

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9  
10 June 10, 2020

11 11:56 a.m.

12  
13  
14 REGULAR SESSION

15  
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17  
18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

4 I ask everyone present to please  
5 rise and recite the Pledge of Allegiance.

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

8 ACTING PRESIDENT BENJAMIN: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

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

13 ACTING PRESIDENT BENJAMIN: The  
14 reading of the Journal.

15 THE SECRETARY: In Senate, Tuesday,  
16 June 9, 2020, the Senate met pursuant to  
17 adjournment. The Journal of Monday, June 8,  
18 2020, was read and approved. On motion, Senate  
19 adjourned.

20 ACTING PRESIDENT BENJAMIN: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Helming

1 moves to discharge, from the Committee on Rules,  
2 Assembly Bill Number 8666A and substitute it for  
3 the identical Senate Bill 8522, Third Reading  
4 Calendar 752.

5 ACTING PRESIDENT BENJAMIN: The  
6 substitution is so ordered.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from  
11 state officers.

12 Motions and resolutions.

13 Senator Gianaris.

14 SENATOR GIANARIS: Mr. President,  
15 on behalf of Senator Rivera, on page 28 I offer  
16 the following amendments to Calendar 555, Senate  
17 Print 6492A, and ask that said bill retain its  
18 place on Third Reading Calendar.

19 ACTING PRESIDENT BENJAMIN: The  
20 amendments are received, and the bill shall  
21 retain its place on the Third Reading Calendar.

22 SENATOR GIANARIS: On behalf of  
23 Senator Hoylman, on page 31 I offer the following  
24 amendments to Calendar 589, Senate Print 3923,  
25 and ask that said bill retain its place on

1 Third Reading Calendar.

2 ACTING PRESIDENT BENJAMIN: The  
3 amendments are received, and the bill shall  
4 retain its place on the Third Reading Calendar.

5 SENATOR GIANARIS: At this time,  
6 Mr. President, I would ask if there is a report  
7 of the Finance Committee at the desk.

8 ACTING PRESIDENT BENJAMIN: There  
9 is a report of the Finance Committee at the desk.

10 The Secretary will read.

11 THE SECRETARY: Senator Krueger,  
12 from the Committee on Finance, reports the  
13 following nominations.

14 To the Metropolitan Transportation  
15 Authority: Jamey Barbas, Frank Borelli Jr.,  
16 Victor Calise, Michael Fleischer, and Lorraine  
17 Cortes-Vazquez.

18 To the Dormitory Authority of  
19 New York State: Reuben McDaniel.

20 To the Adirondack Park Agency: Mark  
21 Hall, Andrea Hogan, Arthur Lussi, Kenneth Lynch,  
22 Zoe Smith, Daniel Wilt, and John Ernest.

23 ACTING PRESIDENT BENJAMIN: Senator  
24 Gianaris.

25 SENATOR GIANARIS: Please recognize

1 Senator Krueger.

2 ACTING PRESIDENT BENJAMIN: Senator  
3 Krueger.

4 SENATOR KRUEGER: Thank you very  
5 much.

6 We completed a joint meeting of the  
7 Transportation Committee, the Committee on  
8 Corporations, and the Senate Finance Committee,  
9 and all of the nominees you just heard the names  
10 of were recommended to the floor of the Senate  
11 for confirmation.

12 I want to just not necessarily talk  
13 on any of them, I just want to highlight that in  
14 these very difficult times for the State of  
15 New York, we are very appreciative of people with  
16 special skills and also demands on them being  
17 willing to, in almost all cases today, volunteer  
18 for very challenging positions. One of these  
19 positions is a paid employee position; everyone  
20 else is a volunteer position.

21 I want to just highlight also the  
22 five new members of the MTA Board. People who  
23 are living in the MTA region understand the true,  
24 true challenges facing the MTA. We have to get  
25 past COVID, we have to get people willing to

1 trust that they can get back on our subways and  
2 buses. We were already dealing literally at  
3 crisis level with infrastructure problems through  
4 the MTA before we were hit with COVID and an  
5 economic downturn.

6           So I think we're particularly  
7 appreciative of the people willing to join the  
8 challenge facing the MTA as an organization, that  
9 we need -- the whole State of New York needs to  
10 make sure we come through successfully and  
11 perhaps come up with new models of mass transit  
12 that are going to be more appropriate for us in  
13 the 21st century.

14           So we are recommending yes votes on  
15 all of these confirmations and appreciate the  
16 Governor moving them through.

17           Thank you.

18           ACTING PRESIDENT BENJAMIN: The  
19 question is on the nominations. All in favor say  
20 aye.

21           (Response of "Aye.")

22           ACTING PRESIDENT BENJAMIN:

23 Opposed?

24           (No response.)

25           ACTING PRESIDENT BENJAMIN: The

1 nominees are confirmed.

2 Senator Gianaris.

3 SENATOR GIANARIS: Okay.

4 Mr. President, at this time there will be an  
5 immediate meeting of the Rules Committee in  
6 Room 332.

7 ACTING PRESIDENT BENJAMIN: There  
8 will be an immediate meeting of the  
9 Rules Committee in Room 332.

10 SENATOR GIANARIS: The Senate will  
11 stand at ease.

12 ACTING PRESIDENT BENJAMIN: The  
13 Senate will stand at ease.

14 (Whereupon, the Senate stood at ease  
15 at 12:01 p.m.)

16 (Whereupon, the Senate reconvened at  
17 12:24 p.m.)

18 ACTING PRESIDENT BENJAMIN: The  
19 Senate will return to order.

20 Senator Gianaris.

21 SENATOR GIANARIS: At this time,  
22 Mr. President, can we take up the reading of the  
23 calendar.

24 ACTING PRESIDENT BENJAMIN: The  
25 Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   676, Senate Print 2574C, by Senator Bailey, an  
3   act to amend the Executive Law.

4                   ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

6                   THE SECRETARY:    Section 3.   This  
7   act shall take effect April 1, 2021.

8                   ACTING PRESIDENT BENJAMIN:   Call  
9   the roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT BENJAMIN:  
12   Senator Bailey to explain his vote.

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

15                   I rise today in appreciation of the  
16   historic package that we've been able to put  
17   forth.

18                   And again, I have to make sure I  
19   lend my voice and gratitude for our Leader,  
20   Andrea Stewart-Cousins, who has always stood up  
21   for what's right.  Martin Luther King famously  
22   said the time is always right to do what's right.  
23   And Leader, you have always done what's right --  
24   not just by us in this body, regardless of what  
25   side of the aisle you sit on, but by the state.



1           Today is one of the final pieces of  
2 legislation that we're passing in terms of police  
3 reforms. And this is codifying the executive  
4 order that the Governor put forth a few years  
5 back when members of the community who had been  
6 so stricken by violence requested that they have  
7 an impartial special prosecutor to be able to  
8 adjudicate these cases.

9           And I'm glad today that we're able  
10 to take these steps towards codifying this. It's  
11 a long way coming. And I thank everybody. I  
12 thank the Governor for speaking about this. I  
13 thank our leader. I thank the Speaker of the  
14 Assembly and the caucus and our colleagues for  
15 making this happen.

16           But I want to thank the family  
17 members again for having the courage to go  
18 forward. I speak about my experiences as a  
19 parent, and they often help to shape and drive  
20 the way that I legislate. And I think about my  
21 two daughters, Giada and Carina -- and I  
22 mentioned it yesterday in passing, I become  
23 apoplectic if they scrape their knee or something  
24 minor happens to them.

25           Families that have been affected by

1 significant police violence, significant  
2 brutality and murders and killings, have not only  
3 raised up triumphantly, they have continued to  
4 advocate even stronger in the face of such  
5 adversity.

6                   So I just wanted to lift up the  
7 names of a few other families and ensure that I  
8 let them know that we appreciate their voices.  
9 Because it was mentioned yesterday in the floor  
10 debate about who is the driving force behind the  
11 legislation. And I will simply say, as I said  
12 yesterday, the people.

13                   Iris Baez, the mother of Anthony  
14 Baez. Margarita Rosario, the mother of Anthony  
15 Rosario and the aunt of Hilton Vega. Kadiatou  
16 Diallo, the mother of Amadou Diallo. Cynthia  
17 Howell, the niece of Alberta Spruill. Valerie  
18 Bell and William Bell, the mother and father of  
19 Sean Bell, and Kisha Walker, his godsister.  
20 Nancy Pacheco, the sister-in-law of Jayson  
21 Tirado. Jennifer Gonzales, the mother of Kenny  
22 Lazo's son. Joshua Lopez, nephew of John  
23 Collado. Constance Malcolm, the mother of  
24 Ramarley Graham. Natasha Duncan, the sister of  
25 Shantel Davis, and Angie Hicks, the aunt of

1 Shantel Davis. Hawa Bah, the mother of Mohamed  
2 Bah. Carol Gray, the mother of Kimani Gray.  
3 Gwen Carr, the mother of Eric Garner. Hertencia  
4 Peterson, the aunt of Akai Gurley. Victoria  
5 Davis, the sister of Delrawn Small. Olga Negron,  
6 the mother of Iman Morales. Joyce Huang, the  
7 sister of Yong Xin Huang. Tsukasa Oyamada, the  
8 father of Ryo Oyamada, and Tomo Oyamada, the  
9 sister of Ryo Oyamada.

10 These names are people who have  
11 decided to take significant pain that they faced,  
12 and significant adversity, and channel it not  
13 into just something good, but something  
14 long-lasting.

15 I am incredibly proud to be part of  
16 this body today and all days. This package of  
17 legislation has been something that I will never  
18 forget, especially in the time of crisis and  
19 COVID that we're in. People often forgot about  
20 their own health infirmities and their own  
21 concerns about contracting COVID because it was  
22 that important to make sure that they were in the  
23 streets to make sure their voices were heard,  
24 that enough is enough.

25 Your voices have been heard. And no

1 one piece of legislation can change the world,  
2 but if we continue to chip away, if we continue  
3 to act accordingly, we're going to continue to  
4 make the impact that we need to make as  
5 legislators and, most importantly, as people.

6 Mr. President, I vote aye. And I  
7 appreciate the opportunity to speak on this  
8 important package of legislation.

9 ACTING PRESIDENT BENJAMIN:  
10 Senator Bailey to be recorded in the affirmative.

11 Senator Kavanagh to explain his  
12 vote.

13 SENATOR KAVANAGH: Thank you,  
14 Mr. President and distinguished colleagues both  
15 here in this chamber and participating in today's  
16 proceedings remotely.

17 I rise to explain my vote on Senate  
18 Bill S2574C, which would establish an Office of  
19 Special Investigation in the Office of the  
20 New York State Attorney General, empowered to  
21 conduct an investigation when someone dies as a  
22 result of an act or omission of a police officer,  
23 and to prosecute such cases when the evidence  
24 warrants it.

25 Let me begin by thanking Senator

1 Bailey for sponsoring this bill and for his  
2 leadership as chair of the Codes Committee, on  
3 which I proudly sit, on the entire package of  
4 policing reform legislation that we're passing  
5 this week.

6 I also want to thank the sponsors of  
7 the other bills in the package, Senators Parker,  
8 Benjamin -- Mr. President, yourself -- and  
9 Hoylman. And I'd also like to acknowledge  
10 Senator Myrie, as I did in our Codes Committee  
11 meeting the other day, who's been called upon not  
12 only for principled leadership but for physical  
13 courage in the past two weeks.

14 And I'd like to thank the staff of  
15 the Senate, led by Shontell Smith, who's here  
16 with us today, and my own staff, who's had some  
17 very important conversations about how to respond  
18 to the calls for change that we've been hearing.

19 Finally, of course, I'd like to  
20 thank the hundreds and thousands of New Yorkers  
21 who have protested peacefully and resolutely and  
22 those who have contacted our offices to express  
23 their strong support for all the bills we're  
24 passing this week, and to express their broader  
25 commitment to promoting justice and bringing

1 about the profoundly important changes that we  
2 need to make if our state and our country are  
3 going to live up to our highest ideals.

4           Mr. President, I'm proud of what  
5 we're doing here today. As you know, local  
6 prosecutors often rely on local police  
7 departments to gather evidence and testimony when  
8 they need to successfully prosecute those accused  
9 of crimes. This makes it hard for them to  
10 investigate cases where the police -- the same  
11 police -- are accused of those crimes and to  
12 carry out prosecutions when warranted.

13           This bill before us seeks to  
14 eliminate this potential conflict of interest  
15 from those cases and ensure a fair and impartial  
16 investigation.

17           Recent incidents illustrate why this  
18 legislation is so important. It took prosecutors  
19 four days before filing charges against the first  
20 officer involved in the George Floyd case, and  
21 more than a week since the incident occurred  
22 before charging the remaining three officers.  
23 That delay in justice was likely a contributing  
24 factor to the unrest that has followed.

25           Here in New York, the world watched

1 in horror as Eric Garner gasped "I can't breathe"  
2 in July 2014. But despite the New York City  
3 Medical Examiner ruling the death a homicide, it  
4 wasn't until late August that the local  
5 prosecutor convened a grand jury. On  
6 December 3rd, that grand jury decided not to  
7 bring forth any indictments. Under our law, the  
8 grand jury proceedings were kept secret,  
9 including the exact charges sought by the  
10 prosecutor, the autopsy report, and the  
11 transcripts of testimony.

12 Is it any wonder, Mr. President,  
13 that many in the black community and many other  
14 New Yorkers have little faith that our justice  
15 system will handle these cases appropriately?  
16 For too long communities of color have watched in  
17 frustration as police officers have committed  
18 atrocities against them with impunity.

19 As I said before, the protests  
20 across the nation have been a call to action. Of  
21 course this is not the first time we've heard  
22 such a call, but this time is different. The  
23 anger, pain and frustration that have been  
24 expressed in the past two weeks, and the calls  
25 for real change, are finally being heeded.

1           In order to regain the public trust,  
2 we must eliminate the perception that our police  
3 operate under a cloak of secrecy that protects  
4 officers who engage in wrongdoing and sometimes  
5 violence. This bill, along with the repeal of  
6 50-a we passed yesterday, will help achieve that.

7           I firmly believe that we'll only  
8 achieve the goals of effective policing when we  
9 succeed in resolving the disconnect between our  
10 police and our communities. So in that sense,  
11 Mr. President, this bill is not, as some of the  
12 union officials have said, a bill that is passed  
13 out of disrespect for our police officers or to  
14 make their jobs more difficult. On the contrary,  
15 it will bring about the necessary level of  
16 communication and respect between our communities  
17 that is going to be necessary if police  
18 departments are going to perform their important  
19 function.

20           I just want to end by saying, you  
21 know, it's -- it's -- we've heard again and again  
22 over the many years now, and over the past few  
23 weeks, that black lives matter. But I want to  
24 say that this package that we're doing today in  
25 this chamber and in the Assembly is testament to



1 another truth. And that is, Mr. President, that  
2 black leadership matters as well.

3 I already mentioned the leadership  
4 of Senators Bailey, Myrie and Parker. And we've  
5 heard the eloquent calls for justice from  
6 Senators Benjamin -- yourself -- Comrie, Jackson,  
7 Montgomery and Sanders, and from other members of  
8 this house.

9 And, Mr. President, the leadership  
10 of our Majority Leader, Andrea Stewart-Cousins,  
11 and Carl Heastie have in many ways been called  
12 historic, and indeed they are. But the  
13 significance of their leadership and of the  
14 diversity of the majority conference in both  
15 houses has never been more apparent than it is in  
16 the decisive action we're taking this week.

17 With that, Mr. President, I vote  
18 aye.

19 ACTING PRESIDENT BENJAMIN: Senator  
20 Kavanagh to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar Number 676, those Senators voting in the  
24 negative are Senators Akshar, Borrello, Boyle,  
25 Flanagan, Funke, Gallivan, Griffo, Helming,

1     Jacobs, Jordan, Lanza, LaValle, O'Mara, Ortt,  
2     Ritchie, Seward and Tedisco.

3                     Ayes, 45.   Nays, 17.

4                     ACTING PRESIDENT BENJAMIN:    The  
5     bill is passed.

6                     Calendar Number 679, Senate Print  
7     3595C, by Senator Parker, an act to amend the  
8     Executive Law.

9                     ACTING PRESIDENT BENJAMIN:    Read  
10    the last section.

11                    THE SECRETARY:    Section 6.   This  
12    act shall take effect on the first of April.

13                    ACTING PRESIDENT BENJAMIN:    Call  
14    the roll.

15                    (The Secretary called the roll.)

16                    ACTING PRESIDENT BENJAMIN:  
17    Senator Sanders to explain his vote.

18                    SENATOR SANDERS:    Thank you,  
19    Mr. President.

20                    As I get used to speaking in a mask,  
21    let's see what I can do here.

22                    I want to dedicate my vote to two  
23    victims that I grew up with when I was a younger  
24    man:  Lance, of my community youth, and Philip  
25    Satler, two victims of police brutality that

1 ended fatally for them.

2 I want to thank the leader of the  
3 Majority Conference, Senator Andrea  
4 Stewart-Cousins, for her leadership, and  
5 Senator Parker for putting forth the bill, this  
6 worthy bill.

7 We need to do these things, but we  
8 need to do more. We need to figure out how are  
9 we going to level the playing fields of America,  
10 how are we going to take this moment and go  
11 further.

12 We all saw what we saw in  
13 Minneapolis. When we saw the now-disgraced  
14 police officer put his knee on the helpless  
15 George Floyd, we saw the banality of evil. You  
16 kind of want a person to have a tail and --  
17 something to say that this is an evil person.  
18 But when you looked at the face of such a person,  
19 you did not see that. You saw your neighbor.  
20 You saw someone who, in another time and place,  
21 you could go to church with, or maybe the social  
22 club. He didn't appear troubled, and he wasn't  
23 rushed to move his knee. And this is what we're  
24 talking about when we say the banality of evil,  
25 where too many people have stood by watching this

1 type of stuff.

2           America has now been exposed to this  
3 in such a fashion that it is almost impossible to  
4 not see the veil has been rended. America cannot  
5 claim, like the good Germans of the Nazi era,  
6 that they didn't smell the smoke, that they did  
7 not see the graves. You saw it. We saw it. We  
8 saw what it looks like where oppression was in  
9 its rawest form.

10           Now, we need to seize this historic  
11 moment. We need to meet the urgent urgency --  
12 the fierce urgency of now, if you wish to use  
13 President Obama's phrase. We need to see that  
14 there are hundreds of thousands, perhaps millions  
15 of America's best people -- youth, old, everyone  
16 is out there trying to find justice. They  
17 instinctively know that this is a historic  
18 moment. They know that this is not simply a  
19 historic moment -- that this is a moment once in  
20 several generations, not just once in a  
21 generation.

22           And we need to meet and finally call  
23 this -- and not just deal with the symptoms of  
24 the thing, but to deal with the thing itself.  
25 The symptoms, of course -- if we were to use

1 COVID-19, the symptoms are a fever and other  
2 things. The police brutality is but a fever of  
3 the thing itself. The thing is a structural  
4 thing that can only be -- its roots go back to  
5 slavery, and can only be solved by reparations.

6           We need to use the balm of  
7 reparations, or else we're going to be here again  
8 and again and again -- coming up with very worthy  
9 bills, but as long as it deals with just the  
10 symptoms, the fever rather than the thing that  
11 provokes it.

12           New York State must lead the nation,  
13 and we have to examine how we in the Empire State  
14 can help resolve this issue. We need to look at  
15 the issue of reparations. There is a worthy  
16 reparations bill that we have to study the issue,  
17 to study, my friends, the issue and see how we  
18 can resolve it.

19           You've heard some of the greatest  
20 speeches that could ever be delivered on this  
21 floor in the last several days, mine excluded.  
22 You have heard those -- they have given you a  
23 clear way forward. I urge us to live up to this  
24 once-in-several-generations moment and grapple  
25 with the real thing itself and not simply with

1 the symptoms.

2 This is a great bill. The others  
3 are great bills. I'm absolutely for all of them.  
4 But I urge us to go further.

5 Thank you, Mr. President. I thank  
6 the leadership of this great conference for  
7 bringing us to this point, and I urge us forward.

8 Thank you very much.

9 ACTING PRESIDENT BENJAMIN:  
10 Senator Sanders to be recorded in the  
11 affirmative.

12 Majority Leader Andrea  
13 Stewart-Cousins to explain her vote.

14 SENATOR STEWART-COUSINS: Thank  
15 you, Mr. President.

16 Kenneth Chamberlain Sr. Amadou  
17 Diallo. Sean Bell. Anthony Baez. DJ Henry.  
18 Eric Garner. Tony McDade. Sean Reed. Breonna  
19 Taylor. George Floyd. Sadly, Mr. President, I  
20 could go on for hours.

21 But I stand here today heartbroken,  
22 frustrated, angry, sad -- but not without hope.  
23 You know, it would have been enough for our  
24 nation to battle one pandemic. But as we recover  
25 from COVID-19, we do so while continuing our

1 centuries-long fight against the virus of racism.

2 Over the past three days, we've  
3 passed a package of bills. My incredible  
4 colleagues who have spent so long laboring over  
5 how to do this, how to get this right, and when  
6 to do it -- and as Senator Sanders says, there  
7 have been so many eloquent speeches here, so much  
8 to be said.

9 And as I was listening yesterday,  
10 Senator Bailey -- you know, again, young,  
11 talented Senator Bailey -- was talking about his  
12 bill, and while doing so he quoted Tupac Shakur.  
13 And I was listening to that, and I said, you  
14 know, I'm going to speak in my closing remarks to  
15 another demographic.

16 Because over the last few weeks,  
17 over the last few days, Bruce Springsteen's  
18 song -- he did it in 1999: "American Skin  
19 (41 Shots)." It was a haunting song that spoke  
20 to the tragic moments as Amadou Diallo's life  
21 ebbed from his body. And it was a song that  
22 talked about the talk that black parents have to  
23 give to their black children.

24 And it's a song that has a haunting  
25 refrain. It said: "It ain't no secret, no

1 secret my friend, you can get killed just for  
2 living in your American skin." That line says it  
3 all. You can get killed just for the color of  
4 your skin.

5 What was interesting about when he  
6 released that song, it was a big deal. And when  
7 he said those lines, he knew what he was saying,  
8 but he said it anyway. And even Bruce  
9 Springsteen, when he said it -- that working  
10 class hero, Bruce -- was ostracized, he was  
11 demonized. He was boycotted.

12 But he said it. And those words, as  
13 you can see, have stuck with me. Why? Because  
14 I'm a mother, a mother of black children. I'm a  
15 grandmother of black children. And quite  
16 honestly, like all of us who are the parents of  
17 black children, we have and we live with this  
18 worry.

19 And you know, Senator Bailey, you  
20 mentioned so many of the families. You know, I  
21 think of Gwen Carr and I think of Valerie Bell  
22 and Sybrina Fulton, Lesley McSpadden, and so many  
23 others whose reality of those fears came true in  
24 so many terrible ways.

25 And I also know, as we all know,



1     that if you're black in this country, you face  
2     racism. And I was talking to a friend of mine  
3     and I was saying, you know, just like everybody I  
4     know knows somebody who's been stricken with  
5     cancer or themselves have dealt with it, in black  
6     America, everyone I know knows someone that has  
7     had a bad interaction with law enforcement.  
8     That's just the way it is.

9                 And the reality is no matter who you  
10    are, no one is immune. It doesn't matter about  
11    your economic status, it doesn't matter about  
12    your educational level, it doesn't even matter if  
13    you're a New York State Senator. Just ask  
14    Senator Zellnor Myrie.

15                And, you know, that reality hits you  
16    deep inside, and it stays with you in everything  
17    that you do. And even as I stand here, I think  
18    about what's happened in my life, because my  
19    family has been part of this sad reality. You  
20    know, when I stand on the floor I've often talked  
21    about my dad, you know, the World War II veteran  
22    who served in the segregated army. I've  
23    mentioned what he went through.

24                But I don't often mention my brother  
25    Bobby. Bobby also is a veteran, a Marine. He

1 served in Vietnam. And when he came home, after  
2 having an interim job, he went to New York City  
3 Transit as a cop. Bobby was 24.

4 And I was talking to him last night  
5 about what we were doing, and he told me two  
6 things. He said: "Andrea, I went to the police  
7 force because I wanted to help our community."  
8 And he said he left -- and he left ultimately  
9 when he was 30 years old -- that he left because  
10 he was convinced that the system was created to  
11 give young black men a record.

12 He told me, you know, an example,  
13 that he saw like two white kids fighting, they  
14 would be brought down to the station and their  
15 families would be called. And that he saw two  
16 black kids fighting, they'd be brought down to  
17 the station and they'd be booked for assault.

18 He couldn't understand how this  
19 system was designed to do anything other than  
20 what he saw too many times. You know that those  
21 assault records follow those kids for their  
22 lives. And that's what we're up against.

23 And Bobby, like so many, was a good  
24 cop. And Bobby worked with a lot of good cops.  
25 But Bobby himself did not believe that he could

1 change the system. Nor did he believe that the  
2 system would change itself.

3           The other thing a lot of people  
4 don't know -- because I have three kids -- my  
5 youngest son, when he was only 18, was with three  
6 other friends on the other side of town. And  
7 when they were stopped, they were frisked. And  
8 at the time, you know, there was nothing -- you  
9 know, nothing was found and so on and so forth.  
10 But by the end of that interaction, I met Steven  
11 in the emergency room, with a fractured nose.  
12 Anybody knew that Steven would never have  
13 resisted.

14           And here I am now with four  
15 grandsons. And I worry the same way I've had to  
16 worry all the time I've been a parent.

17           But despite that worry, I have hope.  
18 Because remarkably, in this historic time, I'm in  
19 this historic position with so many incredible  
20 colleagues who understand the gravity and the  
21 importance of this moment -- who, as a result of  
22 the blatant and horrific murder of George Floyd,  
23 understood that we must act, we can't wait. My  
24 Assembly colleague, Speaker Heastie. The  
25 Governor is ready to sign these bills. The

1 important momentum of what's been happening in  
2 our streets. People, many who look like me --  
3 many, many who don't -- united, calling for us to  
4 make some changes. How do I not have hope?

5           This past week -- and all of you  
6 know the diversity of my district -- I've  
7 traveled throughout the district. I've gone to  
8 Black Lives Matter rallies in every area of my  
9 community, places that I never thought would  
10 embrace that simple rallying cry. And that gives  
11 me hope.

12           And just as we're sitting in our  
13 chambers here in New York, there are elected  
14 leaders of all races and backgrounds standing  
15 together and taking action to answer the call of  
16 the day against racial injustice and to curb  
17 police brutality. And that gives me hope, and  
18 that gives me faith.

19           But we know, as scripture says,  
20 faith without work is dead. And so ultimately  
21 that's why we stand here and we take this action  
22 this week. Make no mistake: We know that what  
23 we did is not a cure. We know it's a first step.  
24 It acknowledges that laws alone are important,  
25 but they can't fix racism in America. You know,

1 Senator Sanders is always reminding us of that.

2 But as Senator Kavanaugh was just  
3 saying, it begins to root out injustice and to  
4 bring justice to our justice system. It is a  
5 step and it is a path to equality.

6 Sadly, we all know that there will  
7 be more moments that will shake us all to our  
8 core. But in this chamber we also understand  
9 that our response to those moments will make all  
10 the difference.

11 Mr. President, I vote aye.

12 ACTING PRESIDENT BENJAMIN:  
13 Majority Leader Stewart-Cousins to vote in the  
14 affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to  
17 Calendar 679, those Senators voting in the  
18 negative are Senators Akshar, Amedore, Borrello,  
19 Boyle, Flanagan, Funke, Gallivan, Griffio,  
20 Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
21 Ortt, Ranzenhofer, Ritchie, Robach, Serino,  
22 Seward and Tedisco.

23 Ayes, 41. Nays, 21.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:   Calendar Number  
2   721, Senate Print 7901B, by Senator Martinez, an  
3   act in relation to authorizing the Village of  
4   Patchogue to file an application for exemption  
5   from real property taxes.

6                   ACTING PRESIDENT BENJAMIN:   Read  
7   the last section.

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

10                  ACTING PRESIDENT BENJAMIN:   Call  
11   the roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT BENJAMIN:  
14   Announce the results.

15                  THE SECRETARY:   In relation to  
16   Calendar 721, voting in the negative:  
17   Senator Akshar.

18                  Ayes, 61.   Nays, 1.

19                  ACTING PRESIDENT BENJAMIN:   The  
20   bill is passed.

21                  THE SECRETARY:   Calendar Number  
22   739, Senate Print 8344A, by Senator O'Mara, an  
23   act authorizing the alienation of certain  
24   reforested lands in the County of Yates.

25                  ACTING PRESIDENT BENJAMIN:   There

1 is a home-rule message at the desk.

2 Read the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call  
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:  
9 Announce the results.

10 THE SECRETARY: In relation to  
11 Calendar 739, voting in the negative:  
12 Senator Martinez.

13 Ayes, 61. Nays, 1.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 743, Senate Print 8409A, by Senator Little, an  
18 act to amend Item A of Subpart B of Part 30 of  
19 Chapter 58 of the Laws of 2020.

20 ACTING PRESIDENT BENJAMIN: Read  
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call  
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: In relation to  
5 Calendar 743, voting in the negative:  
6 Senator Martinez.

7 Ayes, 61. Nays, 1.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 752, Assembly Print Number 8666A, substituted  
12 earlier by Assemblymember Lifton, an act to amend  
13 the Environmental Conservation Law.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:

22 Announce the results.

23 THE SECRETARY: In relation to  
24 Calendar 752, voting in the negative: Senator  
25 Martinez.



1                   Ayes, 61.   Nays, 1.

2                   ACTING PRESIDENT BENJAMIN:    The  
3 bill is passed.

4                   Senator Gianaris, that completes the  
5 reading of today's calendar.

6                   SENATOR GIANARIS:    Is there a  
7 report of the Rules Committee at the desk,  
8 Mr. President?

9                   ACTING PRESIDENT BENJAMIN:    There  
10 is a report of the Rules Committee at the desk.

11                   The Secretary will read.

12                   THE SECRETARY:    Senator  
13 Stewart-Cousins, from the Committee on Rules,  
14 reports the following bills:

15                   Senate Print 3466, by Senator  
16 Griffo, an act to amend the Highway Law;

17                   Senate Print 6759, by Senator  
18 Jordan, an act to amend the Public Officers Law;

19                   Senate Print 8539, by  
20 Senator Parker, an act to amend the Executive  
21 Law;

22                   Senate Print 8483, by  
23 Senator Martinez, an act to authorize the Village  
24 of Patchogue, Town of Brookhaven, County of  
25 Suffolk, to alienate and discontinue the use of

1 certain parklands.

2 All bills reported direct to third  
3 reading.

4 SENATOR GIANARIS: Move to accept  
5 the report of the Rules Committee.

6 ACTING PRESIDENT BENJAMIN: All in  
7 favor of accepting the Committee on Rules report  
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT BENJAMIN:  
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT BENJAMIN: The  
14 report is accepted and before the house.

15 SENATOR GIANARIS: Please take up  
16 the reading of the supplemental calendar.

17 ACTING PRESIDENT BENJAMIN: The  
18 Secretary will read.

19 THE SECRETARY: Calendar Number  
20 753, Senate Print 3466, by Senator Griffo, an act  
21 to amend the Highway Law.

22 ACTING PRESIDENT BENJAMIN: Read  
23 the last section.

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

1                   ACTING PRESIDENT BENJAMIN:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BENJAMIN:  
5   Announce the results.

6                   THE SECRETARY:    In relation to  
7   Calendar 753, voting in the negative:  
8   Senator Martinez.

9                   Ayes, 61.   Nays, 1.

10                  ACTING PRESIDENT BENJAMIN:    The  
11   bill is passed.

12                  There is a substitution at the desk.

13                  The Secretary will read.

14                  THE SECRETARY:    Senator Jordan  
15   moves to discharge, from the Committee on Rules,  
16   Assembly Bill Number 8609 and substitute it for  
17   the identical Senate Bill 6759, Third Reading  
18   Calendar 754.

19                  ACTING PRESIDENT BENJAMIN:    The  
20   substitution is so ordered.

21                  The Secretary will read.

22                  THE SECRETARY:    Calendar Number  
23   754, Assembly Print Number 8609, by  
24   Assemblymember Woerner, an act to amend the  
25   Public Officers Law.

1           ACTING PRESIDENT BENJAMIN:    Read  
2   the last section.

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

5           ACTING PRESIDENT BENJAMIN:    Call  
6   the roll.

7                           (The Secretary called the roll.)

8           ACTING PRESIDENT BENJAMIN:  
9   Announce the results.

10          THE SECRETARY:    In relation to  
11   Calendar 754, those Senators voting in the  
12   negative are Senators Biaggi, Jackson, Krueger,  
13   Liu, Martinez, May, Ramos and Sepúlveda.

14                           Ayes, 54.   Nays, 8.

15          ACTING PRESIDENT BENJAMIN:    The  
16   bill is passed.

17          THE SECRETARY:    Calendar Number  
18   755, Senate Print 8539, by Senator Parker, an act  
19   to amend the Executive Law.

20          ACTING PRESIDENT BENJAMIN:    Senator  
21   Gianaris.

22                           SENATOR GIANARIS:    Is there a  
23   message of necessity at the desk?

24          ACTING PRESIDENT BENJAMIN:    There  
25   is a message of necessity at the desk.

1                   SENATOR GIANARIS:    Move to accept  
2   the message of necessity.

3                   ACTING PRESIDENT BENJAMIN:   All in  
4   favor of accepting the message of necessity  
5   signify by saying aye.

6                   (Response of "Aye.")

7                   ACTING PRESIDENT BENJAMIN:  
8   Opposed?

9                   (No response.)

10                  ACTING PRESIDENT BENJAMIN:   The  
11   message is accepted, and the bill is before the  
12   house.

13                  The Secretary will read the last  
14   section.

15                  THE SECRETARY:   Section 2.  This  
16   act shall take effect on the same date and in the  
17   same manner as a chapter of the Laws of 2020.

18                  ACTING PRESIDENT BENJAMIN:   Call  
19   the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT BENJAMIN:  
22   Announce the results.

23                  THE SECRETARY:   In relation to  
24   Calendar 755, those Senators voting in the  
25   negative are Senators Akshar, Amedore, Borrello,

1 Boyle, Flanagan, Funke, Gallivan, Griffio,  
2 Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
3 Ortt, Ranzenhofer, Ritchie, Robach, Seward and  
4 Tedisco.

5 Ayes, 42. Nays, 20.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 756, Senate Print 8483, by Senator Martinez, an  
10 act to authorize the Village of Patchogue, Town  
11 of Brookhaven, County of Suffolk, to alienate and  
12 discontinue the use of certain parklands.

13 ACTING PRESIDENT BENJAMIN: There  
14 is a home-rule message at the desk.

15 Read the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:  
22 Announce the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1           Senator Gianaris, that completes the  
2 reading of the supplemental calendar.

3           SENATOR GIANARIS:   Is there any  
4 further business at the desk?

5           ACTING PRESIDENT BENJAMIN:   There  
6 is no further business at the desk.

7           SENATOR GIANARIS:   I move to  
8 adjourn subject to the call of the Temporary  
9 President, with intervening days being  
10 legislative days.

11          ACTING PRESIDENT BENJAMIN:   On  
12 motion, the Senate stands adjourned subject to  
13 the call of the Temporary President, intervening  
14 days being legislative days.

15                   (Whereupon, the Senate adjourned at  
16 1:02 p.m.)

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