

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8 ALBANY, NEW YORK

9 January 18, 2012

10 4:00 p.m.

11
12
13
14 REGULAR SESSION

15
16
17
18 SENATOR THOMAS F. O'MARA, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT O'MARA: The
3 Senate will please come to order.

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

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

8 ACTING PRESIDENT O'MARA: In the
9 absence of clergy, may we bow our heads in a
10 moment of silence.

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

13 ACTING PRESIDENT O'MARA: Thank
14 you.

15 The reading of the Journal.

16 THE SECRETARY: In Senate,
17 Tuesday, January 17th, the Senate met pursuant
18 to adjournment. The Journal of Monday,
19 January 16th, was read and approved. On
20 motion, Senate adjourned.

21 ACTING PRESIDENT O'MARA:
22 Without objection, the Journal stands approved
23 as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 The Secretary will read.

2 THE SECRETARY: On page 7,
3 Senator Saland moves to discharge, from the
4 Committee on Rules, Assembly Bill Number 8694A
5 and substitute it for the identical Senate Bill
6 Number 6116A, Third Reading Calendar 14.

7 ACTING PRESIDENT O'MARA:
8 Substitution ordered.

9 THE SECRETARY: On page 7,
10 Senator Ranzenhofer moves to discharge, from
11 the Committee on Rules, Assembly Bill Number
12 8692 and substitute it for the identical Senate
13 Bill Number 6117, Third Reading Calendar 15.

14 ACTING PRESIDENT O'MARA:
15 Substitution ordered.

16 THE SECRETARY: On page 7,
17 Senator Savino moves to discharge, from the
18 Committee on Rules, Assembly Bill Number 8909
19 and substitute it for the identical Senate Bill
20 Number 6124, Third Reading Calendar 17.

21 ACTING PRESIDENT O'MARA:
22 Substitution ordered.

23 THE SECRETARY: And on page 8,
24 Senator Seward moves to discharge, from the
25 Committee on Rules, Assembly Bill Number 8903

1 and substitute it for the identical Senate Bill
2 Number 6131, Third Reading Calendar 19.

3 ACTING PRESIDENT O'MARA:
4 Substitution ordered.

5 Messages from the Governor.
6 Reports of standing committees.
7 Reports of select committees.
8 Communications and reports from
9 state officers.

10 Motions and resolutions.
11 Senator Libous.

12 SENATOR LIBOUS: Thank you,
13 Mr. President.

14 On behalf of Senator DeFrancisco,
15 I'd like to move that the following bill be
16 discharged from its respective committee and be
17 recommitted with instructions to strike the
18 enacting clause. And that would be Senate
19 Print 4310.

20 ACTING PRESIDENT O'MARA: So
21 ordered.

22 Senator Libous.

23 SENATOR LIBOUS: Thank you,
24 Mr. President.

25 I believe there's a privileged

1 resolution at the desk by Senator Sampson. May
2 we please have it read in its entirety and then
3 call on Senator Sampson before we move for its
4 adoption.

5 ACTING PRESIDENT O'MARA: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 resolution by Senator Sampson, memorializing
9 the 83rd Birthday of the Reverend Dr. Martin
10 Luther King, Jr. and his tremendous
11 contributions to civil rights and American
12 society, and the 26th Anniversary of the
13 national holiday that honors his birth and
14 achievements.

15 "WHEREAS, Today we celebrate the
16 life and extraordinary achievements of one of
17 our nation's most beloved and influential
18 leaders, Dr. Martin Luther King, Jr., and the
19 26th Anniversary of the holiday that honors his
20 birth and achievements; and

21 "WHEREAS, Martin Luther King, Jr.
22 was born on Tuesday, January 15, 1929, at his
23 family home in Atlanta, Georgia, and was the
24 first son and second child born to the Reverend
25 Martin Luther King, Sr., and Alberta Williams

1 King; and

2 "WHEREAS, Martin Luther King, Jr.
3 began his education at the Yonge Street
4 Elementary School in Atlanta, Georgia, attended
5 the Atlanta University Laboratory School and
6 Booker T. Washington High School, and was
7 admitted to Morehouse College at the age of 15;
8 and

9 "WHEREAS, At the age of 19, Martin
10 Luther King, Jr. graduated from Morehouse
11 College with a Bachelor of Arts degree in
12 sociology, and three years later in 1951 was
13 awarded a Bachelor of Divinity degree from
14 Crozer Theological Seminary in Chester,
15 Pennsylvania, where he also studied at the
16 University of Pennsylvania and won several
17 awards for most outstanding student, among
18 which was the Crozer Fellowship for Graduate
19 Study at a university of his choice; and

20 "WHEREAS, In 1951, at the age of
21 22, Martin Luther King, Jr. began doctoral
22 studies in systematic theology at Boston
23 University, and also studied at Harvard
24 University, and at the age of 26 was awarded a
25 Doctor of Philosophy degree from Boston

1 University in 1955; and

2 "WHEREAS, During his studies at
3 Boston and Harvard Universities, Dr. King
4 married the former Coretta Scott of Marion,
5 Alabama, in 1953; and

6 "WHEREAS, Dr. King entered the
7 Christian ministry and was ordained in February
8 of 1948 at the age of 19 at Ebenezer Baptist
9 Church, Atlanta, Georgia, and became pastor of
10 the Dexter Avenue Baptist Church of Montgomery,
11 Alabama, from September of 1954 to November of
12 1959, when he resigned to move home to Atlanta;
13 and

14 "WHEREAS, Dr. King was elected
15 president of the Montgomery Improvement
16 Association, the organization which was
17 responsible for the successful Montgomery Bus
18 Boycott, which began in 1955 and lasted
19 381 days; and

20 "WHEREAS, Dr. King was
21 incarcerated many times for his participation
22 in civil rights activities, was a founder of
23 the Southern Christian Leadership Conference,
24 which he led from 1957 to 1968, and was the
25 leader of the 1963 March on Washington for

1 Civil Rights, which is one of the largest
2 peaceful demonstrations in American history and
3 is a defining moment in this nation's civil
4 rights movement; and

5 "WHEREAS, Dr. King was honored
6 countless times for his leadership of the
7 United States civil rights movement, including
8 his selection by Time magazine as Most
9 Outstanding Personality of 1957 and Man of the
10 Year of 1963, and his selection by Link
11 Magazine of India, the home of Mahatma Gandhi,
12 as one of the 16 world leaders who had
13 contributed the most to the advancement of
14 freedom during 1959; and

15 "WHEREAS, Dr. King's receipt in
16 1964 of the Nobel Peace Prize, at the age of
17 35, made him the youngest recipient of that
18 prestigious award, and one of only three black
19 Americans who have received that award, along
20 with Dr. Ralph Bunche and President Barack
21 Obama, whose journey to become President owes
22 no small debt to the journey Dr. King and the
23 millions of Americans who walked hand in hand
24 with him undertook to end segregation and
25 remind Americans of the great moral

1 underpinnings of our federal Constitution,
2 which provides that we are all created equal
3 and of the incredible power of the American
4 ideal that we all deserve to live in a free and
5 just society; and

6 "WHEREAS, Dr. King was murdered in
7 Memphis, Tennessee, on April 4, 1968, by James
8 Earl Ray, and was mourned by millions of
9 Americans of all ages, races, creeds and colors
10 on the national day of mourning declared by
11 President Lyndon Johnson; and

12 "WHEREAS, Dr. King's birthday was
13 made into a national holiday in 1986, was first
14 celebrated in all 50 states in the year 2000,
15 and is the only federal holiday to honor a
16 private American citizen; and

17 "WHEREAS, Dr. King stands in a
18 long line of great American leaders and
19 represents the historical culmination and
20 living embodiment of a spirit of united
21 purpose, rooted in Black African culture and
22 the American Dream; and

23 "WHEREAS, Dr. King taught us that
24 through nonviolence, courage displaces fear,
25 love transforms hate, acceptance dissipates

1 prejudice, and mutual regard cancels
2 resentment; and

3 "WHEREAS, Dr. King manifestly
4 contributed to the cause of America's freedom.
5 His commitment to human dignity is visibly
6 mirrored in the spiritual, economic and
7 political dimensions of the civil rights
8 movement; now, therefore, be it

9 "RESOLVED, That this Legislative
10 Body pause in its deliberations to honor the
11 life of the Reverend Dr. Martin Luther King,
12 Jr., whose untimely death robbed America of his
13 leadership at too early a date, and whose deeds
14 and words transformed America and live in our
15 homes, schools and public institutions to this
16 day, continuing to inspire the millions of
17 Americans whose lives of purpose and
18 achievement might not have been possible but
19 for Dr. King's leadership and the examples set
20 by the millions of Americans who joined him in
21 one of the great moral crusades of the 20th
22 century; and be it further

23 "RESOLVED, That this Legislative
24 Body calls upon its members and all New Yorkers
25 to observe the day of Dr. King's birth as a day

1 of service to our family, friends, neighbors
2 and those less fortunate than ourselves, and to
3 moral causes greater than ourselves, and to the
4 great State of New York, in keeping with the
5 ideals of the national Martin Luther King Day
6 of Service, which was started by former
7 Pennsylvania State Senator Harris Wofford and
8 Congressman John Lewis from Atlanta, Georgia,
9 who coauthored the King Holiday and Service
10 Act, signed into law by President Bill Clinton
11 in 1994; and be it further

12 "RESOLVED, That copies of this
13 resolution, suitably engrossed, be transmitted
14 to the family of Dr. King and to the King
15 Center in Atlanta."

16 ACTING PRESIDENT O'MARA: Senator
17 Sampson.

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

20 Eighty-three years ago Sunday, in
21 Atlanta, Georgia, the world changed forever:
22 Dr. Martin Luther King, Jr. was born. Today we
23 still ask, would this great man have been a
24 Governor, would he have been a Senator, would
25 he have been the President of the United

1 States? Unfortunately, the "would" always
2 remains.

3 But what we do know is that none
4 of us would be the same without Dr. King. I
5 know that I would not be standing in front of
6 all of you if not for him.

7 Dr. Martin Luther King, Jr. was
8 one of the greatest visionaries this world has
9 ever had. He spoke of a time when peace would
10 reign and when compassion and understanding
11 between all races would be a reality.

12 He was a man who lived in
13 extraordinary times, who saw horrible
14 injustices. Yet this humble preacher rose to
15 the call of his people and his country. By his
16 brave, heroic and selfless actions, Dr. King
17 showed the world what a free, fair just society
18 blind to social and ethnic differences would
19 truly be like.

20 He taught us that violence never
21 brings permanent peace, hate never brings
22 everlasting change, and only compassion,
23 civility and togetherness will rebuild a broken
24 community. He told us that we must learn to
25 live together as brothers or we shall perish

1 together as fools. And he called on us as one
2 people to rise above hatred and fulfill the
3 promise of equal opportunity for all.

4 Never before has his message been
5 so important as today. Dr. King's belief in
6 peaceful social change to create a better life
7 for the poor, for the working class, and for
8 the disenfranchised of all races continues to
9 inspire millions around this world.

10 We cannot let this moment pass or
11 his vision go unrealized. We must harness the
12 inspiration through shared responsibilities and
13 united actions and meet the challenges of our
14 time.

15 We face significant challenges
16 this year, my colleagues. But as we face these
17 challenges, we must let the philosophy and
18 teachings of Dr. King inspire us. We must let
19 the principles of fairness, equity, and
20 compassion guide us. Every year we take a day
21 to remember and pay tribute to Dr. King. But
22 to truly honor his memory and build upon his
23 legacy, we must continue his work today and
24 every day.

25 Thank you very much,

1 Mr. President.

2 ACTING PRESIDENT O'MARA: Senator
3 Smith.

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

6 And let me thank my colleague
7 Minority Leader Sampson for bringing forth this
8 resolution today.

9 I want to raise just one small
10 phrase, if you will, that was stated in many of
11 Dr. King's speeches. And it's a quick phrase
12 where he talks about us being judged not by the
13 color of our skin but by the contents of our
14 character. What I want to pull out of that
15 word "character" is the word "courage."

16 And I would hope, my colleagues,
17 as we face a very challenging year -- not only
18 here in Albany, but in our neighborhoods, in
19 our districts, that we remember that word
20 "courage."

21 There's going to come a time this
22 year where we're going to have to display
23 courage. There's going to come a time next
24 year we're going to have to display courage.
25 There's going to come a time when you are in

1 front of young people and you are in front of a
2 group that you have to display courage to them
3 about making a decision.

4 This year we have a very
5 challenging budget before us. We're going to
6 have to display some courage. Later on this
7 year, I can assure you some of you will be
8 faced with a moment where you will have to
9 represent a position that may not be one that
10 you thought you would have to speak on behalf
11 of. But yet and still, because of what
12 individuals like Martin Luther King has done,
13 what he represented, you will be faced with the
14 decision of do you display courage or do you
15 just go along with the program.

16 I think what Martin would have
17 said had he stood on this Senate floor at about
18 4:17 on this day was "Courage is what is going
19 to get us to that Promised Land." And the
20 promised land is one where all of us, each and
21 every one of us, will be able to stand firm
22 and, when somebody says to you "What is it that
23 I can describe is the contents of your
24 character," they'll be able to describe it with
25 one word.

1 There was Bill Perkins on that day
2 who displayed courage. There was Senator
3 Grisanti, who had to make a statement before a
4 group that he felt was not going to agree with
5 what he had to say, but he displayed courage.
6 There was Senator Fuschillo, when the time came
7 he thought that everybody would be with him, he
8 had to display courage. And there was Senator
9 Andrea Stewart-Cousins: When we all thought we
10 were good and had the right thing to say, she
11 displayed courage.

12 This is a courage year. And I'd
13 ask all my colleagues, as you begin to search
14 your heart and your spirit, the day you have to
15 make that decision that you rest on your
16 courage blanket, the blanket that will cover
17 you from this day forward as people describe
18 the contents of your character and not the
19 color of your skin: Courage. Dr. Martin
20 Luther King.

21 Thank you, Mr. President.

22 ACTING PRESIDENT O'MARA: Senator
23 Espaillat.

24 SENATOR ESPAILLAT: Thank you,
25 Mr. President.

1 Every year we celebrate the great
2 legacy of Martin Luther King, and every year we
3 have the opportunity to wonder what would the
4 great Martin Luther King think of some of the
5 current issues, some of the current pressing
6 issues that are affecting us today.

7 What would he be, as an
8 82-year-old man, thinking about when he saw the
9 current issues affecting the great State of
10 New York and the great nation? What would he
11 think about working men and women, the working
12 men and women across this state and across the
13 nation that are being assaulted of their
14 benefits, their pay? What would he would think
15 of farmworkers right here in New York State
16 that can easily qualify as modern-day
17 indentured servants?

18 What would he think of the dropout
19 rate of young men and women of color across
20 this state? What would he think of gun
21 violence and the many measures that we tried to
22 implement -- microstamping and others -- that
23 we failed to implement here in the great State
24 of New York to stop the onslaught against young
25 men and women across this state?

1 What would he think of immigrants,
2 a group of young men and women called the
3 Dreamers, that have embodied his message
4 because they want to have access to higher
5 education? What would he think about that, our
6 inability to open the doors to those young men
7 and women? What would Dr. King right now, at
8 82, think about the dreamers?

9 So I want to follow the lead of my
10 great colleague Malcolm Smith and say that we
11 should try to push for this to be not a
12 drive-by analysis of Dr. King and his legacy
13 but a work in progress. And that we should try
14 to accomplish some of the things that I am sure
15 that he would hold up as great accomplishments
16 for the great State of New York.

17 ACTING PRESIDENT O'MARA: Senator
18 Grisanti.

19 SENATOR GRISANTI: Yes, thank
20 you, Mr. President.

21 And, Senator Smith, I want to
22 thank you for those kind words that you stated
23 earlier.

24 It's the Reverend Dr. Martin
25 Luther King, as I was corrected a few times

1 because I forgot the word "Reverend." But
2 nonetheless, a man with a vision that would
3 conquer without violence, as Senator Sampson
4 has stated. And he would use his intellect and
5 his reason to move things forward and in a
6 progressive fashion.

7 There are certain issues in my
8 area, certain issues where people still have
9 not overcome. And that is not only true of my
10 area but across this state and across this
11 great nation. Now, there has been movement.
12 But this road -- and what I've realized, being
13 here in the New York State Senate -- still has
14 to be traveled. The light at the end of the
15 tunnel is bright, but to some it is not bright
16 enough.

17 I urge all people, as I have been
18 hearing throughout these last few days, to ask
19 just to help one another. Do some community
20 service, say nice words to somebody, help out a
21 neighbor, help out a friend, listen and provide
22 sound advice.

23 I ask that what we do, not only
24 here today but every day, is keep the vision of
25 this great man alive who asked little except

1 for equality, economic justice, and hope for
2 all -- and let us not forget a strong statement
3 that he stated, education, which is a strong
4 equalizer.

5 I'm proud to join in this
6 resolution, Mr. President. Thank you very
7 much.

8 ACTING PRESIDENT O'MARA: Senator
9 Parker.

10 SENATOR PARKER: Thank you,
11 Mr. President.

12 First let me thank Senator Sampson
13 for his leadership in putting forth this
14 important resolution.

15 On this past Sunday, January 15th,
16 Dr. King would have been 83 years old had he
17 been allowed to live. But as he indicated,
18 longevity has its place. For him, it was more
19 important for him to expand what we see in
20 society.

21 We are living now 44 years after
22 the death of Dr. King in 1968 and about
23 18 years after the creation of the holiday. We
24 have high school seniors right now who have
25 lived their whole life with the holiday who

1 don't remember not just the importance of
2 Dr. King's life and legacy, but don't even
3 recognize how hard it was to get this day.
4 That in fact it took about almost 10 years from
5 the beginning, from the first time that the
6 bill was introduced in Congress in 1986, to
7 1994 when it was finally signed into law and
8 became the law of our land. And so Dr. King's
9 legacy was being played out even then.

10 And so to those young high school
11 seniors who don't remember the struggle that it
12 took for Dr. King's day to become a holiday, I
13 want us all to join them in rededicating
14 ourselves to Dr. King's life and legacy, to the
15 things that Dr. King believed in. And we heard
16 a little bit about that today.

17 Particularly I want to point out
18 what Senator Smith said about courage, which
19 was really important. Because we're quick to
20 talk about the dream, everybody wants to always
21 talk about the dream. Which really, by the
22 way, was just a little catch phrase that he was
23 using at the end of an important speech, where
24 he went to D.C. with -- you know, everybody
25 acts like he was standing there by himself. He

1 was there with about 250,000 people who were
2 upset and who had come to Washington to look
3 for justice. Who came there with a check that
4 had been marked "Insufficient" in the name of
5 justice and were looking for justice to be
6 done.

7 The question is, as we stand here
8 today, has that check been cashed yet? We
9 still, many of us, stand at the bank of
10 humanity and the bank of justice and ask, Can
11 we get this check marked "Sufficient"? Can we
12 cash this check and find real justice in the
13 State of New York? That's something that every
14 day we're going to have to deal with.

15 And I know we're all happy with
16 the notion of King as a nonviolent peacemaker.
17 But let's be clear, that's not who Dr. King
18 was. And I'm not saying he was a violent man.
19 But I'm saying we understand that the man was
20 involved with nonviolent engagement, direct
21 engagement. Dr. King spent more time in jail
22 than me.

23 (Laughter.)

24 SENATOR PARKER: So you all know
25 that at the time of his life this was not a

1 popular man.

2 (Laughter.)

3 SENATOR PARKER: I want to invite
4 people to read what I've read during the
5 Dr. King holiday this year, which was "Letter
6 from the Birmingham Jail." And in the "Letter
7 from the Birmingham Jail," Dr. King wrote a
8 letter not to people who he saw as members of
9 the KKK or people that he saw as antagonistic
10 to his goal of racial justice, but he wrote
11 that letter to other colleagues in the ministry
12 who had been critiquing him. That in fact some
13 of his harshest critics were the very people he
14 was fighting for.

15 That now we all love Dr. King, and
16 we stand here and we've got, you know,
17 billboards and placards and concerts in his
18 name. But at the time Dr. King was not
19 somebody who people wanted to even have in
20 their church, let alone, you know, come to
21 their community and start organizing.

22 And so we should celebrate his
23 life and legacy, but let's not have revisionist
24 history. Let's understand that that man walked
25 up the rough side of the mountain. And when he

1 got a chance to look upon -- what did he call
2 it? -- the gleaming city on the top of the
3 hill, he knew that he was not going to get
4 there. Because he knew that there were forces
5 in this country that were not going to allow
6 him to get there and get to that bank to cash
7 that check "Sufficient."

8 And so today I want to join all my
9 colleagues in recommitting ourselves to
10 Dr. King's message of justice. But not just
11 justice, but direct engagement to the things
12 that are not just in our society. Because only
13 by standing up to injustice in our society can
14 we truly have justice for one and all here in
15 the State of New York.

16 ACTING PRESIDENT O'MARA: Senator
17 Adams.

18 SENATOR ADAMS: Thank you. And I
19 too want to add my voice in thanking Senator
20 Sampson for bringing this resolution to the
21 floor.

22 You know, every year when I think
23 about my brief moment of pausing and thinking
24 of Dr. King, I look at it through the analogy
25 of every year you have the Academy Awards, and

1 awards are given to those who have the best
2 picture or the best producer. And I think that
3 acknowledgment is done because they realize
4 it's not the individual that makes this real
5 life drama that we call our human existence
6 possible, it's the combination of all those who
7 are involved.

8 And if Dr. King was here, he would
9 probably tell us, I may have been the focal
10 point, but there were many people who
11 participated in this great experience that took
12 place in this country.

13 And that was only the continuation
14 of the sequel. His was not the original show.
15 There were many shows prior to his. There were
16 the Chinese-Americans as they built the
17 American railroads, and their struggle. The
18 Irish-Americans, as they came here to these
19 shores and were treated in a degrading
20 fashion. The Italian-Americans.

21 And so Dr. King's experience for
22 African-Americans was the continuation of the
23 sequel of humankind being kind as human
24 beings. And if we attempt to just relegate it
25 just to people of darker skin tone looking for

1 their foothold in America, then I think we're
2 doing a disservice to the spirit of Dr. King
3 and the entire human experience.

4 The question now that lingers over
5 us that we must change from a question mark to
6 an exclamation point is how are we going to
7 live in our sequel. Because we are living the
8 sequel of all of those great movements that is
9 concluding to this great show that we are
10 experiencing now on the stage of real-life
11 American history.

12 And that's what I want to be a
13 part of. I don't want to continue to look at
14 the rewinds or look at the old clips, I want to
15 make sure I'm part of the new clips. And the
16 new clips states that it does not matter of
17 ethnicity, it does not matter if you're in a
18 synagogue or mosque or in a Christian church.
19 It's about America pricking the conscience of
20 the globe to state you have a right to be here,
21 worship here, thrive here and live a productive
22 life. That's the America I want to be a part
23 of.

24 So the greatest contribution we
25 can make to Dr. King and all of the supporting

1 cast that participated in the civil rights
2 movement, that lived through their sequel, is
3 that we can continue ours and make sure that we
4 have a landmark, a treasure, a great script in
5 this real-life human experience that our
6 children can build upon and make sure that they
7 too can say we have a movie we saw with our
8 dads and our mothers and our Senators and our
9 Assemblypersons and our Governors that made the
10 State of New York a great place to be. And
11 folks will reflect on the dream that we laid
12 for others to live through.

13 That's what Dr. King was about.
14 That's what I believe we should be about. And
15 that's what I will commit my life to be about.

16 Thank you, Mr. President.

17 ACTING PRESIDENT O'MARA: Senator
18 Perkins.

19 SENATOR PERKINS: Thank you very
20 much.

21 I just want to first register my
22 appreciation to Senator Sampson for the
23 resolution that he provides us with an
24 opportunity to speak on, and also to register a
25 complaint about all those who spoke before me

1 and stole my presentation.

2 (Laughter.)

3 SENATOR PERKINS: Especially you,
4 Eric Adams.

5 But nevertheless, nevertheless,
6 I'm going to just be brief in recognizing that,
7 you know, I had the privilege of being a part
8 of the Poor People's Campaign. And it was the
9 last campaign that Dr. King participated in or
10 organized. And just before that, as you know,
11 was Memphis, where he was assassinated.

12 The workers and the poor people,
13 the people that we all represent. And the
14 dream that he has is what we are trying to
15 embrace and trying to use as we do our work
16 here.

17 So we need to make sure that this
18 session we have like a report card that is our
19 Dr. King report card that basically measures
20 whether or not it was rhetoric in the record or
21 it was something that we actually did that
22 Dr. King could smile about because we didn't
23 just take the opening session of session to
24 praise him and then deny him when it came time
25 to legislation that reflects the needs of the

1 poor, that reflects the needs of the working
2 class, the workers in general.

3 So I'm honored to have the
4 opportunity to have my words plagiarized before
5 me and to be associated with all of you as we
6 travel this path to really fulfill in our
7 legislation the dream of Dr. King in New York
8 State.

9 Thank you.

10 ACTING PRESIDENT O'MARA: Senator
11 Savino.

12 SENATOR SAVINO: Thank you,
13 Mr. President.

14 I also rise and I want to thank
15 Senator Sampson and Senator Smith for bringing
16 this resolution to the floor.

17 Every year when this resolution
18 has come forward I feel the need to stand and
19 speak about what Dr. Martin Luther King meant
20 to me.

21 I think we should always remember
22 where he was on the day that he was killed --
23 leading a strike of striking sanitation workers
24 in the City of Memphis, workers who were denied
25 equal treatment to their white counterparts,

1 workers who were denied being treated as human
2 beings at all by the City of Memphis. The sad
3 thing is is some of those workers that were on
4 strike that day to this day still don't have a
5 pension from the City of Memphis.

6 So you wonder what would Dr. King
7 think about what's happening to working people
8 today. What would he think about the way
9 executives and town supervisors and mayors
10 across this country and editorial boards are
11 looking to attack workers' rights, denigrate
12 the representatives of workers' rights, silence
13 the critics every day.

14 We should remember where
15 Dr. Martin Luther King was on the day he was
16 killed. We should remember what he was
17 fighting for. We should not allow this
18 economic crisis to turn our backs on the rights
19 of working people.

20 So we should remember that as we
21 go forward this year and we make hard decisions
22 that will affect workers and workers' rights,
23 that we live up to the promise of Dr. Martin
24 Luther King. That workers should have the
25 right to band together for mutual aid and

1 protection, that we should have a right to have
2 a say in our workplace, that we are entitled to
3 dignity not just in our everyday work life but
4 in our retirement as well. And that we should
5 not vilify those who stand up to speak for the
6 rights of workers.

7 That is his message to me this
8 year. And I hope it's his message to all of
9 you in this chamber. Because I don't think
10 that Dr. King would be very proud of what's
11 happening across this country. And I wonder
12 what he would think about what happened in
13 Wisconsin earlier this year. He probably would
14 have been very, very disappointed in some of
15 the people out there. But then I think today
16 he might be very proud as a million people
17 signed a petition to start a recall effort of a
18 governor who sought to vilify workers and their
19 rights.

20 So as we go forward, let's
21 remember that Dr. King believed in the rights
22 of workers and believed in the rights of all
23 humanity.

24 Thank you, Mr. President.

25 ACTING PRESIDENT O'MARA: Senator

1 Huntley.

2 SENATOR HUNTLEY: Yes, thank you,
3 Mr. President.

4 I personally knew Dr. Martin
5 Luther King. I was involved with the Poor
6 Folks March, along with him and in those days
7 it was Reverend Jackson. I remember it very
8 well: My husband and I, our youngest child on
9 his back, and a brown bag with lunch. And we
10 went, we worked, we helped the poor people, we
11 passed out food, we gave our clothing. And I
12 also remember the water hose and the dogs.

13 And when I think of Dr. Martin
14 Luther King, I often wonder how he survived as
15 long as he did. He did not have an easy life.
16 I just heard when Senator Parker talked about
17 how things were tough -- he left his family, he
18 cared about people. And when time came to pass
19 the bill, there were actually people who didn't
20 want to vote to make this a holiday.

21 And I also think about how we talk
22 about Dr. King once a year, how everybody has
23 great things to say about him, and yet we do
24 not -- now I'm personally speaking for me -- we
25 do not live the dream.

1 There are a number of young people
2 in our schools who know absolutely nothing
3 about Dr. King because they're a different
4 generation. And we really don't take time in
5 our schools across the state to teach them
6 about Dr. Martin Luther King. And I think
7 that's one thing that we should inform schools
8 they need to know. You know, whether they live
9 the dream or not. But I think he's a person
10 that everyone should know about. I mean, we
11 all know about other top figures. And I think
12 he's made his place in America, and I think we
13 owe him that much.

14 Thank you.

15 ACTING PRESIDENT O'MARA: Senator
16 Stewart-Cousins.

17 SENATOR STEWART-COUSINS: Thank
18 you, Mr. President.

19 I also want to thank Senator
20 Sampson for bringing forth this resolution.

21 And as I was listening to all of
22 my distinguished colleagues talk about the
23 past, the present, the future, I thought about
24 what I did this weekend. And I'm sure it
25 mirrored what most of you did this weekend,

1 going to events given by different groups to
2 rekindle the message of Dr. King.

3 One of the events that I went to
4 was down in the city, and it was an event
5 called Occupy the Dream. And I looked at this
6 crowd of well over a thousand people who had
7 marched from St. John the Divine to Riverside
8 Church to carry the banner of Dr. King. And it
9 was an Occupy the Dream night.

10 What an incredible sight to see.
11 Not only the people who knew Dr. King or who
12 organized, but the young, vibrant, energized
13 people who understood, despite the fact that
14 many of them were born long after Dr. King's
15 death, they understood almost on a cellular
16 level how important it was to continue to push
17 forward the ideals that Dr. King represented.

18 They understood that we still are
19 a nation that has too many people in poverty,
20 that one out of two people are poor or near
21 poor, that one-quarter of our children in this
22 nation are hungry. And they understood that
23 that dream can only be fulfilled when we find a
24 way to make sure that our children are fed,
25 that their minds and bodies are whole and given

1 what the nourishment is that they need, and
2 that we each have an opportunity to fulfill
3 what we can in life through work that is valued
4 and remunerated properly.

5 So the dream for those who think
6 that young people don't know, it's alive, it's
7 Occupy, and it's up to us to help fulfill
8 Dr. King's mission.

9 ACTING PRESIDENT O'MARA: Senator
10 Little.

11 SENATOR LITTLE: Thank you,
12 Mr. President.

13 I too would like to thank Senator
14 Sampson for presenting this resolution today.

15 This past weekend I was privileged
16 to participate in two ceremonies, one in
17 Glens Falls and one in the city of
18 Plattsburgh. And in both of those ceremonies
19 we marched, we had thoughtful remarks by
20 participants, we had musical selections and
21 song as we celebrated and remembered the life
22 and the accomplishments of the Reverend
23 Dr. Martin Luther King.

24 But last year I read a book, and
25 the book was called Behind the Dream: The

1 Making of the Speech that Transformed a
2 Nation. It's by Clarence Jones. In 1963,
3 Clarence Jones was in his early 30s. He was
4 counsel to Dr. King. And he also was a draft
5 speech writer.

6 So as they sat at the Lincoln
7 Memorial waiting for Dr. King to do his
8 speech -- or actually before they sat there,
9 Clarence Jones decided that it might be a good
10 idea, something he had never done before, but
11 he copyrighted Dr. King's speech. And in doing
12 so, it was no longer in the public domain, it
13 became a copyrighted speech.

14 At the time of the speech that he
15 had presented to Dr. King, it did not have the
16 "I have a dream" words in it, but that speech
17 had been given at another time. But also
18 sitting on the stage was Mahalia Jackson, who
19 had sung in the ceremony. And as Dr. King was
20 speaking, Mahalia Jackson spoke out and said to
21 Dr. King, "Tell them about your dream,
22 Martin." And he began the "I have a dream"
23 talk.

24 The copyright to that speech has
25 brought in a revenue stream to the King Center

1 ever since. Something that maybe no one had
2 ever thought of doing, and Clarence Jones had
3 done it on a whim, just decided that he would
4 do that. And the results have been funding
5 that has continued the spirit and the goals of
6 Dr. Martin Luther King through the years.

7 So I would recommend the book. It
8 was really very interesting and an inside story
9 as to leading up to the speech and afterwards.

10 Thank you.

11 ACTING PRESIDENT O'MARA: Senator
12 Krueger.

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

15 I also want to thank John Sampson
16 for bringing this resolution today. But mostly
17 I wanted to thank my colleagues who stood up
18 and spoke so eloquently not just about
19 Dr. Martin Luther King but what it meant to
20 their lives and their communities.

21 So I'd like to go on the record
22 and point out that I suspect many of my
23 colleagues who spoke here today wouldn't be
24 here if not for Martin Luther King, the work he
25 did, what he represented, the fight he fought,

1 the fight we all continue and are obligated to
2 continue to fight for the heart and soul of
3 this country.

4 And so I thank Dr. Martin Luther
5 King for doing the work he did that impacted so
6 many but, for us here in New York State,
7 brought us great legislators like the ones who
8 spoke on his behalf today.

9 Thank you, Mr. President.

10 ACTING PRESIDENT O'MARA: Senator
11 Hassell-Thompson.

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

14 I rise to add my thanks to our
15 leader, John Sampson, and Senator Smith.

16 I think many of us raced to have
17 the opportunity to put in this resolution
18 because each of us feels very strongly that --
19 particularly those of us who have people of
20 color believe that were it not for the efforts
21 of Dr. King, none of us would be here. Since
22 the days of Reconstruction, we represent the
23 largest body of elected officials that help to
24 develop policy across this nation. And I don't
25 take any of that lightly.

1 And so as I celebrated this
2 weekend, as others did, at occasions it gave me
3 an opportunity to pause. Because as we
4 continue to read the writings of this man, we
5 recognize that leadership was not something
6 that he chose.

7 He did not want to be a leader.
8 He chose to be a pastor who wanted to be the
9 spiritual leader. But somewhere in his
10 orations, people found that he could make
11 people listen. And that's a quality that
12 leaders must have. He could make people come
13 together and at least look at his ideas.
14 That's the quality that a leader must have.
15 And in his ability to do so, he was able to get
16 people to pause in their deliberations, and
17 think. And those are qualities that a leader
18 must have.

19 And so he excelled in his oration as
20 someone who understood word language and knew how
21 to use the power of that language to say to
22 people, There is good in you and I'm looking for
23 that good to join with me to find the good in
24 each other so that we can make all of these
25 truths that we have avowed to be true that so

1 that all people, all people can be considered as
2 equal.

3 And that if we just stop and think
4 with tolerance and think with love, just allow
5 those things that are in all of us to reside,
6 then we can then accept that all people deserve
7 to be free.

8 So I appreciate every opportunity
9 that we have to celebrate the life of an
10 extraordinary man who I had the pleasure of not
11 only meeting personally but being a part of the
12 Northern movement here, writing letters,
13 collecting money, sending volunteers.

14 And knowing the volatility of my own
15 personality, I was not a good marcher. I could
16 not be tolerant when people spit on me or when
17 some of the other atrocities happened to them.
18 And so they said, "No, you stay in the North, and
19 there's work for you to do there. Because we
20 need people who can withstand some of the things
21 that will happen." Because they anticipated what
22 was going to happen, and they trained people to
23 be able to be in those marches. That was not
24 accidental, it was very purposeful.

25 And so that there were some of us

1 who really understood that our own natures were
2 not to be part of the march, but certainly we all
3 had a role to play.

4 And I am very grateful as I stand
5 here each year and recognize over and over again
6 the blessings that we had in having him in
7 leadership that allowed me to be here to serve
8 the people of the 36th Senatorial District.

9 I thank you, Mr. President.

10 ACTING PRESIDENT O'MARA: Senator
11 Marcellino.

12 SENATOR MARCELLINO: Thank you,
13 Mr. President.

14 And I thank Senator Sampson, my
15 brother from another mother, for bringing up
16 this resolution.

17 The other day, on Sunday, I
18 attended, as many did, sessions and meetings
19 celebrating Dr. King's birth and delivering his
20 message and repeating the speech that Dr. King
21 had given over and over again. And one of the
22 previous speakers -- I don't recall which, I
23 apologize -- had mentioned what would he think
24 looking down. What would he think, what would
25 he say about what's going on here? What would

1 his opinion be about what is happening in the
2 world today or in our state?

3 That same afternoon when I left
4 the ceremony from the First Baptist Church in
5 Glen Cove, in my district, I went to a Catholic
6 church in the village of Sea Cliff, not too far
7 away, which had been the day before vandalized
8 and graffitied with racial symbols, swastikas.
9 Homes nearby also defaced with similar types of
10 expressions.

11 So in our conversations, I would
12 say that Dr. King would be looking down on us
13 and saying, My work isn't done. There is a lot
14 more to do here.

15 As was pointed out, I think it was
16 by Senator Parker, a whole generation coming
17 along has no idea. To them Martin Luther King
18 is maybe a shopping day, a day to go to the
19 mall.

20 Those of us who have been around a
21 while, who have the gray hair or those of us
22 who have no hair or those of us who are hiding
23 the gray hair through various ways, perhaps we
24 have to go back and perhaps we have to send a
25 message and deliver that message over and over

1 again because it's got to be relearned. It can
2 never be forgotten.

3 We must never let Dr. King's
4 message be forgotten because it's one about
5 peace, love and caring for one another. That's
6 the key. Forget about the individual. He was
7 a flawed person, we all know that. We're all
8 flawed. Everybody's flawed. But the message
9 was pure, the message was real, and the message
10 must be remembered and delivered to generation
11 after generation after generation. We can
12 never let it die. That is our obligation, that
13 is our responsibility as we pass it on to the
14 next generation so that they can carry the
15 message forward.

16 I suggest Dr. King would be both
17 pleased and displeased. Pleased that he's
18 still being talked about and still being
19 remembered and the message is there, but
20 displeased that there's a heck of a lot of work
21 left to do.

22 So, Mr. President, I move that we
23 get on with the business of the day and get on
24 with Dr. King's message and keep delivering the
25 message. It's most important to us all.

1 Thank you.

2 ACTING PRESIDENT O'MARA: Thank
3 you.

4 Seeing no other Senator wishing to
5 be heard, the question is on the resolution.
6 All those in favor signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT O'MARA: Any
9 opposed say nay.

10 (No response.)

11 ACTING PRESIDENT O'MARA: The
12 resolution is adopted.

13 Senator Libous.

14 SENATOR LIBOUS: Mr. President, I
15 believe that Senator Sampson would like to open
16 that resolution up for all members.

17 And unless for some reason someone
18 wishes not to be on it, every member's name
19 will be on that resolution.

20 ACTING PRESIDENT O'MARA: The
21 resolution is open for cosponsorship. Should
22 anyone not wish to be a cosponsor, please
23 notify the desk.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President, I

1 believe there's a resolution at the desk by
2 Senator Perkins. May we have it read in its
3 entirety and move for its adoption after you
4 call on Senator Perkins.

5 ACTING PRESIDENT O'MARA: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 resolution by Senator Perkins, mourning the
9 death of acclaimed civil rights pioneer and
10 federal judge Robert L. Carter.

11 "WHEREAS, Born on March 11, 1917,
12 in Caryville, Florida, as the youngest of nine
13 children, Robert L. Carter soon after moved to
14 Newark, New Jersey, with his mother, where he
15 was raised; and

16 "WHEREAS, He graduated from high
17 school at the age of 16 and earned his
18 undergraduate degree in political science from
19 Lincoln University and his law degree from
20 Howard University School of Law in 1940, both
21 on scholarship. The following year he went to
22 earn his LLM from Columbia Law School; and

23 "WHEREAS, Robert L. Carter joined
24 the United States Army Air Corps just a few
25 months prior to the United States entering

1 World War II; and

2 "WHEREAS, Despite repeated
3 antagonisms, he completed officer candidate
4 school and earned the rank of second
5 lieutenant; and

6 "WHEREAS, At the time he was the
7 only black officer at Harding Field in Baton
8 Rouge, Louisiana. As a result, he continued to
9 face the constant barrage of racial hostility;
10 and

11 "WHEREAS, Following his military
12 service, Robert L. Carter began to work with
13 the NAACP Legal Defense and Educational Fund;
14 and

15 "WHEREAS, In 1945, Robert L.
16 Carter was an assistant special counsel at the
17 Legal Defense Fund, and in 1948 he became a
18 legal assistant to Thurgood Marshall; and

19 "WHEREAS, in 1956, Robert L.
20 Carter succeeded Thurgood Marshall as the
21 general counsel of the NAACP, and over the
22 course of his tenure he argued or coargued and
23 won 21 of 22 cases in the United States Supreme
24 Court; and

25 "WHEREAS, Robert L. Carter played

1 an integral role in landmark cases such as
2 Sweatt v. Painter, Sipuel v. Board of Regents
3 of the University of Oklahoma, Brown v. Board
4 of Education, and NAACP v. Alabama; and

5 "WHEREAS, In 1968, Robert L.
6 Carter resigned from the NAACP, along with his
7 entire legal staff, in protest to the firing of
8 NAACP employee Lewis Steele; and

9 "WHEREAS, Following his departure
10 from the NAACP, Robert L. Carter cofounded the
11 National Conference of Black Lawyers, an
12 organization formed to serve as the Black
13 Liberation movement's legal arm and aid other
14 black activists. Notable clients were
15 individuals such as Angela Davis, Assata
16 Shakur, the Attica Brothers, Geronimo Pratt,
17 Mumia Abu-Jamal, Ben Chavis and the Wilmington
18 Ten; and

19 "WHEREAS, The National Conference
20 of Black Lawyers also lobbied against apartheid
21 in South Africa; and

22 "WHEREAS, In 1972, at the
23 recommendation of U.S. Senator Jacob Javits,
24 President Richard M. Nixon nominated Robert L.
25 Carter to the federal bench for the Southern

1 District of New York; and

2 "WHEREAS, On the bench, Robert L.
3 Carter became well-known for his involvement in
4 cases involving professional basketball. He
5 oversaw the merger of the National Basketball
6 Association and the American Basketball
7 Association in the 1970s, the settlement of a
8 class-action antitrust suit against the NBA,
9 and a number of high-profile free-agent
10 arbitration disputes; and

11 "WHEREAS, In 1979, his judicial
12 findings as they related to biases against
13 black and Hispanic applicants to the New York
14 City Police Department led to significant
15 changes in hiring policies and minority
16 representation on the force; and

17 "WHEREAS, In his later years,
18 Robert L. Carter remained a passionate and
19 outspoken supporter of current issues related
20 to racial bias and unequal treatment, never
21 wavering from the opinion that much remained to
22 be accomplished in the pursuit to achieve true
23 racial equality; now, therefore, be it

24 "RESOLVED, That this Legislative
25 Body pause in its deliberations to mourn the

1 death of acclaimed civil rights pioneer and
2 federal judge Robert L. Carter; and be it
3 further

4 "RESOLVED, That a copy of this
5 resolution, suitably engrossed, be transmitted
6 to the family of Robert L. Carter."

7 ACTING PRESIDENT O'MARA: Senator
8 Perkins on the resolution.

9 SENATOR PERKINS: Thank you very
10 much.

11 You know, again, I want to express
12 my appreciation for the fact that we're opening
13 up our session with these remarkable icons of
14 our nation that have made such important
15 contributions and give us hopefully some
16 guidance on the work that we'll be doing for
17 the balance of the session.

18 The Honorable Robert Carter was
19 known as a great legal strategist best known
20 for the Brown v. Board of Education case in
21 1954, for which I and I daresay so many of us
22 are grateful products of that successful legal
23 work, including President Obama.

24 However, according to his memoir,
25 according to Mr. Carter's memoir, called A

1 Matter of Law, written in 2005: "It was the
2 Army that made a militant of me and instilled
3 in me a fierce determination to fight against
4 racism with all my intellectual and physical
5 strength."

6 In true tribute to him, let that
7 be our marching orders, to fight racism with
8 all of our intellectual and physical strength.

9 And furthermore, in true tribute
10 to him, let us extend this determination to
11 include sexism, homophobia, anti-Semitism and
12 all the other "isms" that undermine the
13 integrity of our democracy and humanity.
14 Ultimately, he wasn't just an outstanding civil
15 rights lawyer, but a fierce human rights
16 advocate.

17 Thank you.

18 ACTING PRESIDENT O'MARA: Thank
19 you, Senator.

20 Seeing no other Senators wishing
21 to be heard, the question is on the resolution.
22 All those in favor signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT O'MARA:
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT O'MARA: The
3 resolution is adopted.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, I
6 believe that on that resolution, Senator
7 Perkins, you'll open it up to cosponsorship for
8 everyone, and if anyone wants to have their
9 name removed from it, let the desk know?

10 SENATOR PERKINS: Please.

11 SENATOR LIBOUS: Thank you,
12 Mr. President.

13 ACTING PRESIDENT O'MARA: The
14 resolution is open for cosponsorship. Should
15 anyone not wish to be a cosponsor, please
16 notify the desk.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,
19 at this time may we please return to the
20 reports of standing committees.

21 I believe there's a report of the
22 Finance Committee at the desk, and may we
23 please have it read.

24 ACTING PRESIDENT O'MARA: Reports
25 of standing committees.

1 The Secretary will read.

2 THE SECRETARY: Senator
3 DeFrancisco, from the Committee on Finance,
4 offers the following nomination.

5 As a member of the Adirondack Park
6 Agency, Sherman Craig, of Wanakena.

7 ACTING PRESIDENT O'MARA: Senator
8 DeFrancisco.

9 SENATOR DEFRANCISCO: I move the
10 nomination.

11 ACTING PRESIDENT O'MARA: On the
12 nomination, all in favor please signify by
13 saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT O'MARA: Any
16 opposed?

17 (No response.)

18 ACTING PRESIDENT O'MARA: Sherman
19 Craig is hereby confirmed as a member of the
20 Adirondack Park Agency.

21 The Secretary will continue to
22 read.

23 THE SECRETARY: As Commissioner
24 of the Division of Homeland Security and
25 Emergency Services, Jerome Hauer, of

1 Guilderland.

2 ACTING PRESIDENT O'MARA: Senator
3 DeFrancisco.

4 SENATOR DEFRANCISCO: Yes, I
5 would proudly move this nomination.

6 The Governor has done a wonderful
7 job in making his appointments this year, and I
8 think this appointment or this nomination is
9 probably at the top if not at least near the
10 top.

11 The qualifications of Mr. Hauer
12 are just remarkable. I've got his bio here,
13 and I could spend a good amount of time here,
14 but he's spent enough time here already.

15 It's an amazing biography that
16 shows that the individual has the technical
17 knowledge, the academic knowledge, the
18 knowledge and experience from the private
19 sector. And he's done homeland security and
20 dealt with homeland security and emergency
21 issues from the local level, as a member of the
22 volunteer fire department, and as high up as
23 giving presentations to President Clinton and
24 becoming part of our national homeland security
25 operation. Just a remarkable set of

1 achievements.

2 I said to him, when I first met
3 him in my office, that I'm just happy that
4 you're willing to do this. I can't believe
5 you're willing to do this because of the
6 awesome responsibilities. And he said, "The
7 Governor is very persuasive."

8 Well, I'm glad we have a Governor
9 that's very persuasive, and I'm glad this
10 nominee was willing to serve in this incredibly
11 important capacity. And I very happily and
12 proudly move his nomination.

13 And I would request that,
14 Mr. President, you recognize Senator Ball to
15 second the nomination.

16 ACTING PRESIDENT O'MARA: Senator
17 Ball.

18 SENATOR BALL: It's indeed my
19 honor to rise to second the nomination.

20 And just to say, to echo those
21 comments, you know, in all seriousness we live
22 in a state that on most days is terrorist
23 target number one, especially the New York City
24 metropolitan region.

25 And this Governor has proven an

1 uncanny ability to pick the exact right person
2 for the exact right position. And Jerry Hauer
3 is at the top of the list of being an example
4 of exactly that, and I know that I will rest a
5 little bit better tonight knowing that he is at
6 the helm.

7 And I have gotten to know him a
8 little bit over the past several months, and I
9 can tell you it's very rare in politics that
10 you hear only good things about an individual.
11 And whether it be rank-and-file law enforcement
12 or first responders or those at the highest
13 levels in the same community, they have nothing
14 but accolades to serve upon Jerry.

15 You know, we have a lot of
16 lingering issues in this state, over 10 years
17 now after 9/11, from operability,
18 interoperability, turf battles that still
19 rage. And it's going to take an extraordinary
20 leader to move all these various issues forward
21 in a constructive way. And I know that this
22 Governor has picked the exact right person.

23 So God bless you for your work,
24 and I look forward to working with you side by
25 side. Thank you, sir, for your service.

1 ACTING PRESIDENT O'MARA: Senator
2 Adams.

3 SENATOR ADAMS: Thank you,
4 Mr. President.

5 And I want to add my voice to
6 Senator Ball's comments.

7 You know, when you protect your
8 home, you can take shortcuts on many areas but
9 not the locks on the doors. And whoever is
10 there to provide for your security is where you
11 should put the maximum amount of resources and
12 the maximum amount of trust.

13 And I think that we're fortunate
14 and I truly want to commend the Governor on his
15 choice. Not only is Commissioner Hauer an
16 expert in the area of law enforcement and
17 protecting our homeland, but I consider him to
18 be a friend.

19 As I served as a law enforcement
20 officer, he was in charge under the mayor, and
21 he did a job where many of us felt that it was
22 commendable during some very difficult and
23 challenging times. And now we are pleased and
24 we should be thankful to have him back in
25 public service here in the State of New York.

1 And I thank him for agreeing to
2 take such an important assignment to make sure
3 that the locks on our doors of New York State
4 are safely protected.

5 ACTING PRESIDENT O'MARA: Senator
6 Seward.

7 SENATOR SEWARD: Thank you,
8 Mr. President.

9 I rise to join my colleagues in
10 congratulating the Governor on an outstanding
11 nomination of Jerry Hauer to be our
12 Commissioner of the Division of Homeland
13 Security and Emergency Services. And we're
14 delighted that he's convinced Jerry to serve us
15 here in New York State. He's a man with
16 impeccable credentials to assume this
17 responsibility.

18 And as we confirm Jerry Hauer, it
19 gives me an opportunity as a Senator from an
20 area that was flood-damaged last year during
21 Hurricane Irene and Tropical Storm Lee, the
22 Schoharie Valley and part of Greene County in
23 particular, those sections of my district. And
24 I just want to thank the Governor and his
25 entire administration for the response during

1 the immediate flood but also through the
2 recovery period, which is ongoing.

3 And no question, the Division of
4 Homeland Security and Emergency Services and
5 the personnel associated with that agency
6 worked and continue to work tirelessly to
7 assist our local communities in their recovery
8 efforts.

9 And so I'm delighted to stand to
10 support this confirmation and also to thank the
11 Governor, the entire administration, and this
12 agency in particular for their ongoing efforts
13 to assist the communities of our state that
14 greatly need their help at this difficult time.

15 And certainly, going forward,
16 we've learned a lot from what went on in 2011
17 during these floods. And as good as our
18 response was, we can do better. And Jerry
19 Hauer is just the right individual to help to
20 improve our response to emergencies, whether it
21 be in communications or deployment of resources
22 and assistance to communities in that great
23 time of need.

24 So, Jerry, congratulations, and we
25 look forward to continuing to work with you and

1 your entire agency as we recover from this
2 flood and, God forbid, if we have further
3 emergencies and situations in the future.

4 ACTING PRESIDENT O'MARA: Senator
5 Krueger.

6 SENATOR KRUEGER: Thank you,
7 Mr. President.

8 I also rise to join in the support
9 of Mr. Hauer to become the head of Homeland
10 Security and Emergency Services in New York.

11 And certainly Governor Cuomo has
12 sent us a great nominee. And he is persuasive,
13 our Governor. But for the record, Jerry Hauer
14 has had an amazing career doing exactly the job
15 that we are asking him to do here in New York
16 State.

17 So I thank Mr. Hauer for being
18 willing to come back and serve the State of
19 New York after having probably had every
20 imaginable job that he will need to have had to
21 become the leader of these important issues in
22 our state.

23 And I share the concern of my
24 colleagues who pointed out they hope that we
25 don't need to deal with these issues again in

1 the future, and wouldn't that be a wonderful
2 thing. But as my mother says, if you live long
3 enough, you see everything.

4 Now, Mr. Hauer hasn't lived long
5 enough, but he may have seen almost everything
6 already in his career, which is very important
7 for us because it will make sure that the State
8 of New York is more prepared to deal with
9 anything and everything that in fact we may be
10 handed to live with in our future. So I look
11 forward to working with Mr. Hauer.

12 And by the way, for the record,
13 the nicer we are to you on the floor, the more
14 likely we are to yell at you once you take the
15 job.

16 (Laughter.)

17 SENATOR KRUEGER: So thank you
18 again for taking this job, and I'm delighted to
19 stand here in support of this nomination.

20 And yes, the Governor gave us an
21 excellent nominee for this position.

22 Thank you, Mr. President.

23 ACTING PRESIDENT O'MARA: Senator
24 Diaz.

25 SENATOR DIAZ: Thank you,

1 Mr. President.

2 You know, in my 10 years here in
3 the Senate I have seen many nominees from
4 different governors. And every time that as a
5 governor gets elected, he has to fill
6 vacancies. And people recommend to him,
7 elected officials, we elected officials
8 recommend someone for the governor and the
9 governor to do us a favor, whoever it is, but
10 he appointed somebody. And most of the
11 appointees that I've seen are political hacks,
12 favors that the governor had to make.

13 Today, today, I'm here and taking
14 this opportunity to say that Jerry Hauer is a
15 person that doesn't need a resume. We don't
16 need a resume to read all the things that he
17 has done.

18 The image, the image of Jerry
19 Hauer during the critical times of that crisis
20 in the two World Trade Centers, seeing Jerry
21 Hauer organizing, walking around, going to the
22 place, inhaling the dust, and making the City
23 of New York and the mayor of New York to be
24 called "America's Mayor," he made us proud. He
25 risked his life.

1 Jerry Hauer is not a political
2 hack, Jerry Hauer is not somebody that the
3 Governor appointed to make somebody happy.
4 This man, this man is a person that make us
5 look good, that will make the State of New York
6 look good, that made us happy to see him
7 working. This guy is a hero.

8 And today -- many times I take
9 this opportunity to criticize the Governor and
10 to speak against what the Governor does. Today
11 I'm here to say thank you, Governor Cuomo.
12 Thank you because this person that you're
13 appointing, that you're sending us today, is
14 not one of the best, he is the best. He is our
15 hero. He is the person that we need to
16 coordinate all the emergency services when the
17 crisis comes.

18 And I'm honored to say thank you,
19 Governor Cuomo, and thank you, Commissioner
20 Hauer, for accepting this nomination, and I'm
21 proud to say yes.

22 Thank you, Mr. President.

23 ACTING PRESIDENT O'MARA: Thank
24 you.

25 Seeing no other Senator wishing to

1 be heard, the question is on the nomination of
2 Jerome Hauer as Commissioner of the Division of
3 Homeland Security and Emergency Services. All
4 in favor signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT O'MARA:

7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT O'MARA: Jerome
10 Hauer is hereby confirmed as Commissioner of
11 the Division of Homeland Security and Emergency
12 Services.

13 (Applause.)

14 ACTING PRESIDENT O'MARA:

15 Congratulations, Mr. Hauer.

16 Mr. Hauer is joined in the balcony
17 by his wife, Traci Brown-Hauer, and his son,
18 Michael Hauer.

19 Senator Marcellino.

20 SENATOR MARCELLINO: Thank you,
21 Mr. President.

22 May we now have the reading of the
23 noncontroversial calendar.

24 ACTING PRESIDENT O'MARA: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 10, by Senator Maziarz, Senate Print 6039, an
3 act to amend the Tax Law.

4 ACTING PRESIDENT O'MARA: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect immediately.

8 ACTING PRESIDENT O'MARA: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT O'MARA:
12 Announce the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT O'MARA: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 14, substituted earlier today by Member of the
18 Assembly Paulin, Assembly Print Number 8694A,
19 an act to amend the Family Court Act.

20 ACTING PRESIDENT O'MARA: Read
21 the last section.

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

24 ACTING PRESIDENT O'MARA: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT O'MARA:

3 Announce the results.

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT O'MARA: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 15, substituted earlier today by Member of the
9 Assembly Heastie, Assembly Print Number 8692,
10 an act to amend the General Municipal Law.

11 ACTING PRESIDENT O'MARA: Read
12 the last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect on the same date and in
15 the same manner as a chapter of the Laws of
16 2011.

17 ACTING PRESIDENT O'MARA: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT O'MARA:

21 Announce the results.

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT O'MARA: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 17, substituted earlier today by Member of the
2 Assembly Jeffries, Assembly Print Number 8909,
3 an act to amend the Banking Law.

4 ACTING PRESIDENT O'MARA: Read
5 the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the same date and in
8 the same manner as Section 1 of Chapter 593.

9 ACTING PRESIDENT O'MARA: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT O'MARA:
13 Announce the results.

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT O'MARA: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 19, substituted earlier today by Member of the
19 Assembly Morelle, Assembly Print Number 8903,
20 an act to amend the Insurance Law.

21 ACTING PRESIDENT O'MARA: Read
22 the last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the same date and in
25 the same manner as Chapter 600 of the Laws of

1 2011.

2 ACTING PRESIDENT O'MARA: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT O'MARA:
6 Announce the results.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT O'MARA: The
9 bill is passed.

10 Senator Marcellino, that completes
11 the noncontroversial reading of the calendar.

12 SENATOR MARCELLINO: Mr.
13 President, is there any other business before
14 the desk?

15 ACTING PRESIDENT O'MARA: There
16 is no other business before the desk.

17 SENATOR MARCELLINO: There being
18 no further business, I move we adjourn until
19 Thursday, January 19th, at 11:00 a.m.

20 ACTING PRESIDENT O'MARA: On
21 motion, the Senate stands adjourned until
22 Thursday, January 19th, at 11:00 a.m.

23 (Whereupon, at 5:11 p.m., the Senate
24 adjourned.)

25