

TUESDAY, JANUARY 18, 2022

3:13 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Donna Elia will offer a prayer.

REVEREND ELIA: Let us pray. God of majesty and grace, look tenderly upon this Assembly and pour out Your abundant blessing. Help each legislator once again take up the mantle of public service as they seek the good of our neighborhoods, our communities, and our State. Empower each member and staff person to work together. May all know they are valued, and thank You for the talents and skills and commitment they bring to the work at hand. When they become weary or frustrated, give them a large measure of strength and patience. When they need wisdom, may they receive it in abundance. When common ground is hard to find, may a way emerge.

Bless their loved ones and all they hold dear. Your healing mercy to those who are ill, and renewed hope to any who feel discouraged. Empower us to live the vision of the Reverend Dr. Martin Luther King, Jr. and help us to embrace his conviction that this is no time for apathy or complacency. It is a time for vigorous, positive action. Do not let us settle for words, but rather embolden all to make wise decisions, to act justly, to love kindly, and to walk humbly with You, O Holy One. Amen.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Monday, January 17th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, January the 17th, and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to welcome colleagues back into the Chambers today and say to those that are in their office, I want to welcome you to an opportunity to do State's business another day. I would like to, as

we're in the month where we're celebrating the life of Reverend Dr. Martin Luther King, I'd like to add a quote today from him, and then I will likely, Mr. Speaker and colleagues, I will be quoting him for the remainder of the month: *I am not interested in power for power's sake, but I am interested in power that is moral, that is right, and that is good.* Again, Mr. Speaker, these words are from Dr. Martin Luther King.

Colleagues, I'll announce the schedule for the day. Members have on their desks a Calendar with four new bills on it. So after any housekeeping, we will consent the new bills beginning with Calendar No. 287 on page 3, as well as cleanup of other bills, including Calendar No. 20, Calendar No. 62, and Calendar No. 72. At the conclusion of our work today, Mr. Speaker, we will take up a resolution honoring the life and the legacy of the Reverend Dr. Martin Luther King, and if members would like to speak they are certainly free to do so by being in the Chambers.

So with this as a general outline, Mr. Speaker, that's where we're going. If you have any housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: Yes, Ms. Majority Leader, we do have some housekeeping.

On a motion by Mr. Cymbrowitz, page 20, Calendar No. 108, Assembly Bill A2528-A, the amendments are received and adopted.

On a motion by Mr. Zebrowski, page 32, Calendar

No. 169, Bill A5438, amendments are received and adopted.

The Clerk will read, Calendar No. 287, page 3.

THE CLERK: Assembly No. A02440, Calendar No. 287, Reyes, Lupardo, Seawright, Simon, Darling, Davila, O'Donnell, Forrest, Gallagher, Dickens, Zinerman, Sillitti, Jackson, Meeks, McDonald. An act to amend the Public Health Law, in relation to rescue inhaler treatment devices.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 2440. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07813, Calendar No. 288, Solages. An act to amend the Public Health Law and Chapter 802 of the Laws of 1947 relating to facilitating the financing and effectuation of air terminals by the Port of New York Authority, in relation to requiring certain lactation accommodations in airports.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07886, Calendar No. 289, Gottfried. An act to amend the Public Health Law, in relation to

persons responsible for the disposition of the remains of a decedent.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on page -- on Assembly print 7886. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This bill addresses that difficult situation that occurs when family members can't agree on the disposition of a body following the decedent's death, and what it provides, in essence, is that a majority vote of the kids decides what happens to the body. And up until this point, absent this bill, the legislation -- or the law was silent. But this kind of begs the question, what happens if there's a tie? And so I look forward to the sponsor's ideas on how to address the next situation that will arise which is what happens when there's a tie, but this is definitely a step in the right direction and I support it and recommend it to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08536, Calendar No. 290, Gottfried, McDonald, Englebright. An act to amend the Public Health Law, in relation to adding a representative of women's health service providers on the Public Health and Health Planning Council.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8536. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Calendar No. 20, page 7, the Clerk will read.

THE CLERK: Assembly No. A00289-C, Calendar No. 20, Gottfried, Paulin, Solages, Weprin, Abinanti, Cook, Gallagher, Galef, Gunther, Jacobson, Reyes, Otis. An act to amend the Public Health Law and the Insurance Law, in relation to enhancing coverage and care for medically fragile children.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 289-C. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to

contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

ACTING SPEAKER AUBRY: Page 13, Calendar No. 62, the Clerk will read.

THE CLERK: Assembly No. A01121-B, Calendar No. 62, Buttenschon, Galef, Jackson, Fall, Gunther, Abinanti, Sillitti, Jones, Jacobson, Conrad, Griffin. An act to amend the Penal Law, in relation to creating the certain offenses and provisions related to the unlawful dissemination of a personal image; and to amend the Civil Rights Law, in relation to creating a private right of action for such offenses.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 1121-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Buttenschon to explain her vote.

MS. BUTTENSCHON: Thank you, Mr. Speaker. In July of 2019, 17-year-old Bianca Michelle Devins of Utica, New York was stabbed to death after attending a concert with her attacker. After committing this horrendous crime, her corpse was placed on various social media platforms. These photos were widely shared on social media sites, including Instagram, Snapchat, and Twitter. The response by social media sites to the spreading of the photos was slow and inconsistent, and has been strongly criticized. The Devins family initiated becoming aware of this death through these various images that were sent through social media accounts, and they have been harassed with these images since then. Over time, YouTube videos, Twitter and threads have been dedicated to explaining the crime and the Devins have had to relive this.

It should be known that this is unacceptable for individuals to disseminate images of a crime with the intent to glorify violent actions, or humiliate, demean, degrade or abuse a person who has been a victim of a crime. And their family should not face these consequences. These images have no place on the Internet or social media sites, and individuals who share these images with such intention should face the consequences.

I ask my colleagues to support me as the Devins family has had to relive this gruesome crime for over the last two years. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I want to thank the sponsor for putting this bill forward. And my only comment is that I hope District Attorneys across the State of New York do not substitute their judgment for the judgment of this Body and enforce every law that is on the books, including this one when it is passed and signed by the Governor. Thank you.

ACTING SPEAKER AUBRY: Mr. Lawler in the positive.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

(Pause)

Page 14, Calendar No. 72, the Clerk will read.

THE CLERK: Assembly No. A01393-A, Calendar No. 72, Cahill. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "John 'Jody' Rossitz Memorial Bridge."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 1393-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I wanted to remind all my Republican colleagues that we will have a legislative briefing commencing 15 minutes after we are concluded with today's Session. We have a resolution that we will be addressing shortly. Fifteen minutes after that vote, we will have a legislative briefing by Zoom and so I encourage all my Republican colleagues to join us. Thank you, sir.

ACTING SPEAKER AUBRY: Republican legislative briefing in 15 minutes after the end of Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions? I believe we have a Dr. King resolution on the desk.

ACTING SPEAKER AUBRY: Which we will take before we end, and we have a prime resolution that's in front of us.

The Clerk will read.

THE CLERK: Assembly Resolution No. 460, Mr. Heastie. Legislative Resolution commemorating the observance of the 37th annual Martin Luther King, Jr. Day in the State of New York on January 17th, 2022.

(Pause)

ACTING SPEAKER HUNTER: Mr. Aubry on the resolution.

MR. AUBRY: On the resolution, Madam Speaker. It has been for me 30 years that I have been here in the Assembly and we have honored this day and this man so appropriately, because of the way he stands in our history. I was reminded that he is the one American citizen that has a day set aside for him alone. We have other holidays that we celebrate, but they generally celebrate larger groups of folks, Veterans' Day, Independence Day for the entire nation, and we have President's Day that celebrates the Presidents, but we singularly honor Martin Luther King, Jr. with a day of his own. A very interesting thing, if you think about it, relative to what he means to this country, all of the country, the entire country. His fight for Civil Rights in this country was so historic and so honorable and so courageous that the world recognizes him and credits him with a move that caused the greatest country in the world to change course, to change (inaudible).

Over the weekend, I had the experience of watching a PBS show, *Slavery by Another Name*, which detailed the period of this American history from the end of slavery to the 1950s. And well, we called it -- it was called Reconstruction. It was the development of the southern codes of restriction on African Americans and poor people. And it particularly focused -- it's interesting because it was written by a young man, white man, who lived in Mississippi and was a writer

for *The Wall Street Journal*. And so we took this experience that he had growing up in the South and translated it into economic terms and of course because we are an economic country, a capitalist country, you know, it was of interest to him how these interesting issues arose in the South.

And so he detailed a study of the use of prisoners to build the South back up after the Civil War. And he detailed the study of how often these prisoners were not guilty of anything substantial, but they could be sent to prison, they could be convicted by juries that did not represent them, and then used as labor to build roads and bridges, things that the South, as it was trying to rebuild, needed. And they became the back of the resurgence of the South as an economic power. He also described a system where merchants would be able to claim that an individual, black or white, owed them money and take them to a court that was controlled by the merchant and have them levied a fine against them. And that fine could never be paid off based on the wages that that person was going to earn as an indentured slave. And so he talked about the horror of the retribution of the KKK on the communities of color and poor people who might oppose their systems that were there.

And so the reason I raise it today is because we credit Martin Luther King with the fight to change all that, but I think very few of us understand the conditions that existed that brought Martin Luther King to the forward, and the courage that he had to have to undergo a system where his grandparents and his great-grandparents

had been used and abused in the southern states and, quite frankly, not treated so well in other parts of the country. And so to me in this 30th year of this, it broadens my understanding of the nature of the man because, again, he was not someone that was by nature a revolutionary, he was someone that was raised as a prince of the church in the African-American community. So he didn't have to go out here and start this trouble, he didn't have to go out and begin that. He could have preached in his daddy's church for years and probably done very well, raised a family, been able to escape the worst part of society, but that wasn't his heart. That isn't what his Lord told him to do. And so he took on the burden of all those people who had been abused, all those people who had been used and treated so poorly and decided to make sure that it would not happen to future generations.

So it is so right recognizing what he did, how he did it, and why he did it that we pause and say in a singular way he changed the country, this country of the United States of America. Thank you so very much.

ACTING SPEAKER HUNTER: Mrs. Peoples-Stokes on the resolution.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to share a few comments on this resolution. I certainly have not had the opportunity from the floor of this Legislature to address the greatness of this man for as long as my colleague who just spoke, but it is always a pleasure to hear him discuss these things from a historical perspective that one might not

have been aware of. So I am pleased to have had an opportunity to hear him speak again on Dr. King.

But on behalf of Speaker Heastie, Minority Leader Barclay, and myself, it gives us a great pleasure to join -- and, by the way, and all the members are signed onto this resolution. It gives us a great pleasure to join the rest of not just America, but the world in celebrating the life of the Reverend Dr. Martin Luther King. This is a man who gave so much, and it didn't matter to him whether you were black or white or young or old or rich or poor or gentile, it just didn't matter to him. What mattered to him is doing what was right, it's just that simple. And what heartens me, Mr. Speaker, is that every year when we, across the country and across the world, celebrate this man, it seems as though instead of moving closer to his vision, we're moving away. And I can feel the spirit of his legacy saying, *This is not what I'm talking about when you're trying to strike away people's rights to vote. This is not what I'm talking about when there's more homelessness instead of less. This is not what I'm talking about when people can't afford to live and stay in their own communities.* That's not what he was talking about.

And so I think, you know, as we celebrate his life, we need to really pay attention to the kind of legacy that he wanted us to move forward, and that is one that is inclusive of everyone and of everyone's needs. That is one that is not desirous to be elected because you feel powerful, it should be -- your desire is to be elected so you can help more people that you don't even know, that you've

never even seen, but you know they have these needs. And so, Mr. Speaker, I just would implore us, you know, as we honor this man, let's do the work in a way that honors him, as well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

Mr. Ra on the resolution.

MR. RA: Thank you, Mr. Speaker. Just briefly to offer some thoughts. You know, I think all of us as we commemorate this day each and every year, I know for myself I tend to go and -- and, you know, we do this with a lot of different holidays but, you know, as -- as you mentioned earlier, Mr. Speaker, we don't have many holidays if -- if any other than this one that honors a particular individual in -- in that way. And trying to read quotes and, you know, we -- there's those real famous speeches obviously that we're all familiar with, but I was reading the other day, you know, things that Dr. Martin Luther King, Jr. said about education and -- and issues like that that, you know, so many of us care about.

But -- but one of the ones that I'm always struck by and I have read this here in the past when we've done this resolution is, "Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that." And that's one that I always try to keep in my mind as we, through the last several years, have been in such polarizing times, and over the course of past Sessions and certainly over the next few months as we deal with the

State Budget and the rest of this Session we're going to deal with many of those issues that Dr. King cared so much about, whether education, health care, housing, all of these different issues. And there may be differences of opinion at times, but I think one of the most important things we can all do as elected officials is hear each other and not respond with, you know, any sort of animosity or hatred towards each other when we disagree on something, but rather take the time to understand where another member is coming from. And -- and I know for so many of my colleagues both on our side of the aisle and on the other side of the aisle have learned so much about the issues you care so much about and -- and have gotten to understand, you know, the needs of your communities and hopefully you've had heard the same from myself and other colleagues here. But I hope that the tone of this Session can be one of collaboration and one of moving New York forward through one of the most difficult times we ever had. And I think the example that Dr. King set of just advocating for the things we care about, but not necessarily turning up the temperature but trying to meet somebody with love rather than hate so that we can hear each other and we can move forward for the needs of all New Yorkers as we go through this budget and throughout the rest of the legislation Session.

So thank you, Dr. King, for -- for what you did to move our country forward. We know we still have work to be done, but all of us, all 150 of us are in a unique position to help move of our State forward and I know that we're all here and dedicated to doing

that. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker, and thank you for your remarks. Ralph Waldo Emerson once said, "It's not the length of life, but the depth." Reverend Dr. Martin Luther King was assassinated at the age of 39. When you think of the fact as you pointed out, Mr. Speaker, that he is the only person for which we recognize a holiday across the country, it speaks to the depth of his life and the impact that he had on our nation and fulfilling the dream in terms of our country being a more perfect union. And we are still a far ways away and there is still more work to be done, but there is no question that because of Dr. King's life and the impact that he had on our country, we are a far better, far better country today than we were when he was assassinated at the young age of 39.

So let us be very grateful for the life that he lived and the impact that he had on our nation as we commemorate Dr. Martin Luther King, Jr. Day in the year 2022.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. I'd just like to say a few things about Dr. King. Yesterday across our nation, here in New York, and today here in Albany we celebrated, honored and showed respect to this man who helped so many, who helped this nation; yes, Dr. Martin Luther King, Jr. And a couple of the quotes or sayings that he had said I remembered and my colleague

had just said one of them, but I'd like to share them one more time: "Hatred paralyzes life; love releases it. Hatred confuses life; love harmonizes it. Hatred darkens life; love illuminates it." Today, we're dealing with COVID-19, surges in crime, disrespect with one another, and the loss of our Christian values here in our nation. Today, of all times, we need men and women like Dr. King.

One of the other sayings he had, and my colleague said it earlier, I'd just like to resay it one more time: "Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that." A week ago in church, we had a sermon about being the light of the world. Dr. King, in 39 short years, shed not only light on this nation but across this world. Much like our Savior, Jesus Christ, he taught us to love, to have hope, kindness, and to put everyone else first. I want to thank him for the light that he shed in his, yes, 39 short years. The light that he shed with all of us here in New York, here across our nation, and in the world. And I hope and pray that God blesses each and every one of us, but his family as well. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Anderson on the resolution.

MR. ANDERSON: Thank you, Mr. Speaker. I want to make some brief remarks and voicing my support for this resolution as it is critically important to acknowledge the very essence of Democracy during this time. First, I'd like to start off by thanking the late great Coretta Scott King for without her, there would be no MLK

Day. Through her advocacy, she is truly one of the most important leaders of our time ensuring that this is a holiday that we celebrate across the nation. In 1983 when Congress instituted Martin Luther King Day, many believed that a turn of the tide of American Democracy had come. Today as I stand here in 2022, the state of poverty, criminalization, and disenfranchise of black and brown poor Americans still perseveres and is rampant, and is rampant as it has been in American history for the last four centuries. But one thing that I know for sure is that there's hope, and my hope is that we celebrate this -- this symbolism, this holiday, through the triumphs we're going to make and the strides we're going to make on the issues that Dr. King fought so hard to put in place.

One of the things that's important to me as we move towards a place of honesty and reconciliation is that we breathe that hope through the future generations through the individuals who want to keep and carry and hold the dream that he had set and the bar that he had set for communities all across this nation. I hope that we're honest in our knowledge of the murder of Dr. King and honest in the solutions that we, as legislators, put forward to address the needs and services and resources that our district needs -- districts need. We're talking about human justice, climate justice, education justice just to name a few.

Now, in my brief remarks I just to hope to leave you all with this, we should not use the symbolism to undermine racial justice but instead, be guided by Dr. King's words, and here they are:

"If America does not respond creatively to the challenge to banish racism in its entirety, some future historian will have to say that a great civilization died because it lacked the soul and commitment to make justice a reality for all men." And that's a quote by Dr. King. We are in a privileged space, Mr. Speaker, to really build out the soul and commitment to make justice a reality for many Black Americans across this country. We have six months to do it in the Legislature, we have a budget to pass to make sure we do it and live up to his dream and vision. We have constituents back in our district that's dependent on us to carry the mantle, and I look forward to be a part of making sure that we live out Dr. Martin Luther King, Jr.'s dream and vision and we follow in his footsteps. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, nay. The resolution is adopted.

Mrs. Peoples-Stokes, we have numerous fine resolutions which we will take up with one vote. On the resolutions, all those in favor signify by saying aye, opposed, nay. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 461-474 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 2:30 Wednesday, January the 19th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned. Remember there is a Republican Conference at 15 minutes after this time.

(Whereupon, at 4:08 p.m., the Assembly stood adjourned until Wednesday, January 19th at 2:30 p.m., Wednesday being a Session day.)