NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

LIEUTENANT GOVERNOR ROBERT J. DUFFY, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will now come to order.

I'd like to ask everyone to please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: Today's invocation will be given by the Reverend Ana Thomas, who is the pastor of Christ Lives in Me Evangelist Church in Bronx, New York.

REVEREND THOMAS: Good evening. God bless each one of you today. It's a privilege to be here before your presence.

I have the privilege to start the prayer, the invocation, in three languages: English, Spanish, and my native Garifuna.

We thank You, Lord. We give You the glory at this time. We thank You for each one of my brothers and sisters, the Senators that are here present, the men of God that have come to this day, this very special day.

And we ask You, God, for Your glory to be seen. And we ask You in a very special

way to put Your wisdom, God, to give them the strength, both physical and spiritual, that they need.

[In Spanish.]

[In Garifuna.]

God bless you.

(Applause from the gallery.)

THE PRESIDENT: Thank you, Pastor Thomas.

Next, the reading of the Journal.

THE SECRETARY: In Senate, Monday, April 4th, the Senate met pursuant to adjournment. The Journal of Sunday, April 3rd, was read and approved. On motion, Senate adjourned.

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

Next, presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance,

offers the following appointments.

As director of New York State Urban Development Corporation, Kenneth G. Adams, of Brooklyn.

As president and chief executive officer of the Empire State Development Corporation, Kenneth G. Adams, of Brooklyn.

And as commissioner of the New York State Department of Economic Development, Kenneth G. Adams, of Brooklyn.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I'm proud to rise in support of the nomination of Ken G. Adams to the three-hatted position, all for the price of one, I understand. And Mr. Adams is with us today.

And this is a wonderful appointment by the Governor. Mr. Adams has the business experience and the practical knowledge of the way government operates to do a wonderful job.

The thing that most impressed me in our committee was his statement that, you know, there's a limited number of dollars for

special programs for incentives. What's going to take this state to the next level is really dealing with overall economic issues, issues that will help everyone, issues that will make this state more attractive to all businesses to stay here and to come here.

And to that I said amen. And I wasn't praying before this body before the session start, I said amen earlier today.

So that's the type of individual we need. Another wonderful appointment by the Governor. And I'm just happy that he's willing to take this position at this time in history.

I would request that you recognize Senator Alesi to second the nomination.

THE PRESIDENT: Thank you, Senator.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

As the chairperson of Economic Development, and more importantly as someone who has had the opportunity over the last few years to work directly with Ken Adams, I can

speak to his abilities. And I have great admiration for what I think is a gentleman who's going to do a terrific job. The vision of Governor Cuomo is certainly stand-out when it comes to this choice.

I know that he will have an active partnership working with the Lieutenant Governor as they pursue the economic development of our state. I completely embrace that partnership under the Governor's vision.

Again, I applaud the Governor for this nomination. And I know that when Ken Adams was answering questions at various committee hearings today, he said first and foremost he would like to take his advocacy and turn it into action to create jobs.

And I can tell you, my fellow Senators, that he has already done that. Because in just a few short minutes, he will have created three jobs, as the director of the New York State Urban Development Corporation, the president and CEO of Empire State Development Corp., and the commissioner of the New York State Department of Economic

Development.

I wish Ken Adams all the best in his partnership with the Lieutenant Governor and with all of us. We want this Governor to succeed. We want this state to be the economic Empire State that it was. And I am sure that we have the best person in the job for that in Ken Adams.

THE PRESIDENT: Thank you, Senator.

Next, Senator Adams.

SENATOR ADAMS: Thank you, Lieutenant Governor. It's good to see you back, by the way.

THE PRESIDENT: Thank you, sir. Good to be back.

SENATOR ADAMS: I want to just say personally how I thank Ken. You know, you can see the resemble -- he's part of the Adams clan.

(Laughter.)

SENATOR ADAMS: You know, he was in Brooklyn with the Brooklyn Chamber of Commerce and just did great things. He thought outside the box. He was extremely

creative. The business community was just blessed to have Ken there. But, you know, I think the borough's loss is the state's gain. And we're still part of the state, so we have retained a great leader in Ken Adams.

And his door is open, his ideas are open, he brings a new energy and a new spirit. And most important, he brings a level of creativity that's needed in the state to figure out how do we get the state back to employment.

So, Ken, welcome. We appreciate you and your family. And I think this state has a great choice, the Governor made the right decision on bringing you on board.

Thank you.

THE PRESIDENT: Thank you, Senator.

Next, Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

I would also like to rise today and commend Governor Cuomo for selecting Ken Adams for these positions. I think it was a very good selection because obviously, with his

experience and background with the Chamber of Commerce and most recently with the Business Council, what better way to send a message with economic development that will bring somebody who has experience with private business. I think that was so much needed for this particular appointment.

What impressed me today in Corporations, Authorities and Commissions is the fact that this new appointment realizes that we can't afford to be last in tax climate in this community. In order to bring back jobs, whether it's large business or small business -- and Mr. Adams testified about this this morning -- we really have to lower the taxes in this state to make us more competitive with not only the states around us, but the states in the rest of the nation.

So I look forward to working with Ken. We had a very good relationship when he was with the Business Council. And I'm sure that he will do great work for the State of New York in his new position. So again, congratulations, and look forward to working with you on a continued basis.

THE PRESIDENT: Thank you, Senator.

Senator Sampson.

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

I rise to commend the Governor on his selection of Ken Adams as president and CEO of Empire State Development Corporation. As Senator Adams said, Brooklyn has done well.

Ken, I want to commend you on your commitment, your dedication, but most of all the vision that you have. You've done it in Brooklyn, you've done it with the Business Council, and now you will do it throughout the State of New York.

Once again, New York will be the true Empire State again. And it's individuals like yourself who understand that the most important things are jobs, jobs, and jobs -- but at the same time understanding the people who need these jobs. And this is something that you always had a sixth sense, dealing with individuals irrespective of parties because the most important thing was giving those individuals an opportunity to excel,

giving people the opportunity to excel.

So I want to commend you on being the person who you are. We are lucky, and the Governor made an excellent appointment by appointing you as president and CEO. Congratulations, and you have done Brooklyn very proud.

THE PRESIDENT: Thank you, Senator.

Senator Smith.

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

I rise to second the nomination of Ken Adams and to tell the Governor that he could not have done any better to pick someone of Ken Adams' caliber. We here in the Senate passed an on-time budget that cut taxes, that cut spending, and the third arm of that process is to create jobs. Ken Adams is the person to do that.

He is someone who not only hails from Brooklyn, but remember, he is the head of a 2500-organization group, the Business Council of the State of New York, that required someone to understand the importance

of One New York, a state where we have always been the Empire State, we have always led in technology, we've led in creating creative jobs. And I believe Ken is the person who will use his integrity and his intellect to not only create jobs in the State of New York but to use his international relations.

Where we now recognize that this world and this globe has become very small, it's going to require one that has the ability to reach beyond the borders of New York or California, but China, India and abroad.

So I think the Governor has done well. I congratulate him and look forward to us as a body, Ken, becoming part of your team in creating New York and making it once again the Empire State.

THE PRESIDENT: Thank you, Senator.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I too want to congratulate you, Mr. Adams. I want to thank the Governor for a tremendous choice in nominating Mr. Ken Adams

as president and CEO of the Empire State Development Corporation as well as commissioner of Economic Development.

I can tell you, as ranking member of the Economic Development Committee, I look forward to working with you, along with the chair, Senator Alesi, and moving New York State forward, creating jobs and opportunity, and giving people an opportunity to stay here in New York State.

And unfortunately, we've seen the statistics once again. Even this past week we've seen statistics from the census, particularly from the region that I come from in Western New York, thousands of people have left in the last 10 years, tens of thousands of people from the county where I reside, in Erie County, to find jobs and opportunity elsewhere. We look forward to working with you to reverse those trends.

And, you know, your resume speaks for itself. Your expertise is far and beyond what is called for in order to lead this state in the right direction. Your work with business, the Business Council, and small

businesses in particular, that we're going to need that expertise to move New York State in the right direction.

Again, congratulations, Mr. Adams. I thank the Governor for his choice. And I will say, though, unfortunately the only flaw you bring to the table is that you are a New York Rangers fan.

(Laughter.)

SENATOR KENNEDY: So we won't hold that against you today.

Thank you.

THE PRESIDENT: Thank you, Senator.

With that, we'll move on to Senator Liz Krueger.

SENATOR LIZ KRUEGER: I'll stay out of the sporting disputes between upstate and downstate.

I appreciate very much the Governor giving us this fine nominee. It's quite the challenge to take on economic development at this time in our economy, not just in New York State but throughout the country.

And I am confident that Mr. Adams

will move us forward, recognizing that an even playing field for everyone in the business community is one way to assure that we are expanding and strengthening our opportunities here in New York State.

I also particularly appreciated, in my discussions with Mr. Adams, the importance that he puts on quality data and research for planning purposes. Sometimes we forget to do the homework before we move forward.

So I am very excited that the Governor and through the budget we have expanded into regional councils. I'm delighted to see you here, Lieutenant Governor, because I know you will also be playing a key role in that assignment, along with Mr. Adams and the economic development organizations in this state. And I look forward to seeing real progress and real movement with new ideas and smart planning for the State of New York.

And so, again, I thank the Governor for this fine nominee and I look forward to working with him.

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. Let me also applaud the Governor on this great choice and congratulate Ken. As my other colleagues have said, he certainly does have a great track record, and a very good choice.

Everything we do is important in government. But I would say this one in particular is very important, especially at this point in time when, as my colleague Senator Kennedy said, jobs are critically important.

So I am very much looking forward to working with Mr. Adams and others on partnerships, policies that are going to help private-sector job growth. Clearly I don't think -- we use that term "lift all ships." Any job not only impacts an individual family or person who gets that, but makes our whole community stronger and our state stronger.

So I'm glad we have a good person at the helm, and I'll pledge my continued

support to do all we can to improve the economy here in New York.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Next, Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to compliment the Governor. You know, appointment after appointment has been outstanding. And to get these talented citizens willing to serve our government is really a tremendous accomplishment.

And this in particular is a remarkable accomplishment because, Ken, I don't think there's a greater priority of this house, of the Governor, of the Lieutenant Governor than economic development and jobs. It has been a major priority for this state, and there's nobody, there is no one that I know of that has a better view of the entire state from Brooklyn to Niagara. The entire state.

You have served the Business Council and the economic community well.

You're a fantastic appointment. I look forward to your tenure because you're going to do a great job for us, and we're lucky to have you. And congratulations.

THE PRESIDENT: Thank you, Senator.

Next, Senator Perkins.

SENATOR PERKINS: Thank you very much. I rise to join my colleagues in supporting this nomination fully and congratulating the Governor for his choice, including congratulating Ken Adams for his sterling qualifications.

And we've had good conversations in terms of what I would like to see, what some of us would like to see, particularly with regard to MWBE and particularly with regard to the community and getting the community involved.

We had some conversations about eminent domain, and I shared with him honestly my interest in reforming eminent domain. You know, we're 10 years after the Kelo case and nothing has really transpired in a positive way for those communities. And we're

concerned that we might have similar circumstances in New York State, particularly in the area that has come to be known as Atlantic Yards, recently reported in the newspapers -- particularly in the Wall Street Journal and the New York Post -- in terms of how that project is not moving forward as we had hoped it would be.

But nevertheless, I think he's the right one for this time, look forward to working with him, and appreciate the conversations that we've had.

Congratulations.

THE PRESIDENT: Thank you, Senator.

Next, Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

There's a lot of expectations down here for you, Mr. Ken Adams. And it's been a privilege working with you for all these years, working in Kings County and working here in the state to try to bring jobs back to this great state.

Our prayers go out to you on the

loss of your father last week, and our prayers from all of our conference down here. But I'll tell you, your father is shining right now down on you. He's saying his favorite son has proven not only to himself but to his family and to his city and state what a great contribution he's been able to make.

And we are very, very proud of you. You've been able to bring thousands of businesses together and tens of thousands of people together. You've been able to improve working environments in the city, especially in Brooklyn and across this state. You worked with the high schools and with the colleges and one of them right next to you, Xaverian High School, in being able to turn around and get those kids the opportunity, get the right training for the future jobs that are coming into our city and into our state.

You were the head of many different corporations -- the CUNY Leadership Team, for one. And being able to work with you to put in a health program for small business that is a model of the nation today and up and down the State of New York.

You've done a lot of great things, Ken, and we're proud of you. A lot more to be done. And cutting the regulations that we have and the fees and the licenses that are on small businesses. You get it. You understand it. And that's why all of my colleagues here are proud to see you where you are, because we know that you will be able to bring business back and increase business in the city and state of New York.

God bless you. Godspeed to you and your family. We know you'll do a great job. I vote aye.

THE PRESIDENT: Thank you, Senator.

Next, Senator Zeldin.

SENATOR ZELDIN: Thank you, Mr. President.

I guess I can start off by saying what Senator Golden said. I'm a huge personal fan of you, Ken.

And coming off of a week last week where this house, this Legislature passed an on-time budget, we held the line on taxes -- in fact, cut taxes, we cut spending. I come

from a district, we all come from districts that have employment problems. It's not just unemployment; for many, it's underemployment. And for us to come off of that great success last week, I have to commend the Governor.

I have to wish you the best of luck. But what a great way to start this post-budget season, with someone like Ken Adams taking the helm in a role so important at such a critical time in our state.

Best of luck. I look forward to working with you.

THE PRESIDENT: Thank you, Senator.

Next, Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I also rise to congratulate Ken Adams on his appointment. I congratulate the Governor for bringing us another great nominee.

The Governor has stated that New York is open for business. And I hope it is. And I'm here to work with you to see that it is. We talk about jobs. Everybody that

has spoken before has talked about jobs, jobs, jobs, creation of jobs, giving employment opportunities for our young people, keeping people here in our state so that we can maintain the great Empire State that this has always been and keep it going and growing.

We need businesses. We need to attract businesses to this state that grow things, that will make things, that will do something. It can't be just a slogan. It can't be just "I Love New York" and we go away. It's got to be a real actual campaign where we go out and we compete.

We are in an international economy. I don't have to tell you that. And I don't have to repeat it for the people of this state. They know it. We are in competition with everyone around us. Every state around us, every country around us, all looking for the businesses that we have here in New York or we have here in the United States, to come to their country or their state.

We need to keep them here in New York. Anything we can do, everything we can do to support you, and everything you can

do will be appreciated by the people of this state. Because we want to keep them employed. We want careers -- not just jobs, not just temporary construction jobs, but careers for our people so that they will be here and that our state will flourish.

So, Mr. President, I vote aye on this appointment and look forward to working with both of you in the future.

THE PRESIDENT: Thank you, Senator.

Next, Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President. And I join my colleagues in welcoming you back. We're very happy to you to see you there.

And I want to compliment the Governor on this appointment, because it is someone that I'm very familiar with from Brooklyn, my former fellow Brooklynite.

And I want to also say this is one of those moments in time when one person who has been nominated is being welcomed by both sides of the aisle, upstate and downstate, Long Island to Buffalo and all in between.

And I certainly want to join them.

And I am so happy that Mr. Adams knows all about the Brooklyn Navy Yard, the part of Brooklyn that we've worked together on. And Red Hook, the part of the waterfront that he is very familiar with. The Brooklyn Army Terminal and all of those small businesses, light-industry businesses as well as the larger corporations that are multinational and what have you.

So I'm really looking forward to it. I'm happy to say welcome and congratulations, because I know that Brooklyn will now be in the house. So thank you. Congratulations.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise to congratulate the Governor on his appointment of Mr. Adams as well.

And while I have the same concern as all of us do about this entire state, I am

very concerned about the landmark determinations and decisions that this Legislature has made around MWBE. And I am very hopeful that not only did we do landmark legislation, but that we will do, under your leadership, landmark progress for the women and minorities of the State of New York.

So congratulations for accepting this post. And whatever our offices can do to help to support and to spearhead your energy, we're prepared to do so.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Any other Senators wishing to speak?

Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

I also want to take this opportunity to commend the Governor and the Lieutenant Governor for their efforts in nominating Mr. Adams. Ken has an excellent resume, and he's had a very successful tenure as the Business Council president.

I look forward to working with you. This will require enormous energy and effort in order to ensure that we are familiar with the various concerns and needs across this very diverse state. So I am hopeful that we will continue to communicate, to cooperate.

Again, I want to commend the Governor and the Lieutenant Governor, because you've assembled an important team to do what is the most important job, and that is to recruit and retain jobs in this state.

So good luck. And thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I too want to be rise and applaud the Governor for this outstanding choice. And, Ken, I'm going to speak last so that I make sure that we get all the jobs in my district when we work on that.

But Ken is the right guy for the job, Mr. President, because he does understand

the businesses of this state, he understands what it takes to create job opportunities. As Marty Golden said earlier, not only does he understand the needs of the city, but I know he understands the needs of all of New York. And as my friend and colleague Senator Malcolm Smith would often say, he understands the "One New York" concept.

And, Ken, I wish you the very best. I look forward to working with you. And I know you'll be successful in helping New York State be the state that is indeed open for business again.

THE PRESIDENT: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: I thank you, Mr. President.

And Senator Libous, I'm sorry I had to put my name in before you got to make your statements last. But --

SENATOR LIBOUS: I'm honored that you would close this.

SENATOR STEWART-COUSINS: Well, again, I want to commend the Governor as well.

And the reason why I felt it was

important to rise is because so much was said about MWBE. And I did have an opportunity to ask those questions, and we were assured by Mr. Adams that not only the commitment is there to promote MWBEs, the certification process continues to go faster, and there's also a commitment for the technical assistance that businesses need in order to be competitive.

And so he understands that beyond certification is actually the acquisition of contracts and jobs. We talked about regional councils and we talked about MWBE representation on those councils and how that has to happen.

So it is a wonderful, wonderful nominee. We look forward, all of us, to working with Mr. Adams. Because not only does he have a business acumen, but he also started a not-for-profit even before that. So he understands the volunteer service side, lift people up, and understands that jobs are the way to do it.

So I wish you the very best and look forward to working with you.

THE PRESIDENT: Thank you, Senator.

Next, the question is on the nomination of Kenneth G. Adams as commissioner of the New York State Department of Economic Development, director of the New York State Urban Development Corporation, and president and CEO of the Empire State Development Corporation. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Nay?

(No response.)

THE PRESIDENT: Kenneth G. Adams is hereby confirmed as Commissioner of the New York State Department of Economic Development, director of the New York State Urban Development Corporation, and president and CEO of the Empire State Development Corporation.

Kenneth, congratulations.

(Standing ovation.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As commissioner

of the New York State Department of Agriculture and Markets, Darrel J. Aubertine, of Cape Vincent.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm pleased to rise to move the nomination of Darrel Aubertine as the commissioner of the New York State Department of Agriculture and Markets.

We keep repeating this on this side of the aisle, that the appointments by the Governor have truly been excellent appointments. I mean, people that understand the issues in the area to which they are being appointed.

And this is no less true of this nominee, Darrel Aubertine, who knows the farming business. He's been a farmer his whole life. And he also knows the political process by which the issues that are important to those in the agricultural community will have to -- that he'll have to advocate for in order to make our number-one industry even better than it is now and even more productive than it is now.

And I'm also pleased because Senator Aubertine rose to the gallery and rose to commissioner status because it makes a lot of us happy on this side of the aisle. His success is our success.

(Laughter.)

SENATOR DeFRANCISCO: And we're very happy for him.

(Laughter.)

SENATOR DeFRANCISCO: So I'm pleased to move the nomination of Darrel Aubertine.

THE PRESIDENT: Thank you, Senator.

Next, Senator Ritchie.

SENATOR RITCHIE: Mr. President, I am pleased to rise and second the nomination of Darrel J. Aubertine as the commissioner of Agriculture and Markets.

I would also like to welcome his wife, who's in the gallery today. It's nice to see you, Margaret.

Mr. Aubertine is a lifelong dairy farmer from Cape Vincent and a former member of this chamber. In addition, he has

previously served as a member of the Assembly, a Jefferson County legislator, and also a Cape Vincent Town Council member.

Over the past several days I've had the opportunity to discuss with Mr. Aubertine issues that will require a coordinated effort between the Legislature and the Governor to resolve successfully, issues that move the agriculture industry forward and recognize the key role that hardworking farmers play in rural upstate economies. I am confident that with the help of Mr. Aubertine as commissioner, we will be able to achieve that goal.

As you can imagine, Mr. Aubertine and myself have had a little history between us. This morning was the first time I've had the opportunity to vote for you.

(Laughter.)

SENATOR RITCHIE: I will say two times in one day, Commissioner, is pushing it, though. Two times in one day.

(Laughter.)

SENATOR RITCHIE: In all seriousness, though, I look forward to working

with you. I'm sure you'll do a great job as commissioner. And I wish all the best to you and your family.

Thank you.

THE PRESIDENT: Thank you, Senator.

Next, Senator Sampson.

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

As Senator DeFrancisco said, on that side of the aisle, on this side of the aisle, the Governor has made tremendous appointments. And this is an excellent appointment to not only a friend, a former colleague, but most of all a true statesman, Senator Darrel Aubertine.

Darrel, I want to congratulate you and your wife for the phenomenal job that you have been doing not only as a farmer but, most of all, here in the Legislature when you were here. And your commitment and your dedication and your passion to the agricultural industry is beyond reproach.

And it's very important, it's very fitting today we have Ken Adams and we have

Darrel Aubertine, agriculture and economic development working together to create jobs, not only here in New York State but also in the global marketplace.

So, Darrel, I want to congratulate you. Thank you for always being a friend, a true friend. And nothing but best wishes. And I know you will make a phenomenal agriculture commissioner.

Congratulations.

THE PRESIDENT: Thank you, Senator.

Next, Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you.

Again, Mr. President, I rise to congratulate the Governor on this appointment. But certainly I want to personally congratulate Darrel Aubertine for just being a good guy.

One of the things I continue to hear is that agriculture is about upstate New York. But we having ag and markets down on Hunts Point and some other parts of this state as well. And so we look to continue to

develop that relationship between the markets upstate and Hunts Point, which is a part of the Bronx.

So don't get lost upstate. We'll help you find your way through the city and through some of our areas.

But again, I think Senator Sampson said it best: You've always been a friend to this Legislature. And I know that you will continue to do so and to be so.

And I know that your hours will be a lot more regular and stable, which Margaret will love very, very much. And so from that perspective, you'll be home more, with a lot more regularity. Which sometimes up here gets very, very crazy.

But thank you, Darrel, for your friendship and for all that you've done for the State of New York thus far, and I know that you will continue to do more in your new position. Congratulations.

THE PRESIDENT: Thank you, Senator.

Senator Breslin.

SENATOR BRESLIN: Thank you,

Mr. President.

It's my honor to stand and congratulate the Governor for such a wonderful pick.

I think Darrel Aubertine is right out of Norman Rockwell. And I had forgotten that the nomination was up today, and then I saw his tractor parked out on State Street.

(Laughter.)

SENATOR BRESLIN: You know, someone who has been on a dairy farm where his grandfather worked, his father worked, his children worked, and he hopes his grandchildren will work. But coming here to this body after a stint in the county legislature and a stint as a member of the Assembly and as the ranker on -- or, excuse me, with Bill Magee over in the Agriculture Committee over in the Assembly, and then here.

And here, his dedication, his honesty, and I really think his nonpartisan ways endeared him to both sides of the aisle. Because on issues, he always did what was best for his district and best for the State of New York. And he's a special friend to all of

us.

And, you know, I know back in November it was bittersweet when we got the news. But when we thought about it -- and I think I'm not alone -- many of us, when we thought about: Gee, Agriculture, what a perspective commissioner. And wasn't the Governor so correct in choosing the perfect commissioner.

So I congratulate you, Darrel. I look forward to working with you and I'm sure seeing and you Margaret together for many, many years to come. Congratulations.

THE PRESIDENT: Thank you, Senator.

Next, Senator Smith.

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

I also rise to join my colleagues in seconding the nomination of Darrel Aubertine to become the commissioner of the Agriculture Department for the State of New York.

Mr. President, one of the joys I had when we were in the majority was making

the appointment of Darrel Aubertine to chair the Agriculture Committee. That was a decision that required no thought. It didn't require any deliberation, with the exception of Margaret. I had to think about your concern of how it would be in terms of what it would take his time away. But after we got through that, it was clear that Darrel was the right person.

What people do not realize and must continue to give Darrel the credit for is that he has raised the profile of agriculture in this state, a multi-billion-dollar industry that most people don't recognize in the State of New York which has become recognized throughout the country.

And so the Governor of this state has continued to make wonderful appointments. Senator Ritchie -- Senator Ritchie (laughing). I'll just say thank you in my own special way. Because as Darrel has always been a trailblazer and sacrificing of his time, as he did for this body and for this conference, he once again is sacrificing his time for the greater good in the State of New York.

So to my good friend Darrel Aubertine -- and I consider him to be a good friend -- and his wife, thank you for allowing him once again to be a servant to the state. Thank you once again for allowing him to serve the 19 million people of this state. But most importantly, thank you for allowing him to share his most inner person, and that is a person that says if I can do something for someone to make their life better, I will do so. And you have allowed him to continue to do that in his life. Thank you, Margaret.

And, Darrel, good luck to you. But your wife deserves most of the credit.

Thank you.

THE PRESIDENT: Thank you, Senator.

Next, Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you.

I also rise to welcome my friend and previous colleague to his new position as the commissioner of Ag and Markets. And some people who go into politics really like the politics, and some people really like the policy. And I feel confident in saying that I

know that Darrel Aubertine really likes the policy.

And so I think, with this confirmation, we will see that a man who is completely dedicated to agricultural issues in this state really gets to run with it, so to speak, as our commissioner, making sure that we do everything we can to support and strengthen agriculture in New York State.

And as I've said to him many times, upstate New York may be growing the food we eat, but my district wants to eat it. So we want it grown, we want it healthy, we want it local, and we want to figure out how we bring more New York State agriculture right down into New York City as a win/win for all of us.

So congratulations, Darrel.

THE PRESIDENT: Thank you, Senator.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I too want to rise to congratulate you, Darrel Aubertine, on your nomination and ultimately your confirmation as commissioner

of Agriculture and Markets.

You know, many of you in this chamber had the opportunity to serve with Commissioner Aubertine. I haven't. Yesterday was the first time we actually got an opportunity to meet. But I'm a pretty good reader of people, typically, and it didn't take me long to figure out what's already been stated.

Darrel Aubertine is a good person. But further than that, it takes more than a good person to be a good commissioner. And Darrel Aubertine's resume speaks for itself: A seventh-generation farmer, whose granddaughter will be a ninth-generation farmer, whose family farm was created back in 1832 up in Jefferson County.

And I first wanted to say that, you know, the family farm might just be the heartbeat of New York State. Perhaps it would be more fitting to refer to it as the stomach of New York State.

Commissioner Aubertine, it's an absolute pleasure to stand here in support of what's already been applauded as a tremendous

nomination from the Governor of the State of New York as the next commissioner of Agriculture.

As the ranker on Agriculture, I look forward to working with you to advance the agriculture industry, to help grow jobs, grow the economy throughout New York State, in Western New York, in my district, from the cornfields of Eden to the farms in Hamburg, West Seneca, into the processing that happens right in the City of Buffalo, the second largest city in this state.

We have our work cut out for us. And there's nobody better to lead this state as it pertains to Agriculture and Markets. And furthermore, furthermore, perhaps what is even further compelling and makes it even much easier to support Commissioner Aubertine today is his avid love for the Buffalo Sabres.

Congratulations.

THE PRESIDENT: Thank you, Senator.

Next, Senator Adams.

SENATOR ADAMS: Thank you.

And I hope, Lieutenant Governor,

you let the Governor know that there are a lot more commissioners on that side of the aisle that he could appoint. We would love for them to be appointed as well.

(Laughter.)

SENATOR ADAMS: Let me say this. I think that Darrel is representative of what this body is about. I mean, we debate, we argue when we're on the floor, and oftentimes people who watch us on TV, YouTube or any other place, they believe that we take our passion outside the chamber. And when in fact that's not the reality.

Darrel is representative. And I think he personifies what's great about men and women who decide to serve government, no matter how much they attack us, no matter how much they want to write bad things about us. You don't run for government if you don't like the people of the State of New York.

And it doesn't matter if you're a Democrat or a Republican, the mere fact is we spend days away from our families. Darrel knows what he was here there was countless number of days he's not with his family, he's

not with his loved ones. And that's representative of what we all are.

So our applauding of Darrel really is an acknowledgement of what we feel about each other. And even when someone passes away in this chamber, we mourn the death. When someone rises from this chamber and becomes a commissioner, we celebrate that.

And that's what's great about Darrel. When Darrel was here as a State Senator, he was welcomed by all. He served in the Assembly, he served in the Senate, and it was the same tone across the board of what Darrel represented.

And we miss you, we believe that the State of New York is better, and we believe that all of us bring our own level of expertise -- if it's social services, like Senator Montgomery, or law enforcement, like myself, or some of the attorneys or some of the others who have other professions. There are a great group of men and women who are in state government. And what we learn here we take out to other areas of state government.

And no matter how much individuals

attempt to tarnish who and what we represent, you are an indicator of what's great about serving in the state government. I'm happy, after my career, I came to serve in state government, and I'm glad that I had an opportunity to meet you and meet other men and women who are in this chamber, and to say that your heart and soul is to see that the people of State of New York are able to get from one day to the next. And you did that as a State Senator. I'm sure you're going to do it as a Commissioner.

And there's a lot of opportunities out there, if we think outside the box, of how do we bring the agricultural community from upstate throughout the state. This is a great farm state, and we can do some great things if the individual thinks outside the box. And I think you're the person for the job. And I thank you for your time in the State Senate, and I look forward to partnering with you as well in your new role as the commissioner. And I'm sure your wife -- you're going to be happy to have him home, you know.

So again, thank you, Darrel, so

much.

THE PRESIDENT: Thank you, Senator.

Next, Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President. And welcome back. I really missed you.

Today we are here confirming Darrel Aubertine as commissioner of the Department of Agriculture. We all know Darrel Aubertine. He served in the Assembly, and in the Assembly he was the chairman of the Agriculture Committee. Then he came here, and he -- he was a member of the committee there, and here he was the chairman of the Agriculture Committee.

For the last 10 years, Darrel Aubertine has been involved in every issue that had to do with farmers and with farms. Every commissioner that has been appointed the last 10 years, Darrel had something to do with it. Every law, every regulation, every committee overseeing, Darrel Aubertine has been involved in the agricultural world. Not only because he is a farmer, not only because

he owns a farm, not only because his family has been farmers, but as a political -- as an elected official, he has been involved.

And he's from upstate. I'm from the City of New York. So what does upstate and the City of New York has in common and with Darrel Aubertine, Mr. President? Darrel Aubertine is a farmer, and the farmers upstate produce the food that we in the city eat. So we need someone that really cares so we in the city could have good food to eat.

But the City of New York does not only eat, the City of New York does not only eat what the upstate farmers produce, but we also in the City of New York we have, Mr. President, the biggest transportation market in the nation. It is called the Hunts Point Market.

And I hope, I hope that Commissioner Aubertine, when he becomes -- after we approve him and he becomes Commissioner of Agriculture, that he does everything possible in his power to protect and to guarantee that the Hunts Point Market and the jobs that it produces stay in the

State of New York --

(Applause from gallery.)

SENATOR DIAZ: -- and don't -- and don't allow New Jersey to take it from us. And I hope that the Hunts Point Market receives all the resources and the attention needed from the Commissioner and from the Governor in order to keep being what it has always been, a very big economic and job developer for the State of New York.

So, Commissioner --

(Applause from gallery.)

SENATOR DIAZ: So, Commissioner Aubertine, as you all know, me and the Governor have little in common. I don't support the Governor too much. Today, today I am supporting the Governor on this nomination.

And I hope, Commissioner Aubertine, to see you and have coffee with you in the Hunts Point Market.

(Laughter.)

SENATOR DIAZ: Thank you.

(Applause from gallery.)

THE PRESIDENT: I would ask, while the Senators are speaking, that we hold

the applause until our nominee is voted on at the end.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I too want to rise and congratulate the Governor on this nomination. Actually, Senator, I was hoping that another Governor would have put this nomination up two years ago, but it didn't happen.

(Laughter.)

SENATOR LIBOUS: And since you're soon going to be confirmed as Commissioner, I just want to set the record straight. They made me do it. I had nothing to do with any of that.

(Laughter.)

SENATOR LIBOUS: But, Mr. President, the Governor has indeed picked a former colleague of ours, someone that we respect, someone that is certainly respected back home in his district, and someone who stood on this floor for a number of years to defend the agriculture community of this state and, as has been mentioned by my colleagues,

has the passion for the job, has the commitment to the job, and I know that he will not only make the Governor proud, that he'll make all of us proud.

And, Senator Ritchie, it's okay to vote a second time for Senator Aubertine today.

(Laughter.)

SENATOR LIBOUS: It's the right thing to do.

And, Darrel, I'm very proud to stand here and say congratulations to you and I look forward to working with you as we move forward.

THE PRESIDENT: Thank you, Senator.

Senator Maziarz.

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

I too want to rise to congratulate Darrel and wish him well. He's done a lot, including making Senator Libous the number-one tourist in Jefferson County the last several years.

(Laughter.)

SENATOR MAZIARZ: Darrel, you chaired the Senate Energy Committee and we worked on several pieces of legislation. You were always very professional and above board, and I really appreciated that. And I think you'll do a great job. You certainly understand agriculture, and you know how important it is to both upstate and downstate New York.

I agree with my colleague Senator Diaz and Senator Adams when he said that it's great to see somebody who's served here who gets a promotion. So congratulations, and good luck to you.

THE PRESIDENT: Thank you, Senator.

Next, Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

It's truly and an honor and a pleasure to second the nomination of Darrel Aubertine as our next Agriculture Commissioner.

Over the years of his service in both the Assembly and the Senate, I learned a

lot from Darrel. He proved to be a very close friend, someone that really epitomizes public service and his ability to always think of the issues and work in a bipartisan fashion.

He taught me important lessons about the importance of agriculture in New York State, taught me about the disconnect sometimes in some of the things that us downstaters want to do that impacts the agriculture industry in this state. He taught me that half-and-half doesn't come out of a specific cow.

(Laughter.)

SENATOR KLEIN: But he's somebody who truly is a dedicated public servant. And sometimes life has us training for a job all our lives, and that job comes to fruition. Well, I can't think of any better job for Darrel Aubertine than to be the Agriculture Commissioner of the great State of New York.

Thank you, Darrel.

THE PRESIDENT: Thank you, Senator.

Senator Valesky.

SENATOR VALESKY: Thank you,

Mr. President.

I rise to second the nomination of my friend Darrel Aubertine as Commissioner of Agriculture. I also want to join my other colleagues who have commended Governor Cuomo for the latest in a long line of outstanding nominees, Ken Adams as well, and many that we've already confirmed here on the floor of the Senate.

You know, many have spoken about Darrel's legislative accomplishments both here in the Senate and down the hall in the Assembly. And one can look at legislative records and read transcripts of his speeches on the floor and look at his votes and look at the laws that have resulted from the bills that he has passed.

And while that no doubt will contribute to making him an outstanding commissioner, I think that what really is important about Darrel and what really matters is not so much what he has done here in this city over the last eight or nine years of his life, but what he has done each and every year of his life back in Cape Vincent. And his

dairy farm, sixth-generation dairy farmer, and what he has done with his sons, who I understand now are doing far more than he is back in Cape Vincent as a result of the time that he's now spending on this job.

But he -- and maybe at this department, at the Department of Agriculture and Markets than any other department in the state, how important it is to have someone who lives that life, so that he understands firsthand the challenges that farmers face, particularly in these difficult economic times. I think that's why Darrel Aubertine will make a tremendous commissioner of the Department of Agriculture and Markets.

Darrel, I'm very happy for you, very happy for you, Margaret. But I'm very, very happy for farmers in New York State because of the leadership that you will continue to provide.

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Alesi.

SENATOR ALESI: Thank you,

Mr. President.

I had the pleasure of sitting in on the Finance Committee meeting earlier today when Senator DeFrancisco, who chairs that committee, asked Darrel Aubertine a little bit about his background.

And he talked about his time in local government and his time in the Assembly and his time in the Senate. And he just paused at that point, and then Senator DeFrancisco had to say: "Is there anything else that you want to add to this?" And he said, "Well, I'm a farmer, six generations. My grandfather, my father, myself, my kids."

And so it was almost as if he was taking for granted the fact that he was a farmer and almost didn't even bring that to the legislative process, focusing more on his elective office. And at the same time, the minute he said that, it clicked that this is someone who actually brings firsthand experience to the job like very few people do in our world.

I can tell you a few years ago we had our difficulties in this chamber, as

everybody knows that. And as we've evolved from that, we all have different personalities. I believe that to the extent that you can maybe make a case, this is kind of a family. And so it's great when you see somebody that comes from this body going to such a great level because of the vision of our new and great Governor. Once again, a tremendous pick.

With all the different personalities around here assembled, I can say this about Darrel Aubertine. The easiest way for me to describe him, aside from saying that he is the true genuine best pick to be the Commissioner of New York State's number-one industry, is simply this. He is a true absolute gentleman. And I appreciate the time that I've had to spend with him in the Senate and looking forward to working with him as time goes on.

And, Darrel, I wish you all the best.

THE PRESIDENT: Thank you, Senator.

Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

And I rise in strong support of Darrel Aubertine as the next commissioner of the Department of Agriculture and Markets in New York State.

Darrel and I have strongly agreed on some things, and we've strongly disagreed on other things. But whether we strongly agreed or disagreed, I never doubted Darrel Aubertine's commitment to the agricultural community, to the industry, his knowledge and his passion for what he was doing.

And we had a good discussion earlier during the Agriculture Committee meeting. And I believe very strongly that Darrel understands the importance of agriculture, not only now, but how critical it is to our future in New York State. That it is an economic engine, it's the largest industry in upstate New York, and we have 2 million acres of fallow farmland that we need to get back into production.

And there's so many opportunities tied to that, whether it's food processing,

whether it's green energy, whether it's the maple industry, aquaculture, wine and grapes. There are so many different opportunities out there. And I know that Darrel Aubertine is very familiar with these opportunities.

And I believe that he will work as hard as he can with this body, with the Governor, with the Assembly, and with the farming community in order to accomplish great results for our economy, for our farms, and for the people of this state so that they have fresh, local, and safe food.

So we talked a little bit about the "Pride of New York." We are very proud of what we produce in New York State through agriculture. I look forward to continuing to work with you, and I think we're going to get a lot of great things done.

So congratulations to you.

THE PRESIDENT: Thank you, Senator.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I also agree that the Governor has

really made a very fine appointment in Darrel Aubertine. First of all, Darrel Aubertine is just a real gentleman, a good person. And I can't imagine saying anything but the best things about him.

You know, I was fortunate enough to spend some time with then-Senator Aubertine in his district. And not only did I see his dairy farm and see where his family lived and the church where he and Margaret were married, but whether it was here in Albany or there in the district, he was just really a great educator on agricultural issues. And, you know, he was even willing to use the odd terms that I would bring up that I used about farm policy, like "walking-around cows," as opposed to the cows that aren't walking around.

We actually spent time, a couple of hours, actually, speaking with people from Clarkson about cows and methane, of which I'm not going to go into great detail about it, but it's actually -- it is potentially a really terrific both agricultural and policy which I hope that Commissioner Aubertine will follow.

And, you know, he's just very generous with his knowledge and just a terrific choice. And no matter what happens -- though I think we will be approving him -- but no matter what happens, I can say that former Senator Darrel Aubertine and hopefully Commissioner Aubertine, we will always have the Canton Dairy Parade together.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Perkins.

SENATOR PERKINS: Thank you very much.

I did want to join my colleagues in expressing my congratulations and appreciation for the time that we spent together. And I'm positive you're going to do a wonderful job.

You know, I once had the opportunity to milk a cow thanks to Senator Valesky. I don't think the cow appreciated it.

(Laughter.)

SENATOR PERKINS: But it was an enlightening experience.

But I say that because I understand you're a dairy farmer. And a lot of folks, when they think of places like Harlem, they don't think of the fact that we do have some great appreciation for farming.

And in fact, there is an urban farming movement, a very significant urban farming movement that I want to bring to your attention again, because at some point we're going to look forward to you coming down into the community to talk with our urban farmers and see how, through you, they can begin to develop even further their visions for how they can be a part of this farming experience, especially for those of us that are in urban areas where there is this great movement.

So congratulations to you. Thank you for your friendship and for the wonderful work you did as a Senator. I'm sure you'll do equally as well, if not much better, as our commissioner, and I look forward to seeing you in our farm in Harlem.

THE PRESIDENT: Thank you, Senator.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I too would like to join my colleagues in offering my congratulations to both of our nominees today. Again, the Governor has picked people who have been in the business to now lead that department. And I think that's important for our constituents.

And certainly Darrel Aubertine is going to really be helpful to the North Country. And we all talk about upstate and downstate. I don't think you can get farther upstate than Cape Vincent, other than you go to Rouses Point in my district. But he certainly understands the challenges that North Country farmers and farm families face, and agriculture in the North Country. So we're going to benefit from having a commissioner of Agriculture from the North Country.

Congratulations, and thank you.

THE PRESIDENT: Thank you, Senator.

Next, Senator Griffo.

SENATOR GRIFFO: Thank you,

Mr. President.

I feel very fortunate that the regions that I represent and co-share in representation have been the host communities to the last three commissioners of Agriculture. So we're doing something good in Central and Northern New York.

I want to congratulate the Governor on this selection. And I want to congratulate Darrel on his interest in the job, but more importantly on his commitment to doing the job.

I had the opportunity to serve with Darrel and to co-represent territory in the North Country, and I sincerely appreciate his passion, his hard work, and his advocacy on behalf of agriculture. So I want to wish him and Margaret well in this new endeavor.

And I think the greatest challenge you will face, Darrel -- because Senator Perkins talked about cow milking. And I know that you're a cow-milking champion. But you now have the opportunity to coach Senator Diaz and see if you can bring him to the State Fair and do something to make him become a champion

too in that regard.

So good luck, and best wishes to you, Darrel, and congratulations to Margaret.

THE PRESIDENT: Thank you, Senator.

Senator Parker.

SENATOR PARKER: Thank you, Mr. President.

I rise to congratulate both a colleague and good friend, Darrel Aubertine, on his appointment to commissioner of Ag and Markets. I also want to congratulate the Governor on this appointment, which is really one of the most important appointments in the state.

A lot of people have talked about how Darrel taught them things about agriculture. He certainly taught me something. As many of you know, I represent Borough Park, which is -- you know, I represent probably more orthodox Jews than any other non-Jew in the State of New York. And so it was Darryl Aubertine who kept talking about the Holsteins. And the whole time I was thinking about, what Jews live in the North

Country? But he was actually talking about cows.

(Laughter.)

SENATOR PARKER: So, Darrel, thank you so much. And congratulations to you and your family.

But this is the -- really, I say this is the most important appointment in the state, because most of us don't realize day to day, especially those of us in New York City, that agriculture is our largest gross receipts in the state.

And people don't understand -- and I learned much of this from Darrel -- that we are the second-largest apple producer in the entire country, the second-largest maple producer, the third-largest producer of onions, the fourth-largest producer of dairy products. You know, sweet corn, snap peas, hog products, you can just go on and on about the agricultural bounty that the State of New York produces.

And that agricultural bounty couldn't be in finer hands than in the hands of Senator Aubertine. And so I look forward

to a great harvest.

But then something him and I have been talking about for a long time is building that connection between, you know, one of the largest agricultural markets, which is the State of New York, and the largest retail market, which is New York City. And to make sure that we actually do more to open up our markets in New York City to buy New York State products so that we all can share in the economic excellence that this state has to the whole.

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President. I also want to rise and second the nomination of my friend Darrel J. Aubertine.

I certainly congratulate the Governor on this appointment. And I want to say there's nobody more qualified to be the Commissioner of Agriculture than Darrel J. Aubertine. I don't think anybody in this room

disputes that.

And I want to thank Senator Ritchie for moving his nomination through and voting for him today. But I would be lying if I didn't say that I wish it were the other way around.

However, sometimes the good Lord has plans for us that we can't see coming. And I think that Darrel is in the right place at the right time, not just for him, not just for this body, but for the people of the State of New York.

My experience with Darrel has been so amazing over the past couple of years. You know, when we all come into this chamber, we bring a little piece of New York State with us. And we work best when we share our experiences of where we come from and what that part of New York State is like. And I used to tease Darrel and say that he represented the most northern part of the state, and I represented the most southern part of the state. And that's still true.

I found out, when Darrel took me to places I never would have gone, like

Ogdensburg and Oswego and Watertown and Jefferson, I found out that there are no Italians in that part of the state. It might be the only part of the state where we don't have Italians. But we did have Amish people. It was an amazing experience to see Darrel Aubertine's part of New York State.

But I also know that Darrel Aubertine has made New York State an amazing place for all of us. And you're going to do such great work in Agriculture and Markets. You have been one of the most decent people I have ever met in this business. And I know that the future for you and for Margaret is going to be wonderful, and in exchange it's going to be wonderful for us.

Congratulations to both of you.

THE PRESIDENT: Thank you, Senator.

I'll ask, anybody else like to speak on behalf of this nomination?

Senator Montgomery.

SENATOR MONTGOMERY: Yes, I just briefly want to say my congratulations to both the Governor for this appointment and to

Darrel Aubertine.

It was a pleasure to serve with you here in this chamber. And you were certainly the first authentic farmer that I had known as Senator, and I thank you for what you represented.

And I am certainly aware of the significance of the farming and agricultural industry in our state. And it's wonderful to know that a person like you who has not only the history and the lineage that relates to farming and respect for the land and history, but I think you also understand that I also have farms in my district. Although they are little small farms, they're very important to us.

And I think that you will understand that we want to see you in Brooklyn. I would like for you to come and experience the urban farms with the little farmers, some of them children, some of them adults, and how much they appreciate and how proud they are of their farmers and that we can begin to make the connection that needs to be made between young people and the value of

land and agriculture to all of us for this era as well as into the future.

So I'm proud that you're there, proud that you know us, and proud that we are going to be able to look forward to your leadership to build a "One New York" in agriculture in our state.

So thank you, Mr. President. And congratulations, Darrel.

THE PRESIDENT: Thank you, Senator.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President. And I too want to add my congratulations.

Commissioner, you've taught us that milk doesn't come from a supermarket. It's part of the New York tradition of nurturing and growing our products. And I appreciate especially the comments today about keeping the agricultural and the business community in New York State.

But let me add one point. I was particularly pleased with the Commissioner's response today at the Finance Committee to a

question that's very significant and people forget about as it pertains to my district, and that's the role that the state plays in inspecting kosher markets. I know you are sensitive to this issue. It's an important issue. And especially since Senator Parker mentioned the Holsteins -- it's pronounced Hol-stine in my district.

(Laughter.)

SENATOR STAVISKY: But I want to add one aspect. I am particularly sensitive to the role that spouses play.

And, Margaret, I want to congratulate you because I know you share Darrel's commitment to service and to helping the people of our state. And we certainly wish you well in the days ahead.

Congratulations.

THE PRESIDENT: Thank you, Senator.

Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

One of the problems of being one of the last speakers on an occasion like this is

it's all been said and it's all been said very eloquently by my colleagues.

But I would be remiss if I did not also stand to congratulate both the Governor and Senator Aubertine on this appointment and confirmation today of Darrel being our next Commissioner of the Department of Agriculture and Markets.

It's very significant that our commissioner walks the walk and talks the talk in terms of agriculture and farming in New York State. And that experience, that life experience is going to serve him and the people of New York State very, very well in this new capacity.

And I think it is significant that we are today confirming both Ken Adams, who will head up our economic development arm of state government, and Darrel Aubertine as our Agriculture Commissioner on this very same day. It very clearly demonstrates that agriculture and economic development are so closely aligned in our state. It recognizes that agriculture, even in tough times, is our state's largest industry.

And working together, I know that together with the administration and these two new confirmations today, we will in fact create the right environment in New York State where agriculture will do well and our economy will do well. They're so closely aligned.

So I'm delighted to stand and support this confirmation.

THE PRESIDENT: Thank you, Senator.

I think we have effectively covered the chamber, but if no other -- Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

I also rise to support the nomination of Darrel Aubertine. I represent a district, largely rural agriculture, the most important industry in the district and of course so important to New York State. And it is good to know that somebody that comes from this background, certainly well qualified, understanding the challenges facing the agricultural industry, is helping to move it forward.

I know you did share a special bond with many people here -- my colleague, Senator Ritchie. But I too share a special bond. As I sat in my chair for the first time, I opened my desk and I looked down. Inscribed inside my desk is "Senator Darrel Aubertine, 48th Senate District, 2/26/2008."

So as you move to a different chair, and me into this chair, I look forward to work with you and advancing the agriculture industry.

Thank you.

THE PRESIDENT: Thank you, Senator.

Any other Senators before we close?

Well, the question is on the nomination of Darrel J. Aubertine as Commissioner of the New York State Department of Agriculture and Markets. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Therefore Darrel J. Aubertine has been confirmed as the

Commissioner of the New York State Department of Agriculture and Markets.

Congratulations to Darrel and also to Margaret, his wife. Thank you.

(Standing ovation.)

THE PRESIDENT: Congratulations.

Next, reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we please adopt the Resolution Calendar, with the exception of Resolution Number 1067.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, with the exception of Resolution Number 1067, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I

believe at this time Senator Diaz has Resolution Number 336 at the desk. It is a privileged resolution. I ask that you read it in its entirety and, before we adopt it, to please call on Senator Diaz.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 336, by Senator Diaz, memorializing Governor Andrew M. Cuomo to declare March 11, 2011, to April 12, 2011, as Garifuna-American Heritage Month in the State of New York.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay just tribute to the cultural heritage of the ethnic groups which comprise and contribute to the richness and diversity of the community of the State of New York; and

"WHEREAS, Attendant to such concern, and in keeping with its time-honored traditions, it is the intent of this Legislative Body to applaud and commemorate events which foster ethnic pride and exemplify the cultural diversity that represents and

strengthens the spirit of the people and the State of New York; and

"WHEREAS, This Legislative Body is justly proud to memorialize Governor Andrew M. Cuomo to declare March 11, 2011, to April 12, 2011, as Garifuna-American Month in the State of New York; and

"WHEREAS, Garifuna-American Heritage Month celebrates the great contributions of Garifuna-Americans to the fabric of New York City, and pays tribute to the common culture and bonds of friendship that unite the United States and the Garifuna countries; and

"WHEREAS, Garifuna-American Heritage Month affirms the culture, identity and self-esteem of a people. It celebrates a rich heritage and illuminates Garifuna history and tradition, as well as the spirit of an indomitable people; and

"WHEREAS, In 1665, two Spanish ships wrecked off the coast of St. Vincent; and

"WHEREAS, The West African slaves that escaped to the island eventually

intermarried with the Venezuelan Caribs and the Arawaks; and

"WHEREAS, The new race of people, known as the Garifuna, grew strong and prosperous on the island; and

"WHEREAS, In 1795, the Garifuna began the Second Carib War against the British. Battles raged throughout St. Vincent over the next year, with both sides enduring heavy losses; and

"WHEREAS, On June 10, 1796, the final battle commenced with the Garifuna and British, resulting in the Garifuna's surrender; and

"WHEREAS, The surviving Caribs were exiled to the neighboring island of Balliceaux; and

"WHEREAS, On March 11, 1797, the defeated Garifuna were loaded onto a convoy of eight vessels and transported to Roatan, Honduras, which arrived on April 12th of that year; and

"WHEREAS, The Garifuna began to migrate to the United States during the 1930s. Today, New York City is home to the largest

Garifuna community outside of Central America; and

"WHEREAS, The nurturing and promotion of Garifuna pride is at the center of the Garifuna coalition's community organizing initiative, to create awareness and appreciation of the Garifuna culture and its contribution to the culture and society of New York; and

"WHEREAS, On May 18, 2001, the United Nations Educational, Scientific and Cultural Organization (UNESCO) proclaimed the Garifuna language, dance and music as a 'masterpiece of the oral and intangible heritage of humanity'; and

"WHEREAS, Garifuna-American Heritage Month provides an opportunity to recognize the significance of their contributions to the quality and character of life, and, through many events and activities throughout the month, for all people to gain a greater appreciation of Garifuna history and traditions, and of the role Garifuna-Americans have played and will continue to play in our society; and

"WHEREAS, On September 17, 1821, nearly a decade before slavery was completely phased out in New York City, William Henry Brown's African Theater presented its first performance in Greenwich Village. Mr. Brown was the first American playwright of African descent and wrote 'The Drama of King Shotaway,' recognized as the first Black drama of the American theater, which has as its subject the 1795 Black Caribs (Garifunas) defense of the Island of St. Vincent against colonization by the British; and

"WHEREAS, Today, New Yorkers of Garifuna heritage such as Sara Logan, Lino Solis, Rosemary Ordonez Jenkins, Eleanor Cecelia Castillo-Bullock, Mirtha Colon, Jose Francisco Avila, and Aurelio Martinez, continue to recognize and honor the cultural practices of their ancestors; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to declare March 11, 2011, to April 12, 2011, as Garifuna-American Heritage Month in the State of New York; and

be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honorable Andrew M. Cuomo, Governor of the State of New York."

THE PRESIDENT: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Today, ladies and gentlemen, today is a very, very special day. And today I'm honored to be the sponsor of this great resolution and this historic event. This is a historic event today.

Today I'm honored to have the opportunity and privilege granted to me by the distinguished Temporary President, the Honorable Dean Skelos, and the members of this body, to be able to introduce this resolution, and to have many members of the Garifuna community present to witness this historic event.

Ladies and gentlemen, the Garifuna community has been an integral part of New York City and especially to the County of the Bronx for more than 70 years. The

Garifunas has been migrating to the United States of America in search of a better life since 1930. Their vitality, their talent, andr and their commitment constitute tremendous resources for our state and our city.

But, Mr. President and ladies and gentlemen, it took a tragic incident, a fire, that took the life of 87 people for the government institutions to start paying attention to this great community. On March 25, 1990, a social club known as the Happy Land was set on fire, causing the loss of that many people and inflicting pain and suffering to the rest of the Garifuna community throughout the State of New York and throughout the world.

Today, as the State Senator representing the 32nd Senatorial District in Bronx County, it is an honor and a privilege for me to have a delegation of Garifuna over there and here.

(Applause, cheers from gallery.)

SENATOR DIAZ: This delegation, Mr. President, this delegation is led by the

Honorable Francisco Quezada Lobo, the general consul of Honduras.

(Applause from gallery.)

SENATOR DIAZ: Mr. Jose Francisco Avila, president of the Garifuna Coalition USA.

(Applause from gallery.)

SENATOR DIAZ: The Reverend Marta Chamorro, member of the board of directors of the New York Hispanic Clergy.

(Applause from gallery.)

SENATOR DIAZ: The Reverend Ana Thomas, member of the Garifuna Evangelical Council.

(Applause from gallery.)

SENATOR DIAZ: And the Honorable Dr. Hector A. Chiesa, the president of Radio Vision Cristiana Internacional, a radio station that reaches New York, New Jersey, Connecticut, Puerto Rico, Santo Domingo, Cuba, and the Caicos Islands.

(Applause from gallery.)

SENATOR DIAZ: In closing, Mr. President, again, I would like to thank Senator Skelos and the Secretary of the

Senate, Mr. Frank Patience, for allowing me this great honor of celebrating this historic event in the New York State Senate.

To the honorable guests, thank you for accepting my invitation. And to the Garifuna community: "Buiti Jachuruluni."

(Applause, cheers from gallery.)

SENATOR DIAZ: "Ceremei. Binilagu Buingui."

(Applause from gallery.)

SENATOR DIAZ: And I invite all of you ladies and gentlemen to join us at 5:30 in the Albany Room for a very, very Garifuna celebration.

Thank you, Mr. President.

(Extended applause.)

THE PRESIDENT: Thank you, Senator Diaz.

Next, Senator Serrano.

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

And I want to congratulate Senator Diaz for not only honoring the Garifuna community here today but also a couple of weeks ago in the Bronx, where many of my

colleagues and Senator Sampson attended a wonderful event which celebrated the rich cultural history.

And what was so amazing about that event was that we heard many speakers give a historical perspective of the cultural and ethnic contribution that this community has made to the fabric not only of the Bronx but of the entire City of New York.

We often talk about celebrating the rich cultural diversity that we have here in the State of New York. And here is a perfect example of that richness. There is such an interesting story and such an educational story behind how the Garifuna came to be here in New York City and how they came to be in Honduras and throughout the Caribbean.

And even more important, as a Latino, I think it's really important that we learn about our African heritage and how that plays into who we are and what we are today.

So I want to thank, once again, Senator Diaz and all of my colleagues and all of the guests who are here today in celebrating this resolution and also wishing

well to this community, that it continues to grow, that it continues to prosper, and that it continues to celebrate the cultural diversity that it brings to the cultural mecca that is New York.

Thank you.

THE PRESIDENT: Thank you, Senator.

(Applause from gallery.)

THE PRESIDENT: Thank you, Senator.

Next, Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

I want to congratulate Senator Diaz for presenting this resolution to this very important community in this our State of New York, which continues to be a state of immigrants. And obviously New York City continues to be a great city of immigrants.

And very often this city has the ability to reinvent itself. And perhaps this is one of the great qualities of our state, the ability to reinvent itself. And very often we take notice of the new Americans and

the new New Yorkers decades later. That's when we begin to notice that they're around.

And in this particular case, the Garifunas have been around since 1930. They have been contributing to the well-being and the welfare of this great state since the 1930s. But they are also part of a very important African diaspora in Central America and the Caribbean, an African diaspora which is integrally connected to the United States and the great State of New York.

So I want to commend Senator Diaz and to welcome all of the members of the Garifuna community. And I certainly will not challenge Senator Diaz in his command of the Garifuna dialect, but --

(Laughter.)

SENATOR ESPAILLAT: But I will say "Binilagu Buingui."

(Applause from gallery.)

THE PRESIDENT: Thank you, Senator. Senator Diaz, our two other Senators, thank you very much.

This resolution was previously adopted by the Senate on March 29th.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I just want to welcome all of you to the Senate chamber today. And as my colleagues --

(Applause from gallery.)

SENATOR LIBOUS: I'm not as articulate as some of my colleagues, but they said it for me, and thank you.

It's great to have you here. And God bless all of you.

Mr. President. Mr. President, may we now -- I believe Senator Stavisky has a resolution at the desk. May we have its title read, and we'll move for its adoption.

THE PRESIDENT: The Secretary will read the title only.

THE SECRETARY: Legislative Resolution Number 1067, by Senator Stavisky, honoring Jewish chaplains who have died in the line of duty.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Yes, thank you, Mr. President.

There's a section of Arlington National Cemetery devoted to chaplains. It's called Chaplains Hill. And there are three sections in this cemetery. The first one was dedicated in May of 1926 to the memory of 23 chaplains who were killed during World War I. In October of 1981, a second memorial was dedicated to 134 Protestant chaplains who were killed in World War I and World War II. And the third section, which was dedicated in May of 1989, was to the 83 chaplains who were killed in service in World War II, Korea, and Vietnam. So that makes 242 chaplains killed in the service of our country.

However, unfortunately, there's no section that is dedicated to the Jewish chaplains who perished during World War I, World War II, Korea, and Vietnam. And we are commending Congress to add another section for the Jewish chaplains who served overseas and were killed. There are 13 who have been excluded from this Chaplains Hill.

And these are men and women who served our Army, Navy, the service people during times of war, providing spiritual and

emotional comfort and helping both the service personnel and their families. And unfortunately, they were killed during these wars in service to our country. So this I think is significant because tomorrow we're going to be celebrating West Point Day.

So I thank the Lieutenant Governor, Mr. President, and I thank my colleagues for supporting this resolution.

THE PRESIDENT: Thank you, Senator.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President. And I thank Senator Stavisky for doing this.

Earlier this year we honored the four chaplains who were killed in February 1943 on the Dorchester, when the four chaplains -- Jewish, Catholic priest, Protestant, and Lutheran -- all left and gave their life preservers to the service troopers, and they went down with their ship.

I think this is a very important issue. Two months ago when we were doing the celebrations, the Rabbi from West Point -- who

may be here to visit us tomorrow -- has seen combat in three or four areas in the Mideast over the last three or four years. And I think it's really important, as you had stated, Senator, that we make sure that when we're talking about combat, combat in World War II, some of us older fellows like Libous and Skelos, you know, we knew that when a jeep pulled up, no matter what faith you were, you were just glad to have somebody there that could give you some expression of hope, thanks for what you were doing.

But when we forget -- today we're looking at over 5,000 Americans killed in the Mideast. And those of the cloth who have given service to our men and women in the armed services deserve to be recognized and recognized formally, not just a piece of paper at any county, town, or even state. And I think our federal government is responsible for it.

And I thank you very much, Senator, for doing this.

Thank you, Mr. President.

THE PRESIDENT: Thank you,

Senator.

Any other Senators wishing to speak on the resolution?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, Senator Perkins has a privileged resolution at the desk. May we have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Perkins, commemorating the 39th anniversary of the death of Adam Clayton Powell, Jr., and paying tribute to his life and accomplishments.

THE PRESIDENT: Senator Perkins.

SENATOR PERKINS: Thank you very

much, Mr. President.

You know, yesterday marked the 43rd anniversary of the assassination of civil rights activist, leader and hero, Dr. Martin Luther King. Given the magnitude of his iconic legacy, we should take a moment to acknowledge what he accomplished for African-Americans as well as for all Americans.

During a time when violence and brutalization were used to enforce Jim Crow laws, racial segregation and discrimination, and to disenfranchise African-American voters in the South, Dr. King espoused the civil disobedience teachings of Mahatma Gandhi instead of responding with violence in kind. He used --

Oh, this is the one on Powell? Oh, sorry. Thank you. I'll start over again.

(Laughter.)

SENATOR PERKINS: Thank you for the opportunity to do it twice.

(Laughter.)

THE PRESIDENT: Senator Perkins.

SENATOR PERKINS: Again, Adam

Clayton Powell, Jr.

Yesterday marked the anniversary of the death of another great civil rights activist, the first African-American Congressman from New York, Adam Clayton Powell, Jr.

Powell's activism was not limited just to African-Americans. Adam Clayton Powell, Jr., made great strides as a civil rights activist in Harlem, most notable as an advocate for affordable housing and for African-American workers denied employment due to racist hiring practices.

However, the impact of his activism far exceeds the boundaries of Harlem. As a Congressman for New York, Adam Clayton Powell, Jr., served as chair of the Education and Labor Committee, where he spearheaded numerous federal programs that benefit not only African-Americans but women, the deaf, the poor, students and all workers and laborers.

Further, due in large part to his efforts, federal legislation was passed to penalize and remedy many of the racial vestiges that remained in the South, such as

racial segregation in schools, voter poll tax, and the horrific and deplorable crime of lynching.

Please join me in observing a moment of silence for Adam Clayton Powell, Jr.'s life and great accomplishments.

Thank you.

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

THE PRESIDENT: Thank you, Senator.

Any other Senators wishing to speak?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe that Senator Perkins has another privileged resolution at the desk, and this

one he would like read in its entirety. And if you would then call on Senator Perkins.

THE PRESIDENT: The Secretary will read the resolution in its entirety.

THE SECRETARY: Legislative resolution by Senator Perkins, commemorating the 43rd anniversary of the assassination of the Reverend Dr. Martin Luther King, Jr., and paying tribute to his life and accomplishments.

"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 intent of this Legislative Body to acknowledge that 43 years ago today, the Reverend Dr. Martin Luther King, Jr., was assassinated, and to pay tribute to his life and accomplishments; and

"WHEREAS, Martin Luther King, Jr., was born January 15, 1929, in Atlanta,

Georgia, to Alberta and Martin Luther King, Sr., whose maternal grandfather founded the Ebenezer Baptist Church, which the young Dr. King would be associated with for most of his life; and

"WHEREAS, Following his graduation from high school at the age of 15, Martin Luther King, Jr., earned a Bachelor of Arts degree from Morehouse College in 1948, a Bachelor of Divinity degree from Crozer Theological Seminary in 1951, and a doctorate from Boston University in 1955; and

"WHEREAS, In 1953, Martin Luther King, Jr., married Coretta Scott, who was an accomplished individual in her own right as a talented singer and a graduate of the prestigious New England Conservatory of Music. From this union came four children: Yolanda, Martin III, Dexter, and Bernice; and

"WHEREAS, One year later, Martin and Coretta King arrived in Montgomery, Alabama, where he assumed leadership of the Dexter Avenue Baptist Church; and

"WHEREAS, Martin Luther King, Jr.'s leadership skills would be tested in early

December of 1955, when Rosa Parks' refusal to remove herself from her seat in the "Whites Only" section of the city bus triggered the 382-day Montgomery Bus Boycott, the first great Negro nonviolent demonstration of contemporary times in the United States; and

"WHEREAS, The bus boycott, which ended on December 21, 1956, when the Supreme Court declared unconstitutional the laws requiring segregation on buses in the South, propelled Martin Luther King, Jr., into the national spotlight; and

"WHEREAS, In 1957, Martin Luther King, Jr., was elected president of the Southern Christian Leadership Conference (SCLC), an organization formed to provide new leadership for the burgeoning civil rights movement, drawing their ideals from Christianity and the strategy of nonviolent protest from Mahatma Gandhi; and

"WHEREAS, At great danger to themselves, Martin Luther King, Jr., and his allies in the civil rights movement used nonviolence to call attention to the racial inequities that were pervasive throughout the

South, as well as to call for full voting rights for African-Americans; and

"WHEREAS, Martin Luther King, Jr.'s commitment to racial equality was laid out in dramatic fashion on August 28, 1963, before 200,000 Americans of all races and from all corners of the country in his well-known 'I Have a Dream' speech, where he spoke of a nation that would 'rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal,' and where his four little children would 'one day live in a nation where they will not be judged by the color of their skin but by the content of their character'; and

"WHEREAS, Because of Dr. Martin Luther King, Jr.'s dedication and commitment to racial equality, today, in the 21st century, his dream has become a reality with the monumental election of Barack Obama as America's first African-American president; and

"WHEREAS, The Nobel Committee recognized both Martin Luther King, Jr.'s work

as a civil rights leader and his moral stance against racism with the 1964 Nobel Prize for Peace at the age of 35, making him the youngest recipient of this prestigious honor; and

"WHEREAS, Martin Luther King also saw beyond race to address important issues that affected all Americans, regardless of the color of their skin, including the Vietnam War, economic injustice, and labor issues; and

"WHEREAS, By 1967, he had plans to initiate a Poor People's Campaign to bring much-needed attention to the issue of poverty. It was on this unforgettable date, April 4, 1968, that Martin Luther King, Jr., was in Memphis, Tennessee, to support the black sanitation workers who were on strike, that he was assassinated; and

"WHEREAS, Just as Gandhi had inspired Dr. Martin Luther King, Jr., so did his words inspire Nelson Mandela as well as hundreds of thousands of black South Africans to fight against the system of apartheid until it too was destroyed; and

"WHEREAS, Today, more than four

decades after his death, Dr. King's commitment to racial equality and his tireless efforts to make this country 'one nation ... indivisible, with liberty and justice for all' is still remembered, not just by young and old Americans alike, but by men, women and children around the world who study his work and his words and are moved to action by his declaration that 'injustice anywhere is a threat to justice everywhere'; and

"WHEREAS, A moving example of the high regard in which Dr. King is held globally is at London's Westminster Abbey, where his statue, along with those of nine other 20th-century martyrs, adorns the west front end of this venerable cathedral; and

"WHEREAS, Upon the occasion of the 43rd anniversary of the death of the Reverend Dr. Martin Luther King, Jr., this Legislative Body wishes to commemorate the lifelong struggle of the man who gave his life for racial equality; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 43rd anniversary of the assassination of

the Reverend Dr. Martin Luther King, Jr., and to pay tribute to his life and accomplishments, and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the New York State Black, Puerto Rican and Hispanic Legislative Caucus, and to the family of the Reverend Dr. Martin Luther King, Jr."

THE PRESIDENT: Senator Perkins.

SENATOR PERKINS: Thank you again.

You know, this particular resolution is especially important to us at this time because we see not only on the national level, but in even in our own state, efforts that are quite contrary to this dream. We see them, especially concerning to me, as attacks are being made on religious grounds with regard to Muslims, who are being characterized just by virtue of their faith as terrorists, and different actions are being taken against them that I think Dr. King would find, to say the least, very objectionable.

And it's very concerning to me because those of us who have this great

privilege of being a legislator, on a local level or a state level or a national level, very often are the ones who are in the forefront of these very anti-Martin Luther-King-dream activities.

And this is, I think, what is so important to me about this, because we in this legislative body have the opportunity to be leaders in terms of Dr. King's dream and in terms of being embracing of all people regardless of their race, their color, and especially regardless of their religion.

And so I'm very concerned when in this period of time we see in New York State, we see in this country, religious prejudice mounting in such a way that families in my district are very concerned about the possibilities, as Muslims, that they may be attacked or that they may be in jeopardy.

And so I would urge that we really take this moment not just to be for a moment of silence but, more importantly, for a moment of recommitment to Dr. King's dream, and embrace those of us that may not be exactly like us but nevertheless aspire to the same

life, aspire to the same dreams -- including those young people that very often who are undocumented but nevertheless share the dream through something called the Dream Act that will enable them to become the kind of leaders that we all would like to see young people to become.

So I ask all my colleagues to reflect on Dr. King from that perspective and, if you will, to join me on this resolution.

THE PRESIDENT: Thank you, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise to thank my colleague Senator Perkins for bringing the resolution but, more, for helping us to continue to remember a man who gave so very much of himself that the world accepted his leadership. And we could do no less.

And I think all of us somewhat remember where we were when we heard the news that Dr. King had been assassinated, but I'm not sure that all of us remember it enough to

be committed to the dream.

I agree with much that Senator Perkins had said, because on the night of his death he was preparing to lead a march against poverty. And in a country where we have so many resources, we still have so many people below the poverty level. In a country where we have so many resources, we still have people who are hungry, who go to bed hungry every night.

And as I have always spoken and I will continue to do so, I don't talk just about the "I Have a Dream" speech, but I talk about the man who was a transformer and who believed that we should not be building institutions for the homeless but should be changing the paradigm to understand why, in a country of wealth, we have homelessness. And in a country where we have so much that we have feeding programs as opposed to changing the paradigm to make sure that there is no hunger.

And so if we want to honor Dr. King, I would hope that we would do so in this moment to recommit ourselves to making

the realities of his dream come true. And to make sure that the education that he sought for all children should transpire, and that the dream of having true fellowship across races and ethnicity and religion shall transpire. And then we will be doing our part to keep the dream alive.

Thank you, Senator Perkins.

THE PRESIDENT: Thank you, Senator.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

You know, it's 43 years yesterday when Dr. King was killed in Memphis. He was there trying to help strikers, sanitation workers in the City of Memphis. You know, it was a shock to some of us that this happened in the manner that it did. Most of us can remember where we were on certain days. I asked four people today where they were on April the 4th. They couldn't tell me.

I was at a nuclear site in Tappan, New York. The next day the father of the New York City district attorney, Mr. Vance,

had some of us called back to active duty, and we were sent all over the country. I was sent to Detroit. And we puzzled, in talking with people of different colors, different ideas, different briefs, what happened? What's going on? A young African-American lady turned to me and said, "Colonel, the problem is we forgot what Dr. King was saying."

What Dr. King was trying to convince us to understand one another. And we thought more of ourself. And it was easier to say I know Dr. King. I can tell you, in my lifetime, since I first met Dr. King in 1965, I don't think I've met two people who can honestly say "I met and I talked to him."

But this was an individual that tried to put something forth. I think we waste a lot of time in talk and not -- he had a vision. He gave it to us. And we talk about this and that and the other thing. He was talking about, when he made that speech, when he said that all children, he was talking about his, mine, yours, Lieutenant Governor, and everybody in this room. He was talking about doing something.

And we fail to realize as adults our responsibilities, not just as legislators. But what have we done in our schools? What have we done in groups to encourage young men and women to take a positive approach rather than a negative approach? We don't need gangs.

I said this earlier this year, and I say it again. Dr. King was sitting next to the Lord, and he said, "You know, Lord, they're celebrating my birthday." And He said, "Yes, Martin, I understand that." And he said, "But, dear Lord, they're not paying attention to what I said. Can you send me back and let me try again?" He said, "Martin, you did your work. It's now the responsibilities of those who you left behind to sit back and remember what your vision was, what your hopes and dreams were for all people -- not just African-Americans, not brown, not blue, but individuals across the world."

Martin Luther King spoke in honesty and sincerity. I only spoke to him for 10 minutes, but I got his message very clear.

The march from Selma to Montgomery, there was one killed. That person was killed because she didn't obey the rules and went off the beaten path and got into some trouble. The rest of the march was successful.

What happened in Memphis and all of the joggling back and forth with the law enforcement people I think was a waste of time. Somebody killed him. We should have got them and done it then. It went on for many, many years.

But I think we are the people that better start to think about what he said. Not just think of every year his anniversary for his birthday or the date that he was killed. Unless we're going to go back and try to work with these young people and get them to pull together and do something positive -- not just for us, but for themselves -- we will be wasting what Dr. King had hoped and prayed for and gave us the vision.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Parker.

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

Let me first thank Senator Perkins for his leadership on putting this resolution forward and recognizing this important milestone.

It's actually easier to talk and to celebrate Dr. King's life and legacy and his birth, as we do in January, than it is to think about his death. Because he died under very different circumstances than which he lived.

We like to stand in this chamber and in the halls of academia and talk about the great Prince of Peace, second only to Jesus, as Dr. King led a nonviolent movement for access to public accommodations through this country. But we forget about the context in which he died. That was a man who internationalized the movement for human equality and who in fact put the idea of connecting economic justice with human rights, side by side.

And that's what he was killed for. That it was okay when you were just talking

about integrating a water fountain or a bathroom or using the same dining room in a restaurant. But the idea of making economic opportunity universal was worth killing a man for.

And so I want to associate myself with Senator Perkins' remarks, particularly as we talk about some of the attacks on Islam that we're in fact dealing with right now. But Senator Perkins has spoken about that so eloquently, I need not address that, Mr. President.

What I want to talk about that's relevant to what we're dealing with right now is the connection between what Dr. King was doing at the moment of his death -- which was working for those Memphis sanitation workers -- and what we're seeing right now in our America. That in fact when you see that protest around better work environments and better wages, how do we in fact juxtapose that between that and Wisconsin and Indiana and Ohio -- oh, yeah, and New York -- when we every day fight back attempts to roll back protections for workers. Where we go every

day and roll back wages for workers and in our attempts to roll back healthcare access for workers. That's the exact thing that Dr. King stood about.

So as you sit here today and we vote aye on this resolution, I challenge us all, and I'm taking this step that Senator Perkins asked us to take, which is to recommit ourselves to not just the life and legacy but the real work of Dr. King towards the end of his life, the thing that actually got him killed, which was expanding economic opportunity for working men and women in this country and this state. Because that was the very thing that we had to deal with.

That it's interesting that the moment that he was beginning to look internationally and he started his critique of Vietnam -- no one ever says that -- and the impending Korean War, that we find ourselves right now in the midst of war. That our Vietnam may be Iraq. That our Vietnam may be Afghanistan or perhaps Libya in 10 years if we don't get out of there.

And so there's much to learn from

Dr. King's legacy. And we should all remember, Mr. President, that those who don't learn the lessons of history are doomed to repeat them.

THE PRESIDENT: Thank you, Senator.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I also rise to thank Senator Perkins for his resolution today.

And it's interesting how it's circled around in the discussion of my colleagues, because I also was thinking of Dr. King's teachings on ensuring economic access and equal access under our laws. And we started this day confirming someone to run our economic development agencies. And perhaps we don't on a normal day think about ESDC or UDC being responsible for ensuring the dream of Martin Luther King.

But in fact I would say yes, that is what as a government we are asking of ourselves. We want to ensure that all New Yorkers have the ability to meet their families' basic needs.

And one of my colleagues talked about the realities of poverty, and the numbers are scary. The numbers are scary for American workers, they're scary for New York workers. The wages of workers has been going down over the last decade. But clearly the costs of living have not. The numbers on the average wages received by single mothers or black versus white New Yorkers or Hispanic versus white New Yorkers are disproportionately lower for single mothers, for African-Americans, for Latinos in our state, and we're going the wrong direction.

And so in fact when I think about the teachings of Martin Luther King and the importance of his life in our lives as public servants, and I circle back to our earlier discussion about the importance of coming up with an economic development model or models in our state that ensure we're open to business, to make sure that we're open to the goal of all people in New York State being able to go to work, have a living wage, be able to come home and take care of themselves and their children.

And unfortunately, we are going backwards for the last decade. And so the lesson for me of today are hopefully to remind all of us on this day is what our assignment is as public servants. Our assignment is to make sure that those workers and families in New York who are not actually participating in Martin Luther King dream or the American dream are provided assistance and a commitment by the government of this state to make sure that they can provide for themselves and their families.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

I also want to join the rest of my colleagues in congratulating Senator Perkins for this very important and historic resolution.

And I remember that day as a young immigrant youth that came here to New York State from the Dominican Republic, I remember

the day they sent us home from school. And in my broken English I was able to see on TV and read in the papers and understand what had occurred and the magnitude and the historic implications of what had happened 43 years ago.

And certainly it would always stay in my mind. And perhaps it may have played a pivotal and important role in why I'm here today.

But just the other day I joined Senator Perkins in another forum where we had a number of young people. They called themselves the Dreamers. They are young immigrant kids that, very much like myself, came here with no papers. Although perhaps they came here young enough, maybe at the age of 2, 4, or 5, and they never really -- or their parents never really got around to stabilizing their immigration status.

And they went through elementary school here in New York State and they graduated from a New York State high school or they maybe got their general equivalency diploma from the State Department of

Education, but once they did that, they found it difficult to enter an institution of higher education. Many roadblocks were put on their way to access higher education because they had not taken care of their status, their immigration status.

And they called themselves the Dreamers. Very much, I think so, because they identify with Martin Luther King and his theme of "I Have a Dream."

And these folks, these young people who now want to go to college -- and they want to graduate from college and become part of the New York State family and pay their taxes and contribute to this society -- are very much connected to this legacy. Yet the federal government, Congress, has not seen fit to pass the Dream Act and allow them access to higher education.

And right here in our state we see folks that want to slam the door shut on them. They want to keep them out. They want to shut down their dream. They don't want them to become New Yorkers. Some may even feel that they should be deported back to a country that

perhaps they have very little connection with. They may not even be able to speak their own language. Perhaps they don't speak Spanish anymore. Perhaps they don't speak Russian or Chinese anymore. They may have very little connection with the country that saw them born.

And they want to be New Yorkers and they want to have that dream, but we want to shut down the door. And we want to call them names. And we want to point the finger at them and blame them for everything from global warming to the bad state of the economy.

So I want to join Senator Perkins in once again lifting the King legacy to another level, and to honor his contribution to this country -- our country -- and to the world. And to say that 43 years later, perhaps when I have a Shakespearian command of the language, I could appreciate more his contribution to my life and to our country.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Any other Senators wishing to

speak?

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, could we at this time have the reading of the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 136, by Senator Ranzenhofer, Senate Print 3225, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Duane and Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 173, by Senator Saland, Senate Print 1416, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 173, those recorded in the negative are Senators Duane, Hassell-Thompson, Montgomery, Parker and Perkins.

Ayes, 53. Nays, 5.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 177, by Senator Flanagan, Senate Print 3207, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 3. Senators Montgomery, Parker and Perkins recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 186, by Senator Saland, Senate Print 1418, an act to amend the Correction Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 186, those recorded in the negative are Senators Hassell-Thompson, Montgomery, Parker and Perkins.

Ayes, 54. Nays, 4.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 190, by Senator LaValle, Senate Print 3325, an act to amend the Correction Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 3. Senators Montgomery, Parker and Perkins recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 227, by Senator Flanagan, Senate Print 3205, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 3. Senators Montgomery, Parker and Perkins recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 283, by Senator Griffo, Senate Print 4194, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 4. Senators Duane, Montgomery, Parker and Perkins recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Maziarz, that completes the noncontroversial reading of the calendar.

SENATOR MAZIARZ: Mr. President,

at this time can we return to motions and resolutions. And if you would call on Senator Klein, please.

THE PRESIDENT: Returning to the order of motions and resolutions.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 3231, on behalf of Senator Carlucci.

THE PRESIDENT: So ordered.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, is there any other business at the desk?

THE PRESIDENT: There is none.

SENATOR MAZIARZ: All right. Then there being no further business, I move that we adjourn until Wednesday, April 6th, at 11:00 a.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Wednesday, April 6th, at 11:00 a.m.

SENATOR MAZIARZ: Mr. President.

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, I'm sorry, I just want to remind all the members -- all the members -- it is mandatory tomorrow that you be in the chamber for West Point Day.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Again, on motion, the Senate stands adjourned until Wednesday, April 6th, at 11:00 a.m.

(Whereupon, at 5:23 p.m., the Senate adjourned.)