NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 20, 2021

10:59 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

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

But I would like to bring us a brief preamble from the Book of Matthew, Chapter 5, Verse 9, on this august Inauguration Day: "Blessed are the peacemakers, for they will be called the children of God."

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

ACTING PRESIDENT BAILEY: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, January 19, 2021, the Senate met pursuant to adjournment. The Journal of Sunday, January 17, 2021, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BAILEY: Without

objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Gaughran moves to discharge, from the Committee on Rules, Assembly Bill Number A968 and substitute it for the identical Senate Bill 864, Third Reading Calendar 17.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

THE SECRETARY: Senator Skoufis moves to discharge, from the Committee on Rules, Assembly Bill Number A965 and substitute it for the identical Senate Bill 868, Third Reading Calendar 21.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

THE SECRETARY: Senator Biaggi moves to discharge, from the Committee on Rules, Assembly Bill Number 962 and substitute it for the identical Senate Bill 883, Third Reading Calendar 36.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

THE SECRETARY: Senator Comrie moves to discharge, from the Committee on Rules, Assembly Bill Number 959 and substitute it for the identical Senate Bill 894, Third Reading Calendar 47.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

THE SECRETARY: Senator Comrie moves to discharge, from the Committee on Rules, Assembly Bill Number 969 and substitute it for the identical Senate Bill 896, Third Reading Calendar 49.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President. I move to adopt the Resolution Calendar, with the exception of Resolutions 102 and 140.

ACTING PRESIDENT BAILEY: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 102 and 140, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now begin by taking up previously adopted Resolution 129, by Leader Stewart-Cousins, read that resolution in its entirety, and recognize the Leader on the resolution.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 129, by Senator Stewart-Cousins, commemorating the observance of the 36th Annual Martin Luther King, Jr. Day in the State of New York, on January 18, 2021.

"WHEREAS, From time to time we take note of certain individuals whom we wish to

recognize for their valued contributions and to publicly acknowledge their endeavors which have enhanced the basic humanity among us all; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the custom of this Legislative Body to join the people of this great Empire State in proudly observing the 36th Annual Martin Luther King, Jr. Day in the State of New York, on January 18, 2021, taking note of his many accomplishments and contributions to mankind; and

"WHEREAS, Dr. Martin Luther King, Jr., was born the grandson of a slave into a segregated society in Atlanta, Georgia, on January 15, 1929, and was instrumental in formulating a policy which ultimately destroyed legal apartheid in the southern states of our nation; and

"WHEREAS, In February of 1968, Dr. Martin Luther King, Jr., spoke about the inevitability of his death and hoped that when we spoke of his life, we would not concentrate on his academic achievements -- that he graduated from Morehouse College, that he attended the

Crozer Theological Seminary and Boston University, where he earned a doctorate in Systematic Theology; and

"WHEREAS, Furthermore, Dr. Martin Luther King, Jr., did not find it important that we mention that he won the Nobel Peace Prize and over 300 other awards; and

"WHEREAS, Dr. Martin Luther King, Jr.'s finest legacy of greater social justice for all Americans was truly reflected in his devotion to serve and respect others, and in his steadfast love for all humanity; and

"WHEREAS, Standing in a long line of great American Black leaders, Dr. Martin Luther King, Jr., represents the historical culmination and the living embodiment of a spirit of united purpose rooted in Black African culture and the American dream; and

"WHEREAS, An apostle of peace, Dr. Martin Luther King, Jr., fought unrelentingly for the civil rights of all Americans and taught us that through nonviolence, courage displaces fear, love transforms hate, acceptance dissipates prejudice, and mutual regard cancels enmity; and

"WHEREAS, Dr. Martin Luther King,

Jr., manifestly contributed to the cause of America's freedom, and his commitment to human dignity is visibly mirrored in the spiritual, economic and political dimensions of the civil rights movement; and

"WHEREAS, In addition, Dr. Martin Luther King, Jr.'s life was devoted to the liberation of his people, and his courage transcended the advocates of mindless retrenchment; and

"WHEREAS, It is the sense of this Legislative Body that the common and shared responsibility of governance demands an irrevocable commitment to the preservation and enhancement of human dignity as exemplified by Dr. Martin Luther King, Jr.; and

"WHEREAS, Upon the occasion of the celebration of the birthday of Dr. Martin Luther King, Jr., it is the practice of this Legislative Body to commemorate the heroic efforts of Dr. King, who loved and served humanity, and who was a drum major for peace, justice and righteousness; and

"WHEREAS, The 2021 Dr. Martin Luther King, Jr., holiday observance marks the

92nd anniversary of his birth and the 36th annual holiday celebrated in the State of New York in his honor; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize and pay tribute to the legendary life and achievements of Dr. Martin Luther King, Jr., upon the occasion of the anniversary of his birth and the celebration of Martin Luther King, Jr., Day in the State of New York and throughout the nation; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Black, Puerto Rican, Hispanic and Asian Legislative Caucus."

ACTING PRESIDENT BAILEY: Majority Leader Andrea Stewart-Cousins on the resolution.

SENATOR STEWART-COUSINS: Thank you so much, Mr. President. And thank you for your biblical reading, because indeed Dr. King was a peacemaker.

Today is always special for me. I think about Dr. King's birthday celebration as the start of a new year, a new beginning, a time for hope and a time for promise. And it's

especially meaningful this year when we need so much hope and so much promise.

And you know what, that hope and promise was here, at least on the horizon. November 3rd we had an amazing election. We had an election that would begin restoring the soul of this country, a country that Dr. King envisioned, one filled with hope and promise for all. Not one that protected a few and persecuted the rest. Not one that ripped children from their mother's arms while seemingly condoning bigotry and hatred, sometimes in the name of patriotism.

In November the majority of people stood up and said they voted for hope and promise for a United States of America, and we took that step. We elected Joe Biden and made history with Kamala Harris, the first woman, first Black and South Asian woman to hold that position.

And on January 5th we had another election. Again, hope and promise showed up, this time in Georgia: John Ossoff, a mentee of the late Congressman John Lewis, a Jewish young man elected to the United States Senate; and Reverend Dr. Raphael Warnock, a reverend who

holds Dr. King's pulpit at the historic Ebenezer Baptist Church -- a historic win.

Just think about it. A preacher who stands behind the pulpit that Dr. King stood behind, a preacher whose mother was a sharecropper, is going to the United States Senate. Hope and promise indeed.

Yet the next day, everything seemed to crash down -- Confederate flags, Nazi imagery, nooses, gallows, crosses that were set to burn paraded through the Capitol, our Capitol. A hateful and bigoted mob, in many ways, tried to snatch away hope and promise, the hope and promise that was born of free and fair elections. The kind of elections that Dr. King fought so hard for, the kind of elections that he fought for when Bloody Sunday happened. The kind of elections that said that African-Americans, as citizens, were supposed to and must be part of.

And sadly, that was kind of what January 6th was about, overturning the elections, challenging the votes of African-Americans across this country.

Over 55 years ago, Dr. King stood strong in the face of the hate and terror of

yesterday, to give us the hope and the promise of today. He marched across that bridge, and bridges all over this country, on that brutal Bloody Sunday and everywhere else. And ultimately he gave his life, all for hope and promise.

And on this past weekend we celebrated Dr. King's legacy and we were reminded, probably more profoundly than ever, that there will always be powerful voices, pushback, and even terror against hope and promise. November 3rd, hope. January 5th, promise. And yes, January 6th, terror.

But even so, that's why we draw on the memory of Dr. King: The power and the strength and the courage of his vision, the courage against seemingly insurmountable odds. We need to use that to hold on to hope for the promise of America and the belief in its ideals.

On this Inauguration Day, let us remember what Dr. King said: We must accept finite disappointment but never lose infinite hope. Because of Dr. King's legacy and those whose shoulders we stand on, we have hope.

Finally, I want to end by saying God

bless Joe Biden, God bless Kamala Harris, God bless New York State, and God bless the United States of America.

Thank you.

ACTING PRESIDENT BAILEY: Senator Benjamin on the resolution.

SENATOR BENJAMIN: Thank you, Mr. President.

I want to thank our Majority Leader for bringing this resolution to the floor.

And I wanted to couch my comments in a different angle. You know, many times when we think about the legacy of Dr. Martin Luther King, Jr., and we think about what he has accomplished, we think about all the great things that he had done. And they are numerous. He was a drum major for peace, the effective leader of the nonviolent movement, someone who was able to transform the United States of America without a title besides "Reverend." He was not a politician, he was not a president, he wasn't a governor, he wasn't a mayor, he wasn't a local city council member, he wasn't a state senator or a state assemblymember. He was a citizen who thought that his people deserved freedom.

And I think it's incredible to think about him in that light, but I also think it's important that we think about some of the people around him who helped make him possible.

And I just want to bring your attention to September 20, 1958, when Martin Luther King, Jr., was in Harlem celebrating -- doing a book signing of his book Stride Toward Freedom, which was a memoir about the year-long Montgomery Bus Boycott. It was at that time that the 29-year-old preacher was met with a woman who was mentally ill, who stabbed him. She came to him and said, "Are you Dr. Martin Luther King, Jr.?" He said yes. And then she plunged a seven-inch penknife into his chest.

I can't imagine that moment where you are literally watching this happen as a bystander. But I think it's important to note what Dr. King said in that moment. In that moment, while he was conscious and blood was streaming out of his shirt, he said: "That's all right, everything is going to be all right."

And the -- he was taken to Harlem Hospital, my birthplace. He was taken to Harlem Hospital, where there were two surgeons who were

summoned to come help him. Fortunately for Dr. King and for us as a people, Harlem Hospital was one of the places that you went to in this country if you were dealing with stab victims, stabbing victims and thoracic surgery, because there was a lot of that taking place in the area.

So the two surgeons who came, one was at the Waldorf Astoria, the son of Italian immigrants, Dr. Emil Naclerio; and the other was a thoracic surgeon who was African-American, he was the official physician of the Tuskegee Airmen, actually served in one of the first open-heart surgeries in France before coming to the Harlem Hospital.

Those two men, over the course of a few hours, were able to remove two of his ribs to take this penknife out. And the thing that is so incredible is that they said if he had only sneezed, he would have died, because of the location of the penknife and its proximity to his airway.

Now, listen, I'm not a thoracic surgeon and I don't know anything about that, but I do know about sneezing. And I know in the course of a couple of hours, if my life is on the

line, I might sneeze, I might be startled. But Dr. King wasn't. And because of that, his life was saved.

But the thing that is so incredible -- and I've got to read this for all of you -- was in the middle of this, a few days later, he wanted to comment on the woman who was mentally ill who almost killed him. And he said -- I want to read this, because this is just incredible that he said this. He said, and I quote: "I feel no ill will toward Mrs. Curry" -- that was her name -- "and know that thoughtful people will do all in their power to see that she gets the help she apparently needs if she is to become a free and constructive member of society."

He then went on to issue a similar statement when he got home, saying that "A disorganized personality need not become a menace to any man," and he hopes that she gets the help that she needs.

It turns out at the same time that she stabbed him, she had a pistol in her bra. And it was fortunate that those who were there at the moment, the bystanders and others, they

restrained her, kept him calm -- there were so many people who were part of this moment to keep him alive.

And if they hadn't done so, Mr. President, we would not have had the "I Have A Dream" speech that many of us know him for. We wouldn't have had some of the most incredible actions he did towards the Civil Rights Act, the Selma and the Montgomery March, so many things -- the Nobel Peace Prize. All of that was able to be accomplished because before he got any of those accolades and did any of those things, he was already ready. And people loved him and they supported him.

And I just want to do a shameless plug for Harlem Hospital that helped keep him alive, in my district. I have to go home, so I want to make sure that Harlem Hospital knows that I gave them an adequate shout-out.

But I just want to say a great man, obviously, in so many ways. But in this time of crisis where his life was on the line, he behaved in the way that I'd hope that I would behave. And so I want to honor him on this day, and I want to thank our Majority Leader for bringing

this resolution to the floor.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Sanders on the resolution.

SENATOR SANDERS: Mr. President, it's good to see you.

I want to thank our Majority Leader, I want to thank her for bringing this great resolution to the floor.

We have heard the dynamic words of Senator Benjamin, and he gave an incredible history. And I too would like to say a few words about one of my heroes, the Reverend Dr. Martin Luther King, Jr.

Now, it is true that as a historian I pride myself in sticking with what's true, sticking with the facts of a case. It is true that if you really look, you'll see a flawed person here. You'll see a human being. You'll see a person who is not an angel in every sense of the word.

But I am reminded, I am reminded that God often uses the imperfect to do His perfect will. That He does not seek out the perfect people to do it, He seeks out people who

are willing and available. And in that period, that is what is needed. And Martin Luther King, the Reverend Doctor, raised himself and did incredible things.

Now, many people misunderstand his message, misunderstanding -- in this day and age you're hearing gross misunderstandings of his message. When we speak of today's events, the significance of Martin Luther King to today's events, we hear people jump up and say, Well, Martin Luther King, Jr., would have wanted the reconciliation of the nation, that reconciliation right now is the most important thing that we need in our democracy. That yes, something terrible happened on January 6th, but we all need to leave that alone and just go on to wherever people go on when they leave things alone.

They misunderstand Martin Luther King's message, I would say, that he's -- he doesn't -- reconciliation does not mean that you get rid of justice. In fact, indeed, you can't have reconciliation without justice.

One of the things that we notice about Martin Luther King, the Reverend Doctor, in the Civil Rights Movement, they took on laws that

they felt were unjust, but they also took the consequences of those laws. They did not say, well, I've been called by a higher power, whatever the power is, and we should not have any -- any -- anything should happen to us based on that. They took the position that yes, these are the laws of the land -- these are unjust laws, but these are the laws of the land. And therefore, we will -- if this is a crime in this society, we will suffer the consequences because we are dealing with it.

Perhaps an analogy to medicine would be useful. If you find yourself with an injury, you may not like the antiseptic that is used: It stings, it hurts. You may not want it, but you cannot have the healing of that injury without the antiseptic that goes along with it. And I would suggest to you that today's society, we need the antiseptic.

To the seditionists of January 6th, they failed to realize a society -- the arc of justice that we're talking about, that Martin Luther King talked of, is moving forward. And no matter how much dynamite you may wish to bring, no matter how many nooses and days of the noose

that you may plan, we are not going back. We're going forward.

My last point is, what did King actually die for? The point of impact, if you wish. He was fighting for economic justice, my friends. Economic justice. He was fighting for it for the lowest of the low, in society's terms, those people who didn't even have a union: Sanitation workers. Garbagemen, as they were called many years ago. Sanitation workers, who were in pitiful shape in Memphis. They had no place -- when it rained, they had to sleep in the garbage area of the truck itself. That was the only place that they could get out of the rain.

He put his life on the line for that. We in the New York State Senate must remember these things with our budget. It is we who are tasked to remember the least among us.

I conclude with a statement that I believe is useful for us to remember by the Reverend Dr. Martin Luther King, Jr. And he taught us that injustice anywhere is a threat to justice everywhere.

God bless our new president and new administration. God bless the State of New York.

And most of all, God bless America.

Thank you very much, Mr. President.

ACTING PRESIDENT BAILEY: Senator Weik on the resolution.

SENATOR WEIK: Thank you, Mr. President.

Today our conference is honoring the life and legacy of one of the greatest Americans in our proud history, Dr. Martin Luther King, Jr. Dr. King was a true child of the American dream. From his humble beginnings as the son of a pastor in Georgia to his famous "I Have A Dream" speech on the steps of the Lincoln Memorial, his life embodied the greatness of this country.

Dr. King is a hero to all Americans because of his determination to make us better against all odds. His quest for equal rights was one of love and nonviolence, despite being confronted with hatred and unrelenting resistance. He gave everything, including his life, for that quest.

And in doing so, he set an example of perseverance for all of us. "If you can't fly, then run. If you can't run, then walk. If you can't walk, then crawl. But whatever you do,

you have to keep moving forward."

Those were Dr. King's words from his April 1960 address at Spelman College. They continue to inspire today.

We as a nation and a state must keep moving forward. Our nation this past year has experienced difficult times. A pandemic has ravaged our communities. However, like Dr. King, we must remember we have to keep moving forward. Never give up.

As elected officials, we need to work together to better our communities, our state, and our nation. As we honor Martin Luther King today, let us remember his voice so his legacy may live forever.

God bless all of you, and God bless America. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Lanza on the resolution.

SENATOR LANZA: Mr. President, first I want to thank the sponsor of this resolution, Majority Leader Andrea Stewart-Cousins.

You know, I'm not big, as you all know during my tenure here, with respect to

speaking on resolutions -- or, I'm ashamed to say, even listening to comments concerning resolutions. But this is a day that I enjoy every single year. I truly enjoy listening to the remarks of my colleagues -- yourself, Senator Benjamin, and my other colleagues. And I know, if not for this pandemic, that this room would be filled and we would hear from more of our colleagues on this important resolution.

You know, I think it's important and it is good that we hear from politicians and pundits and, yes, from children all across America who continue to speak and learn about the great Dr. Martin Luther King. But you know, it seems to me that there's something in human nature that requires that when we see greatness, that we grab it and we try to take it as our own and focus and channel it, sometimes even for our own purposes.

For myself, I'll never try to put words in the mouth of a man who had an incredible ability and genius to use words to move mountains. That's what Dr. Martin Luther King -- that's what he did. For me, I'll simply say that in the storied history of the greatest of all

republics, the United States of America, he was one of the greatest and is one of the greatest Americans of all time.

Don't take my words for it. The other advantage we have is that Dr. Martin Luther King lived and worked not a thousand years ago, but not too long ago in the age of technology. And so I encourage all New Yorkers, all Americans, don't take the words of anyone else, you can Google his speeches, what he did, what he said, how he did it. Many of his works have been captured on film.

And I encourage you -- I do it frequently -- Google some of his speeches, Google his work, and don't take it from anybody else. Watch and listen for yourself.

We have that -- we're blessed in that regard, that we can see what he did for ourselves today, and children as well can do that. And if you do that, you'll know what we all know here, that we're blessed, that this country was blessed to have as one of its citizens Dr. Martin Luther King.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator

Bailey on the resolution.

SENATOR BAILEY: Thank you, Mr. President.

I first want to thank Majority Leader Andrea Stewart-Cousins for sponsoring -- not only sponsoring this resolution, but driving home an important message. And when you are speaking on such a resolution -- and I always take great pride in speaking on this resolution, Mr. President, as you know, because it reflects a personal anniversary of sorts. It is when I first spoke on the floor as a member, as a new member of the New York State Senate. And I spoke on this resolution.

And Senator Lanza is very consistent in what he says, and he's said it every year, and he's right about it. This is one of these resolutions that it doesn't matter where you are, we recognize the greatness of Reverend Dr. Martin Luther King.

So I think about this day and I think about something that Dr. King says, that we must live together as brothers or perish together as fools. We would say, today, brothers and sisters. But the most important thing that we

have to underline is if we do not come together, we will perish together as fools.

The mask may muffle my words, but it does not muffle the message of Dr. King. Luke 12:48 says: To whom much is given, much is required. And what's required of us is decency, respect.

Dr. King's birthday is January 15th, and the following Monday should always be looked at as a day on, not a day off. It is a day of service for whom many will recognize as the ultimate servant. It's the birthday of one of the greatest peacemakers we've ever had in a time of such nationwide confusion. He's the youngest man to ever receive a Nobel Peace Prize. December 10, 1964, he got the prize. And at that time, it was around $54,000. And he gave that money to the civil rights movement. Now, $54,000 is a lot of money at any time, but the present-day value of that would be $453,728.90. That's a lot of money, Mr. President.

He gave unto others. He was a servant. It was for the movement, not for himself. And I think about today and what today is in our society and how it's an inauguration

day, it's a day of new beginnings. And I started to think that this was coincidental that we come together on this day. But I'm a man of faith, and my pastor is the Reverend Dr. Allen N. Pinckney of Butler Memorial United Methodist Church, 3920 Paulding Avenue. Come see us sometime, Mr. President.

And I don't believe in coincidence anymore. I believe that things are supposed to happen the way that they are supposed to happen. January 5th, it was no coincidence that the two men who put the Senate over the top, so to speak, were the pastor of Ebenezer Baptist Church, the Reverend Dr. Raphael Warnock, and John Ossoff, a mentee of the late, great John Lewis.

I don't believe in coincidences, Mr. President. I don't believe that on today's date, as we reflect on where we were as a nation -- in order to be able to understand where you're going, you have to know where you've been, and Dr. King laid out a blueprint of sorts for us.

The Apostle Paul said in First Corinthians, Chapter 12, Verse 26: If one man suffers, all suffer together with him. And

Dr. King's letter from the Birmingham Jail, if -- for those who have never read the whole letter, I implore you to read that. It's one of the finest pieces of writing that I've ever read, and that you'll ever read too.

Dr. King said: "Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere."

We don't live in silos. I've said that on this floor many times, we do not live in silos. What happens in the Bronx affects what happens in Brooklyn; what happens in Brooklyn affects what happens in Broome County. We are all interrelated.

Mr. President, as you know, I live my life through the lens of my two daughters, Giada and Carina. And, you know, due to the magic of remote learning, I'm able to witness their lessons. And so Carina is in pre-K, and they were talking about it. And the teacher mentioned before MLK, black and white people would not be able to -- black and white kids,

excuse me, would not be able to be taught together.

In this technology age, Carina presses "Mute" on it: "Dad, they couldn't even be on Zoom together?"

"Carina, there was no Zoom."

"What do you mean, there was no Zoom?"

"Well, Carina, we can talk about that later. But the important point is that black and white people could not learn together."

She said, "In real school, like they couldn't sit next to each other? That's not fair." And she said, "Dr. King, he really wanted people just to stay together." That's what my 4-year-old got from her teacher.

She also asked me was he really a king and where was his castle, as she's a Disney fan, and so we talked about it then at a different day.

But Giada, my oldest -- and if you recall last year I mentioned how she spoke about, in kindergarten last year -- she's in first grade now. She's a big girl now. And she mentioned how she learned last year that Dr. King was

arrested and that she believed that he should have never been arrested, and the other people that arrested him, they should have been arrested. She was fired up about that one.

But again, the magic of remote learning, I got to listen in today on the lesson. And first the teacher -- they read a book called "Marty," and it was a book by Martin Luther King III. And it was his son, and he spoke from a kid's perspective. And the teacher asked Giada, "What did you get out of that book? What did you get about Dr. King?" And she said, "Well, he was fearless. He was a leader. And he was determined."

Now as a parent, I'm brimming with pride. And I don't want to run over and interrupt her because, you know, kids act differently when they see their parents. So I just wanted to enjoy the moment from afar. And the teacher said, "Well, why did you say all those things? It sounds right, but why do you say those things?" "Well, Ms. Lynn, he helped to change the law so that people can be together today."

Well, he definitely helped changed

the law. In 1964, the Civil Rights Movement achieved two of his greatest successes, ratification of the 24th Amendment, which abolished the poll tax, and the Civil Rights Act of 1964.

Dr. King did so much. For those who don't know, "Happy Birthday," the Stevie Wonder version, that is a song about Dr. King.

I think about all of the greatness that he achieved, and I remind myself of this every year. And I'm coming up on that age, Mr. President. Dr. King was only 39 years old when he passed away. And I think about all that he accomplished, all of the speeches, all of the greatness that he was able to pack into 39 years of life. An entirely too small period of time, in my opinion.

But God doesn't make mistakes, Mr. President. And the 39 years were used wisely. And I've always wondered, what am I doing -- what am I doing wrong? And it's not about what I'm doing wrong or what anybody's doing wrong, it's about what he's done so right. In a mere 39 years, he was able to change the way that we looked at each other in America.

And so I think about what would Dr. King have thought about what's happening now. I think that he would have thought that people that quote him but fail to say that Black Lives Matter, I felt he would have had a problem with that. I think that Dr. King would not have wanted the rancor to have happened at the Capitol, and he would have spoken out about that.

I think about his commitment and his faith and his family, and I think about where he would have been and what he would have done. And the answer was always unify. If you look at what he was about, he was about bringing us together.

And I think about a hip-hop artist by the name of J. Cole, he has a song called "Love Yourz." And he said, There's beauty in the struggle, ugliness in the success.

And they talk about sports and how a team hasn't really learned how to win until you can win ugly, until you go on the road against a hostile crowd and a hostile environment and you come out with a victory.

Well, Dr. Martin Luther King, Jr., faced hostile crowds every single day. It did not deter him. It did not deter his message. It

did not deter his fight. It only made him stronger.

The time is always right to do what's right. Well, as I close, I think about "Lift Every Voice and Sing," one of our unofficial national anthems in the Black community. And while, Mr. President, we know that nobody knows anything after the first verse by heart -- you just start humming -- we do know the final refrain: Let us march on till victory is won.

We thank Dr. King for being that drum major, leading that march till victory. And while that march has not stopped and it cannot stop until victory is won, we thank our drum major for peace.

May God bless the legacy of Reverend Dr. Martin Luther King.

ACTING PRESIDENT BENJAMIN: The resolution was previously adopted on January 12th.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now move on to Resolution 102, by yourself, Senator Benjamin, read its title only,

and recognize Senator Bailey on the resolution.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 102, by Senator Benjamin, celebrating the life and exemplary career of the Honorable David N. Dinkins, former Mayor of New York City, distinguished citizen, and devoted member of his community.

ACTING PRESIDENT BENJAMIN: Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Mr. President. It's been a while since I've spoken --

(Laughter.)

SENATOR BAILEY: David Dinkins was a hero to so many, especially for a young man like myself growing up.

And it's one of these things where if you can't see it, you can't be it. Now, growing up, I saw -- I had the pleasure of having black doctors. I knew of black lawyers in the community. But -- and I was paying attention, but I didn't know that we could have a black mayor until David Dinkins was elected mayor.

And everything isn't about identity politics, folks. But for those of us who have been disenfranchised, seeing someone that looks like you matters. Seeing David Dinkins and his incredibly calm, professional, low-key and cool demeanor was something that made me think that, you know what, I'm proud that he's our mayor. A Tribe Called Quest: "Mr. Dinkins, will you please be my mayor? You'll be doing us a really big favor."

I was very excited when he became our mayor, and I was very excited to meet him. And I got a chance to meet him, and I had been working in government for quite some time before I had the opportunity to meet him. And there are few people on earth who I've been awestruck by. The first time I met David Dinkins was one of them. And it was during a Caucus Weekend -- which I hope we can get back to at some point, Mr. President -- and I saw him getting ready to take the elevator up to the Egg. And I -- it was like, is that really him? And I was, "Mr. Dinkins, I'm such a big fan." And he was like, "It's good to see people like you." And he didn't know me from Adam, as they say. But he

said, "It's good to see people like you that are interested in what we have to do for our people." And when he said "our people," he didn't just mean Black people, he just meant society. Civilization.

So I was incredibly saddened when we lost him. But as he always referred, he's with his bride now, and they are watching us from above. And I'm grateful for the lessons that he taught us and the lessons that he taught a kid like me. When you see Mr. Dinkins as your mayor, you know that the possible is possible.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Sanders on the resolution.

SENATOR SANDERS: Thank you, Mr. President.

I'd be remiss if I did not speak of Mayor David Dinkins, the first Black mayor of New York City, one of the first Black mayors in the nation. I would be remiss because he was also a Marine veteran, as I am. David Dinkins was a Marine veteran.

Now, if you're studying what's happening politically, you're seeing that most of

the political people who are running and winning seats just happen to be Marines, on both sides of the aisle. I think it's a fascinating phenomenon why such a small branch of service is producing such a large influx of people going into politics. Perhaps it's the ideas of leadership that they speak of that David Dinkins epitomized.

The Marine Corps, of course, speaks of just doing it and not talking about it. And that was David Dinkins. He was not much of a talker. If you wanted a great speech, he could give it. But if you wanted a GREAT speech, there were so many others. But if you wanted somebody who actually got it done, you would go to a David Dinkins.

And they epitomized -- the Marine Corps speaks of loyalty. A very big thing in the Marine Corps is loyalty. We pride ourselves, we brag we will leave nobody on the battlefield. And we mean that literally, no body on the battlefield. When we go home, everybody goes home. In fact, one of the greatest crimes in there is not to have esprit de corps, not to have a sense of team, a sense of -- leaving someone on the battlefield is -- that's the equivalent of

not being a Marine. You're not a Marine if you left somebody.

We will absolutely charge anything. And David did that. He had to charge incredible battles. It's a different New York and a different America. The idea of a Black mayor at the time was unthinkable. And many people went out of their way to make sure that it would never happen. And he had to bear all of these indignities with a quiet discipline that was a model for generations of electeds to come.

I learned a lot from him. Though I don't have his discipline nor do I have his patience, I learned a lot from him. He was an incredible person. He came out of New York similar to a time like this; it was such a crazy time that he had to channel and deal with.

His programs to deal with crime actually were the things that drove down the crime of New York. His predecessor, the now -- I almost said "disgraced," but I'll leave that out. His predecessor was able to -- I'm sorry, not his predecessor, the guy in back of him was able to take the credit for the -- his anticrime maneuvers and bills. But he actually got Albany

to give the money to bring on the cops, to give the money to have a -- an attack on crime, a far -- a wide-ranging attack on crime that led to New York becoming -- New York City becoming the safest city of its day.

We will have to do similar in the days to come. Let us all learn from David Dinkins in the moments to come.

Thank you, Mr. President, for that.

ACTING PRESIDENT BAILEY: Senator Benjamin on the resolution.

SENATOR BENJAMIN: Thank you, Mr. President.

I will be brief because I am aware of the moment that we are in. There is something very historic happening in process, so I won't speak long.

But I think it's important to note Mayor David Dinkins and his passing. Here is a man who, as my colleagues had mentioned, has been a true dignitary, a true gentleman, at a time where we need to see and need to remind ourselves that government and democracy is about ideas, and we can fight over opinions, but we should not be disrespectful in the process.

And one of the things that I want to thank Mayor David Dinkins for, you know, I was fortunate -- later in his life, he and I were part of a social club before he passed called the Reveille Club, and we met in Harlem every month. And I would go out of my way to get a seat next to him because it just felt good to sit next to the former mayor. And, you know, I found out that he was paying attention to me. And sometimes he'd say to me: You know, I like what you said in terms of what you meant to say, but I didn't like the way you said that. You know, be careful, don't go in that direction, don't go in this direction.

And I think it's helpful, because particularly over the last couple of years where our politics has become more toxic and more angry, it's important to have people to remind us that, you know, this is really about serving the people, not about us attacking each other. So I want to thank him for that.

You know, David Dinkins was born in Trenton, New Jersey. He wasn't born in Harlem. But he got his political career and was very active as a Harlem legislator, became an

Assemblymember in 1966, ran for the Manhattan borough president three times before winning. And as you mentioned, he was able to become our first African-American mayor in 1989.

You know, he went to Howard University, got his law degree from Brooklyn Law School.

The thing I want to mention before I take my seat was after graduating high school, he attempted to enlist in the Marine Corps. This is, you know, what Senator Sanders was talking about. And he was denied on his first attempt. They said to him that the racial quota had already been filled, so he was not necessary. David Dinkins then decided to travel over the northeastern United States, going to different places to try to enlist to serve a country that didn't want him to serve.

I mean, it's just phenomenal when you think about it. You know, there are people who broke their necks to stay as far away from getting anywhere near harm's way -- as a matter of fact, used their connections to prevent that -- and here is someone who decided to put himself forward.

And I think that's the best of all of us. I think there's so many of us who serve who have the right heart -- regardless of party and regardless of politics, political affiliations -- and David Dinkins represented that.

I want to close with I spoke to Congressmember Charles Rangel -- I still call him congressmember; he's the former -- I can't help myself sometimes -- but former member Rangel this morning. I was telling him that I was going to speak about David Dinkins on the floor today. And I said, "Is there anything you want me to say, Congressmember, on your behalf?" He said, "No, I don't want you to say anything, but remember that" -- and then I got a five-minute speech.

So I'll just summarize a few things he mentioned. He said that David was one of the nicest men he ever met. They -- as some of you might have heard, there was a group of four sort of Harlem, you know, political leaders, it was himself, Rangel, it was David Dinkins, Percy Sutton, who was the borough president, Basil Paterson, who was the Secretary of State. And

they sort of had what some -- what the media had called the Gang of Four, but they were four sort of African-American leaders who really were making moves and strides in Harlem for political power, to make sure that their communities got represented.

And he said in every meeting they had, whenever there was a thought about doing something negative against someone else, Dave would always raise his hand and say, Ah, let's not do that. Just a really good person who didn't put his own political dreams and aspirations in a place where he would try to tear someone else down in order to get where he needed to go.

And so, you know, I could speak on and on about David Dinkins, but I will not. But I will say that a great man, I hope the future of our politics as we -- obviously, today is Inauguration Day and we are moving forward. I think the future -- I hope the future of our politics is one where Democrats, Republicans, independents, in between, we can be civil, we can disagree without being disagreeable, and we can take David Dinkins as a model for just how we

behave with each other.

So thank you, Mr. President, for this time. And David Dinkins, a life well lived.

Thank you.

ACTING PRESIDENT BAILEY: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed?

(No response.)

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

Can we now move on to Resolution 140, by Senator Kennedy, read its title only, and recognize Senator Kennedy.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 140, by Senator Kennedy, mourning the death of George K. Arthur, prominent political leader, distinguished citizen, and a major figure in the African-American community.

ACTING PRESIDENT BAILEY: Senator Kennedy on the resolution.

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

On this auspicious day, it is fitting that we honor one of Buffalo's finest who recently passed; that is former Buffalo Common Council President George K. Arthur, a Buffalo icon and a civil rights leader who truly dedicated his life to serving others and fighting for the City of Buffalo and greater community that he called home.

After serving in the U.S. Army Signal Corps in the '50s, George Arthur studied at the University of Buffalo's Millard Fillmore School and, later, the Empire State College. His heart was drawn to public service, and he went on to spend more than 55 years helping others, serving on the Erie County Board of Supervisors, the Buffalo Common Council -- again, where he rose to the highest ranks as president, as selected by his peers -- as well as time on the Citizens Advisory Commission on Reapportionment, the Erie Council Charter Revision Commission, and the Buffalo Fiscal Stability Authority, not to

mention the countless events and organizations he was involved with, both directly and indirectly, throughout the City of Buffalo and Western New York.

During his time in office, he was an active force in the fight for equality in housing and education, and he was the lead plaintiff in the federal lawsuit that resulted in the desegregation of the Buffalo public schools. He was profoundly dedicated to building a better Buffalo for all hardworking families, but he was just as dedicated to preserving our city's storied past and the institutions that played a critical role in our history.

George Arthur spent years as the president and treasurer of the Michigan Street Preservation Corporation and oversaw the preservation of the Reverend J. Edward Nash's house in the City of Buffalo. For those that aren't aware, the Reverend Nash House was an integral part of Buffalo's African-American community in the early 20th century and was instrumental in bringing branches of the Urban League to Buffalo, as well as the NAACP. During the early days before the NAACP was incorporated,

the Niagara Movement was taking root nationally. This was the house in the City of Buffalo where some of the founding members of the NAACP and the Niagara Movement met. It was George K. Arthur's vision and dedication that preserved this house as a museum now in the heart of the African-American Heritage Corridor in the City of Buffalo today.

It's only fitting that George K. Arthur, a visionary with the same passion for inspiring change, was at the helm of preserving this wonderful institution that had such an indelible impact on the Queen City.

George Arthur was a man of faith, a man of family, a man of culture and a man of service. Fittingly, his likeness is now featured on the Freedom Wall in Buffalo, a testament to his life's mission and the legacy that he leaves behind.

The City of Buffalo and our entire community owes George K. Arthur a tremendous debt of gratitude, and he will be forever missed. To my friend and colleague, a wonderful leader, a community visionary who we lost, we will forever remember his legacy and pay him tribute.

Thank you, Mr. President, for taking this moment to honor that legacy and pay him tribute here in the halls of the Capitol today.

May he rest in peace.

ACTING PRESIDENT BAILEY: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed?

(No response.)

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, at the request of the sponsors, the three resolutions we took up today are open for cosponsorship.

ACTING PRESIDENT BAILEY: The resolutions, as mentioned, are open for cosponsorship. Should you choose not to be a cosponsor of the resolutions, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar, Mr. President.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 17, Assembly Print 968, substituted earlier by Assemblymember Thiele, an act to amend a chapter of the Laws of 2020.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 17, those Senators voting in the negative are Senators O'Mara and Skoufis.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 20, Senate Print 867, by Senator Benjamin, an act to amend the Executive Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 21, Assembly Number 965, substituted earlier by Assemblymember Zebrowski, an act to amend a chapter of the Laws of 2020.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 24, Senate Print 871, by Senator Kavanagh, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 24, those Senators voting in the negative are Senators Ortt and Helming.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 33, Senate Print 880, by Senator Breslin, an act to amend the State Finance Law and the General Municipal Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 36, Assembly Print 962, substituted earlier by Assemblymember Bichotte Hermelyn, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 36, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 41, Senate Print 888, by Senator Hoylman, an act to amend the General Obligations Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 41, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 47, Assembly Print 959, substituted earlier by

Assemblymember Hyndman, an act to amend the Insurance Law and the Vehicle and Traffic Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 49, Assembly Print 969, substituted earlier by Assemblymember Paulin, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 65, Senate Print 1184, by Senator Gianaris, an act to amend the Criminal Procedure Law and the Civil Practice Law and Rules.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 65, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and

Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Mr. President, before we move to the controversial calendar, I just want to point out for everyone that it is 12:01, which means we officially have a new President, a new administration in this country. So congratulations to the United States of America.

And can we now take up the controversial calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 20, Senate Print 867, by Senator Benjamin, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I

waive the reading of that amendment and ask that you recognize Senator O'Mara to be heard.

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

Upon review upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR LANZA: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator O'Mara be recognized.

ACTING PRESIDENT BAILEY: The appeal has been made and recognized, and Senator O'Mara may be heard.

SENATOR O'MARA: Thank you, Mr. President.

I rise to appeal the ruling of the chair on the germaneness of the amendment at the desk which amends the Executive Law of the State of New York, which is the same section of law that the bill before the house amends. Therefore, it is germane.

However, far moreover than that, it is germane, this amendment, to every piece of legislation we are passing in this Senate, every

piece we've passed over the last several weeks, every piece of legislation we've passed since March 3rd, when the Governor's emergency powers were granted.

It is time that this body, this State Legislature, get back involved in the business of government and the most fundamental process of checks and balances of an executive branch and a Governor that continues to issue edicts with unilateral and dictatorial authority that this Legislature has not responded to.

This side of the aisle, the Minority, since the middle of May -- about a month and a half, six weeks after this emergency power was authorized -- we brought this amendment to terminate the Governor's emergency powers to issue directives, which in fact are edicts with the force of law.

At a minimum, the Legislature should be requiring the Governor to report to the Legislature his activities on the coronavirus epidemic, on what he intends to proceed to do, on why his edicts are necessary to continue for a period longer than 30 days. And we as a legislative body should be deliberating over

those and checking this Governor's out-of-control dictatorial edicts coming down on the citizens of New York State across the state.

Our economy continues to struggle under many of these edicts that the Governor has put forth. It continues to struggle fiscally. Yet the Governor has no qualms about whining that the federal government needs to send us more money because of our fiscal distress, a significant portion of which the Governor himself has directed.

This needs to end. We have a system of checks and balances in this country and in this state -- coequal branches of government: The Legislature, the Executive and the Judiciary. Thank God the Judiciary has not walked away from their role in this process, with an extremely important decision in Erie County just a week or so ago setting forth that the Governor's edict on orange zones and indoor dining shuttering restaurants across State of New York was baseless, was arbitrary, was capricious, and had no sound basis in medicine or science.

Yet restaurants in New York City continue to be shut down. Most of this other

side of the aisle, the Majority, the supermajority of the Senate, represents New York City, yet they sit back and allow their restaurants to be closed, shuttered to operate while, according to the Governor's own numbers, restaurants have only accounted for about 1.4 percent of COVID's spread in this state.

It's an unwarranted intrusion into the civil liberties and rights of these small business owners to operate in the State of New York under arbitrary and capricious restrictions.

We have brought this hostile amendment six times now. Every time it's been brought in this house, every Republican has voted to terminate the Governor's emergency powers. Not one Democrat, in six times that we've brought this, has rose up and said: I agree, we should terminate the Governor's emergency powers. How can these members of this supermajority sit back, derelict in their duties of the basis -- most basic aspect of checks and balances in our process?

Thank God for the judiciary in Erie County in allowing these small businesses to

reopen.

Restaurants in my home county of Chemung County, a small county, were shuttered for three months this time, and two months the first time. Yet when Governor Cuomo was asked at a press conference by a reporter from Elmira, New York, What, Governor, do you have to say about the restaurants being closed in Chemung County when we have some of the best numbers COVID-wise in the state, the lowest region of percentage positives, the best hospital availability in the state?

Yet those restaurants continue to be closed for three months. And the Governor complains about fiscal impacts to the state when those businesses are not allowed to be in business, they're not allowed to generate revenue which would go into the state coffers, yet the Governor continues to whine to the federal government, Give me more, without fully explaining clearly what our deficit situation is in New York State.

Certainly I don't mean to -- intend to say that these restaurants being open would be the savior of our fiscal problems in New York

State. Clearly not. We have fiscal problems in this state, and we had a $6 billion fiscal problem in this state prior to COVID ever coming into play.

These unprecedented powers, in addition to which the majorities of the Legislature authorized the Governor unilateral powers on the budget -- to control spending, to make cuts -- to which the Governor really has not done anything but kick the can down the road and whine to the federal government for more handouts.

We are here as the voice of our constituents to represent them in the State of New York, to allow them to pursue their livelihoods, to do business and not be shut down under arbitrary and capricious decisions of this government -- of this Governor.

Since this executive order has been in place -- since the emergency powers were granted to the Governor, the Governor had made the fateful decision to send COVID-positive hospital patients into nursing homes, which was immediately objected to by medical groups across the country as dangerous, not based in science,

and is going to help spread the coronavirus.

Yet this Governor continues to hide by not responding to FOIL requests on what the impact of that was. He hasn't reported to the Legislature what the impacts of that nursing home crisis was. He hides the numbers of deaths of nursing home patients that went to a hospital and died there.

It's unconscionable that this Legislature sits back and allows these powers to continue. Under these powers, the Governor threatened upstate hospitals that he was going send the National Guard to get their ventilators, to get their PPE and other medical supplies to send to another part of the state, without asking cooperatively. Threatening.

The Governor then came up with his baseless orange, yellow and red zones that fortunately the Erie County Court threw out as regards to indoor dining at a minimum.

Now the Governor, in recent weeks, has threatened hospitals and medical providers that if you vaccinate the wrong person, I'm going to fine you a million dollars. How is this working together cooperatively on this crisis we

have at hand? Enough of the finger pointing at the federal government, at local governments, and enough of this legislative body standing by and watching and not ending these powers.

The Governor -- the Majority here boast of their supermajority powers. And one of the first things they did in the opening weeks of this year's session was move to revise an Independent Redistricting Commission that hasn't even been utilized once. Yet they want to change it so they have total control and take the "independent" out of the Independent Redistricting Commission.

What are the priorities of the majorities in this State Legislature? It's mind-boggling to me.

Since March 3rd, the Governor has had emergency powers -- 323 days, 46 weeks. Just six more weeks, he will have had them for a full year. That's 88 percent of a full year so far. While this Legislature has not been in the process of checks and balances on this out-of-control Governor. Eighty-eight percent of our member's salaries during that period, $96,800, for work our constituents expect us to

be doing.

How can the Majority members of this legislative body sit back and allow the Governor's emergency powers to continue? With a supermajority, they're content to hide behind the Governor making all these decisions. I don't know how you go back to your constituents in your districts, particularly restaurateurs, and say, oh, we're going to allow the Governor to continue. So even though upstate says that that's baseless, arbitrary, capricious, we're going to allow him to continue to shut down your businesses.

These majorities of the Senate and the Assembly need to act. We need to act today, at a minimum of requiring the Governor to report back to us every 30 days on what he's doing, what he's directing, what he's issuing edicts on, and why they should continue.

It's unconscionable and a dereliction of the duty of this entire State Legislature, but particularly the majorities of this Legislature in each house that has a supermajority. Yet they cower behind this Governor, allowing him to continue to issue these

edicts, which are baseless, which are killing small businesses.

This needs to end today. This Legislature needs to get back in the process of checks and balances. Thank God for the judiciary in Erie County on that decision. But why should the citizens of the State of New York have to bring lawsuit after lawsuit, at their expense, against this Governor's arbitrary and capricious edicts? That's our job as state legislators. We've continued now for 323 days -- $96,800 of our annual salary -- sitting back and hiding behind the Governor and not checking and balancing his power.

With that, Mr. President, I urge votes to overturn the ruling of the chair.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the chairing signify by saying aye.

SENATOR LANZA: Show of hands,

please.

SENATOR GIANARIS: Mr. President, by unanimous consent, please waive the showing of hands and record each member of the Minority in the affirmative on this vote.

ACTING PRESIDENT BAILEY: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT BAILEY: The ruling of the chair stands, and the bill-in-chief is before the house.

Are there any other Senators wishing to be heard? Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Mr. President, on behalf of Majority Leader Stewart-Cousins, I hand up the following leadership and committee assignments for the Majority Conference and ask that they be filed in the Journal.

ACTING PRESIDENT BAILEY: The hand-up is received and will be filed in the Journal.

SENATOR GIANARIS: And on behalf of Majority Leader Stewart-Cousins, in consultation with Senator Ortt, I hand up the following leadership assignments for the Minority Conference and ask that they be filed in the Journal.

ACTING PRESIDENT BAILEY: The hand-up is received and will be filed in the Journal.

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

ACTING PRESIDENT BAILEY: There is

no further business at the desk.

SENATOR GIANARIS: I move to adjourn until Monday, January 25th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Monday, January 25th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:19 p.m., the Senate adjourned.)