -- not only on that side, but also on the law enforcement side as far as people getting arrested -- only a few weeks ago, we found out that in the City of New York, even though the number of total arrests as far as marijuana possession arrests had been cut by a lot, which is a positive thing, most of the people still being arrested were still black and brown people.

So prosecutorial discretion and judicial discretion in the hands of a system that unfortunately has criminalized people of color and communities of color for way too long, is not the way that we resolve this issue. We're not going to solve our way out of this problem by

putting more people in prison.

And so, Mr. President, I'll be voting in the negative. Thank you.

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

Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

I too want to join the voices and the chorus lauding Senator Amedore for this very important piece of legislation.

And I can speak about experience that we have in Cattaraugus County, because on February 24th of 2016, Matthew Harper, age 42, was sold heroin -- it was sold as heroin to him. It actually was pure Fentanyl. And the dealer knew, she knew that it was Fentanyl and that it most likely would kill Matthew Harper. And still she sold it for a profit, as has been pointed out.

She was charged and she actually pled guilty to criminally negligent homicide, and I think it was the first time in New York State that that has happened. But that is extraordinarily rare.

We need to toughen the laws. If people know that they're killing people, they need to be responsible for that. That's what this legislation does today. Senator Amedore, thank you so much for this. We need to make sure that this gets passed all the way through the process so that this becomes law in New York State and we can stop these people who are out on the streets murdering our New York State residents every single day.

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

Announce the results.

THE SECRETARY: In relation to Calendar 723, those recorded in the negative are Senators Alcantara, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Serrano and Stavisky.

Ayes, 44. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 724, by Senator Croci, Senate Print 3698, an act to amend the Executive Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 725, by Senator Helming, Senate Print 7582A, an act to amend the Correction 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 Helming to explain her vote.

SENATOR HELMING: Thank you, Mr. President.

The numbers don't lie. Contraband in correctional facilities, whether it's drugs, weapons or something else, is a growing problem that endangers both our corrections officers and our inmates.

More and more, we are seeing visitors finding new innovative ways to get contraband into our state facilities. This often

leads to a hostile environment for the inmates and more attacks on our correction officers.

2017 marked the most violent year inside state prisons since 2007, the year the statistics began being recorded. In 2017 there were almost 4200 incidences of contraband, compared to just under 2400 in 2010. This year alone, as of March 1st, there have been 797 contraband instances.

Procedures and policies must be updated to end these growing problems that are occurring in prisons and jails all over our state and our nation. This legislation does just that.

And I want to thank my colleagues for your support passing this measure and for standing with our corrections officers who have one of the toughest, most dangerous jobs in law enforcement.

Mr. President, I am committed to being a strong advocate for commonsense policies that make New York State correctional facilities safer and more secure, and for this reason I proudly vote aye.

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

Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Mr. President.

I'd like to thank Senator Helming for putting this very important legislation forward.

We know that contraband is at an all-time high in state prisons. Assaults are at an all-time high. And really simple, if we're able to keep drugs and weapons out of the hands of inmates, our correctional facilities will be much safer for everybody -- for our staff, for the correction officers, for the inmates themselves.

And when we look at the concern about trying to change the mindset of those that are victimizing people in our communities and try to give them the skills so that when they're released from the prison they do not continue their victimization, if they don't have to worry about their own safety -- I'm sorry, if they are not concerned for their own safety, then they could properly rehabilitate.

So I support this, I thank Senator

Helming for putting this legislation forward, and I urge all of my colleagues to support this as well.

Thank you, Mr. President. I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 725, those recorded in the negative are Senators Dilan, Montgomery, Parker and Sanders.

Ayes, 57. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of Senate Supplemental Calendar 23A.

SENATOR DeFRANCISCO: Could you please take up the controversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will ring.

The Secretary will read.

THE SECRETARY: Calendar Number 724, by Senator Croci, Senate Print 3698, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

Through you, Mr. President, can Senator Croci explain his bill?

ACTING PRESIDENT GRIFFO: Senator Croci, do you yield?

SENATOR CROCI: For a question, yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Croci yields.

Senator Peralta.

SENATOR PERALTA: Through you, Mr. President. Senator Croci, can you explain your bill?

SENATOR CROCI: Yes. Mr. President, a year ago this month, the former United States Attorney for the Eastern District of New York held a press conference announcing the arrest of 13 MS-13 gang members for the brutal killings of four of my constituents in Brentwood.

The quote from United States Attorney Capers was: "The MS-13 street gang's

primary mission is murder. For far too long, Long Island members of MS-13 have been meting out their own death penalty. MS-13 continues efforts to expand and entrench itself in our communities, both by sending gang members to illegally enter the United States from Central America and by recruiting new members from our schools and neighborhoods."

I can't tell you, Mr. President, what this has meant to our community and how devastating MS-13 has been in peddling the same kind of heroin and narcotics that we have been talking about here with previous legislation.

This bill ensures, in a way consistent with our values as New Yorkers, that we allow federal law enforcement and our local law enforcement to cooperate and then, at the same time, if we have individuals who live in the very vibrant communities in our state that I represent, they will not be penalized, even if they're here illegally, if they have to report a crime if they have children in our schools, if they are the victim of crime, if they needed to be treated at an emergency room.

So this piece of legislation,

Mr. President, differs from what may be debated elsewhere in our country. It's a New York-based piece of legislation designed not only to protect the residents but uphold federal law, specifically 8 U.S.C. 1324.

ACTING PRESIDENT GRIFFO: Senator Peralta.

SENATOR PERALTA: Thank you. Would the sponsor continue to yield.

SENATOR CROCI: For a question, yes.

ACTING PRESIDENT GRIFFO: Senator Croci yields.

SENATOR PERALTA: Now, your bill talks about, in Section A, the compliance with a detainer request issued by a federal law enforcement agency pertaining to an individual lawfully detained by the local government and entity. Is that correct?

SENATOR CARLUCCI: That is correct.

SENATOR PERALTA: Senator Croci --

ACTING PRESIDENT GRIFFO: Senator Peralta, do you want the sponsor to continue to yield?

SENATOR PERALTA: Yes, can the

sponsor continue to yield?

SENATOR CROCI: For a question, yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: How many localities and offices, departments, would currently be in violation of this bill, currently today?

SENATOR CROCI: I'm sorry, I don't understand the question.

SENATOR PERALTA: How many localities or counties would be in violation of this bill if this bill were to pass today?

SENATOR CROCI: Well, through you, Mr. President, the purpose of the legislation is to ensure that there is no violation.

And we have many municipalities throughout the state and throughout the country, some have taken a step to say that they don't want to comply with the U.S. Code, and some say they do. So as of today, I think it depends on the municipality and the locality who has these kind of laws and who has not yet enacted.

But, Mr. President, the detainer

request -- I have one right here from the Department of Homeland Security -- would only apply to those who have a prior felony conviction or have been charged with a felony offense, those who have three or more prior misdemeanor convictions, those who have prior misdemeanor convictions or have been charged with a misdemeanor for an offense that involves violence, threats or assaults, sexual abuse or exploitation, driving under the influence of alcohol or a controlled substance, unlawful flight from the scene of an accident, the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance, or other significant threat to public safety.

The detainer requests that we're talking about were updated in April of 2017. And the recent case in Texas in which the appeals court upheld the use of these detainer requests specifically stated that these new forms must be used.

So they will not have probable cause unless they're meeting those qualifications in this detainer request.

SENATOR PERALTA: Mr. President, will the sponsor continue to yield for a question?

SENATOR CROCI: Yes, for a question.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: Now, would -- is theft of services included in that definition? Because I didn't hear it.

SENATOR CROCI: I'm sorry, you said theft of --

SENATOR PERALTA: Theft of services included in that definition. Of the detainer request.

SENATOR CROCI: The detainer request would have to be three or more prior misdemeanor convictions, and I believe what you're talking about is a misdemeanor.

SENATOR PERALTA: Yes.

SENATOR CROCI: So it would have to be three or more misdemeanor convictions. To answer, Mr. President, the Senator's question.

SENATOR PERALTA: Okay. So Mr. President, through you, will the sponsor

continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So the compliance with a detainer request issued by a federal law enforcement agency pertaining to any individual lawfully detained by the local government entity. Can you define "lawfully detained"?

SENATOR CROCI: Lawfully detained by a member of law enforcement who has probable cause.

SENATOR PERALTA: Would the sponsor continue to yield for a question?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So it can be an arrest.

SENATOR CROCI: Yes.

SENATOR PERALTA: It is an arrest. It would be an arrest.

SENATOR CROCI: It could be an arrest, yes, Mr. President.

SENATOR PERALTA: Through you,

Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So if a person is detained or arrested by a police officer for allegedly committing a crime, will this bill thus allow ICE agents to start a deportation proceeding?

SENATOR CROCI: Not unless, Mr. President, they meet the probable cause that is highlighted in the new detainer request, the notice of action. That would be the qualification which was just upheld by the court of appeals in Texas.

SENATOR PERALTA: Through you, Mr. President, would the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So it would include theft of services, three instances of theft of services, which could include jumping a turnstile or not paying a tab at a restaurant.

SENATOR CROCI: Mr. President, the federal government of the United States, particularly our federal law enforcement, like the Federal Bureau of Investigation and the Department of Homeland Security and the Drug Enforcement Agency, are not equipped to expend federal resources to go after an individual who has jumped a turnstile three times.

The specific point of this legislation to ensure that, like what is happening in my community of Brentwood and Central Islip, that this distribution network of narcoterrorists are able to be prosecuted and pursued by federal law enforcement, working with our own law enforcement.

It has been such that our local law enforcement reversed their positions over the years because of the killings in our community. And when I talk about killings, Mr. President, the Suffolk County medical examiner recorded the most gruesome attacks that they had ever seen in killing our residents, our New York residents, with machetes and baseball bats.

So I am -- this bill is not intended to deal with people who jump over turnstiles.

It's to deal with a very specific threat in the United States recognized on both sides of the aisle, and upholds federal law.

SENATOR PERALTA: Mr. President, would the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: Now, the definition is lawfully detained. And yes, they should or they could or they must fall under that definition, but lawfully detained.

So the person is lawfully detained. Would they be able to start deportation proceedings if they fall under these criteria, if they're just lawfully detained?

SENATOR CROCI: Mr. President, I think we're falling outside the scope of this legislation. The determination on whether or not to begin deportation hearings resides within the federal government, in the different departments and agencies.

This bill is designed for the law enforcement who are on the ground. We do not need to send our law enforcement into places

where they have conflicting guidance. And they know what they have to do to protect the residents of my community, and that has been the case now with the federal task force, working very well with law enforcement in Suffolk County and Nassau County and the counties within the boroughs.

But also they have the ability and the clear guidance, or in the military they say rules of engagement. Law enforcement has very clear guidance. Their job is to -- if there's a federal investigation, they have the additional tools they need to ensure that somebody who's in custody, under valid reasons that they're in custody, law enforcement has the ability now to act at the federal level, particularly when it comes to this kind of a criminal network.

SENATOR PERALTA: Through you, Mr. President, would the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So in New York State we have the City of Albany, Ithaca, Nassau

County, New York City, Onondaga, Wayne County, Westchester -- they're all sanctuary counties or sanctuary cities that limit cooperation with the federal government.

So currently we also have an effort to try to reform bail laws. And we have hundreds of people that are sitting in jail now because they can't afford bail.

Would this allow ICE then to come in and start deportation procedures because they're sitting in jail, for a person who's sitting there and can't afford bail?

SENATOR CROCI: Well, Mr. President, first I would just like to bring up, not only to the members here but to those jurisdictions that you mentioned, that harboring, specifically under the United States Code -- and I cited earlier 8 U.S.C. 1324 -- there's been a number of years that the federal courts have had cases to interpret what harboring means. And harboring means any conduct that tends to substantially facilitate an alien to remain in the United States illegally. Punishable by a fine and up to five years in prison.

So I would be very skeptical, as

somebody who is part of a municipality or somebody who has to cast a vote, of casting a vote or creating a policy that is in violation of this federal statute. Which hasn't -- it didn't just happen. It's been on the books since 1986. It was renewed in 1996, 1995.

So there have been periodic opportunities for the federal government to address this, not only in our Congress but in the federal court system. And there have been times in our federal government where both parties have had the opportunity to change it. For some strange reason, it's remained federal law.

And I'm reading to you from the United States Attorney's Manual.

So, Mr. President, I understand where my colleague is coming from. But at the same time, we have an obligation to ensure that our state upholds federal law, particularly when it involves the very basic things that we are sent here to do, to protect our people.

And in my community there are people who came to this country to get away from these kinds of criminal syndicates and these kinds of terrorists, and they were followed here by these

very people who are now killing them in our streets.

So I understand where -- my colleague's question, but I would respectfully say there are larger issues here of federalism. I leave the proceedings that occur at the federal level to the federal law enforcement agents. I would just like to see that federal law is upheld because it will help law enforcement do their jobs and give them the tools to do it on the streets where I live.

SENATOR PERALTA: Mr. President, will the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: Now, being that we are in the United States, we do believe that people are innocent until proven guilty. These local laws that prohibit compliance with the federal detainer, with federal law enforcement, maintain that belief.

So doesn't that prohibit -- doesn't a prohibition on complying with federal detainers conflict with that belief?

SENATOR CROCI: Mr. President, this is a little outside the scope of the legislation that is before the house.

SENATOR PERALTA: Would the sponsor continue to yield.

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So what provisions are in place to protect a person who is falsely accused of a crime in your bill?

SENATOR CROCI: Mr. President, the same protections that exist in our system of jurisprudence for the last 250 years. And that is you have the right to due process, you have the right to counsel, you have all the rights guaranteed to us by the United States Constitution.

Which, by the way, is why we have a system of laws in front of us like the United States Code, to protect that system.

SENATOR PERALTA: Mr. President, through you, will the sponsor continue to yield.

SENATOR CROCI: Yes, for a question.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: Isn't this eliminating the right of due process? If you are detained, lawfully detained, and you fall under this jurisdiction of you meet these criteria, right, there will be a proceeding that will start by federal agents. In this case, ICE.

So wouldn't that be a lack of due process if the -- if that individual is just detained, lawfully detained?

SENATOR CROCI: Mr. President, my colleague just nailed it on the head. That proceeding that is commenced is the due process afforded to that individual who's in custody.

SENATOR PERALTA: Would the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So what you're saying is that if the individual is detained, lawfully detained, then with your bill, ICE then will not start the deportation process.

SENATOR CROCI: Mr. President, I'm

a State Senator. I don't know in each case what ICE will decide to do or not to do. I do not know what the FBI will recommend, if the FBI is the one who is requesting that individual be produced.

That is the decision that should be left to the men and women right now who are doing the job. Our job, in my opinion as a member of this body, is to ensure that the law enforcement at either level have every tool available to them. We should not in any way be hampering their ability to prosecute these individuals and fine them.

SENATOR PERALTA: Mr. President, will the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So if -- to your point, it's not up to the state, it's up to the federal agencies to continue that. But this bill would allow the federal government to come in and start deportation procedures on an individual who has been lawfully detained by a county or a municipality.

SENATOR CROCI: Mr. President, no, this bill will not allow that, because it is already the law of the land. That is already occurring.

SENATOR PERALTA: Except -- except if you're --

ACTING PRESIDENT GRIFFO: Senator Peralta.

SENATOR PERALTA: Through you Mr. President. Except if you're talking about New York City, the City of Albany, Ithaca, Nassau, Wayne and Westchester.

SENATOR CROCI: Mr. President, with respect, the concept that you're talking about is not recognized by this federal law. The United States Code does not recognize your ability to just opt out of federal law.

SENATOR PERALTA: So through you, Mr. President, so you're saying that all of these seven cities are violating federal law.

SENATOR CROCI: Mr. President, if any of those cities or any individuals are harboring -- and that's conduct that tends to substantially facilitate an alien's ability to remain in the United States -- specifically

individuals who are being sought after by the federal government in context of a federal task force on gangs and narcotics, Mr. President, that is up to the municipality, that is up to the individual member, and that is up to the individual person.

But I can just tell you that there is a law that is on the books, and that law will help law enforcement in my communities do their job and ensure that they are not going to be given conflicting guidance, and it will make the men and women and the families that we represent safer in this state.

SENATOR PERALTA: Through you, Mr. President, would the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: Section 4A says: "No state funding shall be appropriated or disbursed to any county, city, town or village, or any agency office, department or authority, including a sheriff's department, police department, or district attorney's office

determined to be in violation of this section."

So therefore, that would mean that, again, the City of Albany, Ithaca, Nassau, New York City, Onondaga, Wayne and Westchester will not receive any state funding, according to your bill. Is that correct?

SENATOR CROCI: That is absolutely correct.

SENATOR PERALTA: So through you, Mr. President, if the sponsor will continue to yield.

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So your justification for this bill is to enhance public safety. So under your bill, if a local police department does not comply with federal law, then they will lose state funding.

How does a loss of state funding for local police and sheriff's departments make us safer?

SENATOR CROCI: So, Mr. President, our -- my local police departments, the ones who are fighting this fight, want to comply with

federal law.

SENATOR PERALTA: Through you, Mr. President, will the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: What protections are there in place for a case of mistaken identity?

SENATOR CROCI: Mr. President, again, we're dealing with something that's outside of the scope of this particular bill that would be handled in that hearing and in that due process that each individual who is detained is afforded in this country, whether you're here legally or not.

SENATOR PERALTA: Mr. President, will the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: But again, let's get to the core of your bill. Your bill says that anyone, any county or any municipality who

has a sanctuary city or a sanctuary town will therefore not only lose state funding but ICE can start deportation proceedings on someone who has been lawfully detained. Which means simply an arrest. Not a conviction, but an arrest. It's an alleged crime.

SENATOR CROCI: Mr. President, the FBI or ICE or DEA or whoever is making this request, if they meet the elements for probable cause and a court deems it appropriate, then that will happen, yes.

SENATOR PERALTA: Through you, Mr. President, will the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So again, we do believe in innocence until proven guilty, correct?

SENATOR CROCI: Mr. President, without question.

SENATOR PERALTA: So if you --

ACTING PRESIDENT GRIFFO: Senator Peralta, are you asking Senator Croci to continue

to yield?

SENATOR PERALTA: Yes.

Mr. President, would the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So if you're hampering these counties and you're giving ICE or a federal agency an opportunity to walk into a jail and start deportation proceedings, then you have just taken back your comment of absolutely, innocent until proven guilty. What you're saying is the complete opposite: You're guilty until we find you innocent.

SENATOR CROCI: Mr. President --

SENATOR PERALTA: Because we're on the verge of deporting you.

SENATOR CROCI: Mr. President, Nisa Mickens, Kayla Cuevas, Oscar Acosta, and Miguel Garcia-Moran were all innocent but found guilty by MS-13. That is guilty before innocence.

In this country, the individuals who are apprehended go to a facility where they're fed and taken care of and then law enforcement

makes the determination -- and a court makes a determination on whether or not that individual and that request should be honored.

So the innocents are the individuals who are being killed with machetes and baseball bats.

In this country -- listen, we live in a free society, and making a baseball bat illegal or making a garden implement illegal is not the answer. The answer is to go after the individuals who are doing this.

And it's very clear who they are. We don't have poppy fields on Long Island. The heroin is coming from another country, and it's being distributed by a very sophisticated network of facilitators and logisticians, drug dealers and enforcers. These are the ones with the bats and the machetes. These are the ones who are distributing their own brand of justice. These are the ones who pass a death sentence on somebody because they're 15 years old and they're in the wrong spot.

SENATOR PERALTA: Mr. President, would the sponsor continue to yield?

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: I understand the grave concern you have about MS-13 as they've grown in Long Island and in different places in the state. But let me tell you, MS-13 has been in New York City for a while. And MS-13, I understand their cruel tactics on how they commit crimes.

But I also understand that in this country you are innocent until proven guilty. So even if, even if there's a mound of evidence against you, you're still considered innocent until proven guilty. And that's the basis of this country. We want to ensure that we continue that basis.

ACTING PRESIDENT GRIFFO: Senator Peralta, are you on the bill now?

SENATOR PERALTA: No, a question.

We want to ensure that we will continue that basis. And by allowing, by allowing ICE to come into a jail cell to start deportation proceedings, this bill will eliminate these sanctuary cities. Is that correct?

SENATOR CROCI: Mr. President, I

think my honorable colleague is mistaken in thinking that somehow it is currently permissible. In fact, federal law states, and under the Supremacy Clause is the law of the land, that harboring and other offenses under the United States Code are not permitted. And the concept of sanctuaries, sanctuary cities are not valid under federal law.

So this bill does not do something affirmatively, it just ensures we are upholding federal law. No due process is eliminated, Mr. President.

SENATOR PERALTA: Through you, Mr. President, will the sponsor continue to yield.

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: There must have been a reason, I believe, that all of these cities and all these counties decided that they wanted to create these sanctuary laws. And I believe that part of the reason was to protect due process, was to protect an individual who is either falsely accused or mistaken for someone

else or wrapped up in an environment or rounded up with a group of people who they had nothing to do with. Right? Simply because they were of either Mexican descent or Salvadoran descent or maybe have two or three tattoos on their neck, but happen to be blue collar workers. But they happened to be in the area, so they could have been rounded up.

So you have these counties who believe in due process and say, Let's not allow federal agencies to come in and start these deportation procedures until we are sure that that individual did what he or she -- we think law enforcement has arrested them for. So --

SENATOR CROCI: Is he on the bill, Mr. President?

SENATOR PERALTA: The question is -- the question is why, then, would these counties implement these sanctuary laws?

SENATOR CROCI: Well, Mr. President, I don't know what's in the mind of the legislators or the executives in those branches. I'm sure they have good intentions, but perhaps their counsels should advise them about the status of the federal law and exactly

how the federal government and the local governments are taking care of these individuals and providing them due process.

And with the new changes as of April of last year, there are more protections for that due process than fewer. So perhaps they haven't been told or haven't been counseled by their staff why they are not in compliance with federal law.

But, Mr. President, I would charge that the due process that my colleague is looking for already exists, and the recent decision by the appeals court in Texas I think bolsters that due process and that protection.

SENATOR PERALTA: Mr. President, would the sponsor continue to yield?

SENATOR CROCI: Yes.

SENATOR PERALTA: One last question.

SENATOR CROCI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So this due process, you're saying that the -- your bill, which will eliminate state funding for all of

these counties and all these municipalities, does not eliminate the due process because due process already exists. But at the same time, this bill says that you are allowing or the federal agencies are allowed to start deportation proceedings while that person -- because that person was lawfully detained.

SENATOR CROCI: Mr. President, this bill -- all this bill does is ensure that municipalities and agencies within the State of New York are complying with federal law.

I have other bills that also ask that the State of New York -- for some reason, we have a problem complying with federal law, whether it's road signs or Real I.D. or, in this case, something that we know the government needs us to do in order to protect our citizens.

This bill does nothing but ensure that the municipalities in this state and the agencies in this state understand there is federal law here that keeps us safe and has made a difference in the last year, because the arrests and the other intelligence gathered since the federal task force has been in Central Islip and Brentwood and throughout Long Island and

Nassau County and the City of New York, they have produced results, Mr. President.

And local law enforcement and federal law enforcement, both the FBI and the DEA and Homeland Security, deserve tremendous credit for the work that they have been doing.

SENATOR PERALTA: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Peralta on the bill.

SENATOR PERALTA: I wonder, if you didn't know who I was and I wasn't wearing a suit or a tie, I wonder, if I wasn't standing in this chamber and you didn't know me, what would you think if I was walking down Roosevelt Avenue -- or what would an ICE agent think if I was walking down Roosevelt Avenue in my district and I was caught up or rounded up in an area where a crime occurred? And because I looked like one of them, then therefore I was brought in and I was legally, lawfully detained.

Now, I represent a district in Queens with neighborhoods considered one of the most diverse in the state. In fact, just several years ago -- I don't remember who answered the

question, but somebody asked the question "Which is the most diverse district in the Senate," and somebody mentioned my district, Senate District 13.

The fear factor that exists in my district is real. The situation is at DEFCON 5. There are parents who fear bringing their children to school because they're afraid ICE agents are going to swoop in and take them. I have constituents afraid of going to the supermarket to do some basic shopping or grocery shopping so they can feed their families. Immigrants in Queens are scared that the New York City Police Department will knock on their door and instead they'll be ICE agents. They won't go to hospitals because they believe the hospitals are in cahoots with ICE. The rumor spread that ICE agents are across the district. It contributes to an increasingly unsafe community, an undemocratic environment.

Now passage of this bill today will only add to that problem. It adds a chill that freezes out immigrants and leads to their self-detainment. Those are feelings that are real and they exist.

What this legislation does, it removes a person's right to due process in this country -- in this state. What if a person is lawfully detained for something that they didn't do, right, or never been convicted in a court? Once a handcuff goes on a person, whether they committed a crime or not, that person under this legislation could be deported.

This is un-American. It's about due process. And we're violating that right now. This bill violates that. Because it allows the federal government to come in, regardless of these sanctuary cities, and say: I don't care what you passed, we're going to do what we have to do because we feel that person who's been lawfully detained is now under our jurisdiction and we can do what we want with him, whether convicted or not. And that's a problem.

Places represented by those on the other side of the aisle, your side, like Onondaga, Wayne, Nassau, Ithaca, they thought about this. And they talked about due process, about how it's needed, because that's what we stand for as Americans. This legislation says that your counties should be punished, stripped

of their funding, because they want to protect due process.

Providing sanctuary means that we're not going to just stop people on the streets -- people who look like me, people who are your American constituents who happen to be Latino or African-American or Africans or Asians or South Asians or even Irish.

Providing sanctuary means we will not spread fear among immigrants and prevent them from helping law enforcement with investigations. This legislation before us only divides us, discriminates against all immigrants and makes us less safe.

We're casting too wide a net on this. And I thank you for limiting it from what you previously had, but this is still too much of a wide net. This is wholeheartedly what I see, what my constituents see, what they feel every day as they walk up and down Roosevelt Avenue. They feel that this is un-American. They fear ICE even if they did nothing wrong. If they jump a turnstile because they can't afford to get on the train, they will be lawfully detained. And that's something that has to stop.

So my colleagues, I encourage everyone in this chamber to vote against this bill. Thank you.

ACTING PRESIDENT GRIFFO: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

As you know and my colleagues know, I represent the 29th Senate District, which is home to one of the largest --

ACTING PRESIDENT GRIFFO: Senator Serrano, are you on the bill?

SENATOR SERRANO: I'm sorry, on the bill.

ACTING PRESIDENT GRIFFO: Senator Serrano on the bill.

SENATOR SERRANO: I apologize.

-- East Harlem, the South Bronx, some of the neighborhoods that have a very long history of immigration. And not just recent immigration with the Latino community, but for generations of Irish-Americans and Italian-Americans who first called East Harlem and the South Bronx home.

And it's a rich tradition that I

cherish. In the Bronx, for example, we have one of the largest and emerging West African communities, and it's a wonderful thing. My wife and I are raising our two children in our community because of that level of diversity that we feel enhances our children's upbringing, that it is something to be celebrated, not feared. That it lends itself to a deeper understanding of our purpose as humans on this planet.

For many years one of the toughest situations I have found in the immigrant community is this level of fear and trepidation for immigrants to come forward. When they've been the victims of crime, when they've been the victim of any malfeasance, they are reluctant to come forward to report domestic violence, to speak out against harassment in their apartment building or place of work. And that chilling effect I believe has made our communities everywhere less safe.

I feel that if we ensure that immigrants feel that when they come forward or when they interact with any agency, government agency, that they will not be questioned about their immigration status -- which unfortunately

may not be perfect. When you consider a lack of comprehensive immigration reform and real immigration leadership for many, many years, you can see how immigrants would just not want to rock the boat much, maybe not report what's happening, maybe not want to be able to provide the information that they need.

So my big concern, and I've seen some real data on this, this has been the chilling effect that it can have. And a bill such as this would lend itself to that.

And I also fear that legislation like this or discussions around issues like this sort of panders to an ideology that the immigrant community is somehow prone to criminality, when in actuality we are a nation built on immigration. We are a nation that is so wonderful because we dared to come up with something that no other nation in the world had ever done before, and that is to welcome people from everywhere, most who were fleeing very difficult circumstances, imperfect circumstances, to say the least, to come here and build a new world for themselves, to build a new life.

And that is why this is the greatest

nation on earth, because we have dared, we have risked to do something so crazy to break through the notion of a homogenous society and say that through this diversity, we will create the best that we can be.

So I know this is sort of a much bigger way of discussing it, but my concern with a bill like this is that it would have a sort of unintended consequence of a chilling effect where the communities will actually be less safe when you have less people coming forward and reporting crime, when you have less people coming forward and interacting with law enforcement.

You know, one of the things that I have found that has made my community in the South Bronx where I live so much safer over the years has been this really great interaction between the police precincts and the community. And that's something that has grown really to a great degree in the last 10, 15 years, where at every community event you see the police there, they're there to interact with the kids, they're there teaching them a lot. There is this breakdown of this myth that there needs to be this fear and tension between law enforcement and

the community. And I think that has made the South Bronx so much safer than it was when I was a kid in the '70s and '80s growing up.

And I hope that that continues in all communities. And I hope to see that everywhere throughout this nation. But I feel that this bill unintentionally could chill that and make it harder for that type of good interaction, that good sharing of information from happening. So I will be voting against this bill for those reasons.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Serrano.

Senator Alcantara.

SENATOR ALCANTARA: Thank you, Mr. President.

I'm an immigrant from the Dominican Republic, and I would like to thank the Senator for taking an interest in protecting the immigrant community of his neighborhood and throughout New York State.

But as someone who's an advocate and who has spent half of her life organizing immigrant workers, many of them undocumented, and

who works with organizations such as African Communities together and the New York Immigration Coalition, I can give you a little bit of a hint on what it is that immigrants need.

Well, if you are so interested in helping out immigrants, this is what we need. We need driver's licenses to get to work and to take our children to school. We need the DREAM Act to make sure that our children go to college. We need to be in a safe place where we don't have to have an Amanda from Suffolk County spending three months in a church in Washington Heights with her children because she is afraid that she is going to be deported.

So if you are really sorry for my colleagues that are so interested in protecting immigrants and protecting our constituents, what people that look like me and sound like me need is to be able to walk around any neighborhood without being profiled. Which we know it was determined by a judge that New York was profiling, stop-and-frisk, thousands of black and brown men.

What immigrants need to feel safe is not more law enforcement. We too are afraid of

MS-13. My husband's family is from Guatemala, and they fled because of MS-13. His mom is a resident of Long Island. And not once -- you know what she tells me? "I want my church members to be able to drive and go to work. I want my church members to send their kids to school without feeling like Immigration is going to come and deport them. I want my church members to go to the supermarket, and to buy a house without worrying that they have to leave.

I know now thousands of immigrant Haitian workers. You know what they need to feel safe? TPS, so they can stay in the United States and they don't have to flee back to a war-torn country.

So what immigrants need is to have the same opportunities as the Italians, the Irish and the Germans had in this country. We came here to work, to do the dirty work that no one wants to do -- to be cab drivers, to be farmworkers, to be housekeepers, to mow the lawn. That's what we need. We need protection, we need to be treated with respect.

This whole issue with MS-13 is just a way to antagonize Latinos and to create this

myth that all of us are gang members, that all of us are walking around killing folks, when the majority of people in my neighborhood are hardworking immigrants that came to this country for the same reason that I'm sure your parents and grandparents did.

And for that, I urge all my colleagues to vote no on this bill. That if we really care about immigrants and about protecting our communities, we should think about passing laws that actually help immigrants' communities, not demonize them.

Thank you.

ACTING PRESIDENT GRIFFO: Is there any other Senator that wishes to be heard?

I will call upon Senator Croci, the sponsor of the bill, to close debate.

SENATOR CROCI: My colleagues have struck a chord, particularly Senator Serrano, who represents East Harlem. Because it was another wave of immigrants that lived in East Harlem that resulted in me being here. My father is from East Harlem, 119th Street and Pleasant Avenue. And I got to know that neighborhood through trials and tribulations.

I understand very well from the stories my grandparents told me about what it meant coming through Ellis Island and some of the arduous process that they needed to go through to come to this country. And so I assure my colleagues that where I'm from and where you're from -- you know, we live in tight spaces. And the communities that we have are better because we have men and women who have come to this country.

You know, I was going back over something that President Clinton said in one of his State of the Union addresses. He said, you know, "We're a nation of immigrants but we're also a nation of laws. And it is wrong, ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years, and we must do more to stop it." And he said that in a State of the Union address.

It was the part about ultimately self-defeating that got to me. Because the families that I know -- and I think I'm the only Senate district in the State of New York that has an El Salvadoran consulate. And when I was

supervisor of the Town of Islip, I was working with the El Salvadoran consulate to meet a lot of the needs that my colleagues have been talking about. So this is not a new community to me or a community that I didn't go through storms and fires and brutalities with. We know each other pretty well.

But I think my colleagues should understand that we took great pains to ensure that this language doesn't create the kind of chilling effect. And we went back to the Bureau of Justice Statistics from the Department of Justice under Attorney General Holder, who went through all the major studies, the most reputable study being the Davis, Erez and Avitable study of 2001. And what they found -- the most reputable survey in the Department of Justice's opinion -- was that the most commonly mentioned reason for not reporting a crime in immigrant communities was the language barrier was first, 47 percent, followed by cultural differences, 22 percent, and a lack of understanding of the U.S. criminal justice system, 15 percent. In fact, they went on to say that the crime reporting by Hispanics after implementing certain programs actually goes

up.

There was a 2009 study of calls to a jurisdiction in Florida, a county, where they found the implementation of a 287(g) partnership program -- that's the community and law enforcement working together -- enabled local sheriff's deputies to enforce immigration laws, resulting in significantly more removals of criminal aliens, and did not affect the pattern of crime.

Further, the overall findings of the Bureau of Justice Statistics -- and the DOJ was pretty thorough in their analysis of all of these statistics and these studies -- was according to the Bureau of Justice Statistics, in 2012 only 44 percent of violent victimizations and 54 percent of serious violent victimizations were even reported to police. In 2012 the percentage decreased.

So all of these studies were looked at by the Department of Justice, and they have been thought through. And they have found, the Department of Justice has said that there is no chilling effect that these laws have, there is no such evidence of a chilling effect from local

police cooperation with ICE, according to the Bureau of Justice Statistics.

So I don't know what better evidence we're to turn to as we craft laws to protect the men and women of our communities. And I understand that this is not something that makes everybody comfortable. But if you're a legislator and you represent families who came to this country to get away from these kinds of murderers and you do nothing to prevent more of them from coming in -- when we have been told that that is exactly what they're doing -- Mr. President, I don't believe that we're effective in our responsibilities.

And I understand that people have problems with the current state of the federal law, and I think the members of Congress should take that up. Come up with a solution like they did in 1986 that not only allowed a lot of immigrants who were here to stay, but also tightened the laws on the individuals who weren't coming here for a better life, they were coming here for profit and to establish territory.

And that is what the United States Attorney in my district, the Eastern District,

found when he made these arrests. Ten of the individuals of the 13 arrested were here illegally, and they weren't here for anything more than profit.

So Mr. President, I understand the concerns of my colleagues. I think we've tailored something that not only upholds our responsibilities to protect our residents but also upholds federal law in the state.

Thank you.

ACTING PRESIDENT GRIFFO: Debate is closed.

The Secretary will ring the bell.

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.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 724, those recorded in the negative are Senators Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie,

Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Serrano, Stavisky, Stewart-Cousins and Valesky.

Ayes, 32. Nays, 29.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the controversial reading of today's supplemental calendar.

SENATOR DeFRANCISCO: Yes, is there any further business at the desk?

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

SENATOR DeFRANCISCO: You'll -- you'll -- everybody will want to hear this.

ACTING PRESIDENT GRIFFO: Order in the house, please.

SENATOR DeFRANCISCO: Can we have a little order.

It's very important that I move to adjourn until Thursday, March 22nd, at 10:30 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until

Thursday, March 22nd, at 10:30 a.m.

The Senate is adjourned.

(Whereupon, at 5:39 p.m., the Senate adjourned.)