

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 6, 2014

11 3:45 p.m.

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14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G

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

4 I ask all present to please rise as
5 we await the presentation of the colors by the
6 Attica Correctional Facility Color Guard. Colors
7 will be held at the back of the chamber, and we
8 will face the colors.

9 (Whereupon, the Color Guard entered
10 the chamber and presented the colors.)

11 ACTING PRESIDENT GRIFFO: Please
12 join with me as we recite the Pledge of
13 Allegation to our Flag.

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

16 ACTING PRESIDENT GRIFFO: Attica
17 Correctional Facility Color Guard, retire the
18 colors.

19 (Whereupon, the Color Guard exited
20 the chamber.)

21 ACTING PRESIDENT GRIFFO: Today's
22 invocation will be offered by the Reverend Peter
23 G. Young, of the Mother Teresa Community here in
24 Albany.

25 Father Young.

1 REVEREND YOUNG: Thank you,
2 Senator.

3 Let us pray.

4 With the sunshine and the budding
5 plants and trees, we see the power of our
6 Creator. We thank You for these gifts. You,
7 O God, have been a blessing, and we thank You for
8 the opportunity of our Senators to be called to
9 be the caretakers for the many duties needed with
10 our environment and with the responsibility of
11 the citizens of New York State, for their safety
12 and for their economic opportunities.

13 We have a pride of being called the
14 Empire State. And we are now calling upon You to
15 bless us in this endeavor. We ask You this now
16 and forever.

17 Amen.

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Father Young.

20 The reading of the Journal.

21 THE SECRETARY: In Senate, Monday,
22 May 5th, the Senate met pursuant to adjournment.
23 The Journal of Friday, May 2nd, was read and
24 approved. On motion, Senate adjourned.

25 ACTING PRESIDENT GRIFFO: Without

1 objection, the Journal stands approved as read.

2 Presentation of petitions.

3 Messages from the Assembly.

4 Messages from the Governor.

5 Reports of standing committees.

6 Reports of select committees.

7 Communications and reports of state
8 officers.

9 Motions and resolutions.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President, if
12 you could call on Senator Valesky, then Senator
13 Gianaris, and then come back to me.

14 ACTING PRESIDENT GRIFFO: Senator
15 Valesky.

16 SENATOR VALESKY: Mr. President,
17 just one motion.

18 On behalf of Senator Klein, on
19 page 26 I offer the following amendments to
20 Calendar Number 397, Senate Bill 2437A, and ask
21 that said bill retain its place on the Third
22 Reading Calendar.

23 ACTING PRESIDENT GRIFFO: The
24 amendments are received, and the bill shall
25 retain its place on third reading.

1 Senator Gianaris.

2 SENATOR GIANARIS: Thank you,
3 Mr. President.

4 On behalf of Senator Parker, on
5 page number 23 I offer the following amendments
6 to Calendar 353, Senate Print Number 951, and ask
7 that said bill retain its place on Third Reading
8 Calendar.

9 ACTING PRESIDENT GRIFFO: The
10 amendments are received, and the bill shall
11 retain its place on the Third Reading Calendar.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President, on
14 behalf of Senator Gallivan, on page 20 I offer
15 the following amendments to Calendar Number 314,
16 Senate Print 6598A, and ask that said bill retain
17 its place on the Third Reading Calendar.

18 ACTING PRESIDENT GRIFFO: The
19 amendments are received, and the bill shall
20 retain its place on third reading.

21 SENATOR LIBOUS: Thank you,
22 Mr. President.

23 On behalf of Senator Robach, on
24 page 23 I offer the following amendments to
25 Calendar Number 352, Senate Print 6841, and ask

1 that said bill retain its place on the Third
2 Reading Calendar.

3 ACTING PRESIDENT GRIFFO: The
4 amendments are received, and the bill shall
5 retain its place on third reading.

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

8 On behalf of Senator Seward, on
9 page 12 I offer the following amendments to
10 Calendar Number 150, Senate Print 6545, and ask
11 that said bill retain its place on the Third
12 Reading Calendar.

13 ACTING PRESIDENT GRIFFO: The
14 amendments are received, and the bill shall
15 retain its place on third reading.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, may
18 we please adopt the Resolution Calendar, with the
19 exception of Resolutions 4805, by Senator
20 Kennedy; 4811, by Senator Valesky; 4822, by
21 Senator Rivera; 4835, by Senator Gallivan; and
22 4836, by Senator Stavisky.

23 ACTING PRESIDENT GRIFFO: The
24 question is on the adoption of the Resolution
25 Calendar, with the exception of Resolutions 4805,

1 4811, 4822, 4835, and 4836. All in favor of
2 adopting the Resolution Calendar, with those
3 exceptions, indicate by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT GRIFFO: Opposed?

6 (No response.)

7 ACTING PRESIDENT GRIFFO: The
8 Resolution Calendar is adopted.

9 Senator Libous.

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

12 I believe there is a resolution by
13 Senator Stavisky, Number 4836, at the desk. I
14 ask that the title be read and please call on
15 Senator Stavisky before its adoption.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will read.

18 THE SECRETARY: Legislative
19 Resolution Number 4836, by Senator Stavisky,
20 expressing sincerest, heartfelt condolences to
21 the South Korean community in the wake of the
22 sinking of the ferry Sewol, which capsized off
23 the coast of Jindo Island on Wednesday, April 16,
24 2014.

25 ACTING PRESIDENT GRIFFO: Senator

1 Stavisky.

2 SENATOR STAVISKY: Thank you,
3 Mr. President.

4 On April 16th, the ferry capsized.
5 Four hundred forty-three people were on board,
6 including 325 students and teachers from Danwon
7 High School in South Korea, the Republic of
8 Korea. More than 300 people are still missing.

9 And it's to the families both in the
10 Republic of Korea and in the United States that
11 we express in this resolution our sincere
12 condolences, particularly to the families of the
13 students, because they were on a class trip.
14 Their parents sent them off on a ferry to visit
15 this island, and they never came home. Or many
16 of them never came home.

17 And to everybody in the Republic of
18 Korea we express our sincere sympathy, because so
19 many people live in New York State who were born
20 or who have come here from the Republic of Korea.
21 And it's the sense of unity that exists in
22 Queens County and in the state, the idea that
23 when tragedy occurs we all come together -- it's
24 as though it affects our families. We think as
25 parents or as teachers or as neighbors.

1 And so we offer this resolution and
2 I would request, Mr. President, that it be opened
3 in the usual manner for sponsorship.

4 And I thank you.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Stavisky.

7 Senator Gianaris.

8 SENATOR GIANARIS: Thank you,
9 Mr. President.

10 I want to just stand up and thank
11 Senator Stavisky for putting forward this
12 resolution. She represents a very vibrant Korean
13 community in Queens just to the east of my
14 district, and she's always been a great champion
15 on issues of relevance to the Korean community,
16 and I know there are many of them here today.

17 So I wanted to thank her for putting
18 this forward and also express my condolences and
19 my sympathies for the families that are suffering
20 as a result of the tragedy that occurred in
21 Korea.

22 Thank you.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Gianaris.

25 The question is on the resolution.

1 All in favor signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO: Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The
6 resolution is adopted.

7 Senator Libous, the sponsor has made
8 a request for cosponsorship, for the resolution
9 to be open.

10 SENATOR LIBOUS: Then we shall
11 allow the cosponsorship to take place. If
12 anybody wishes not to be a cosponsor --

13 SENATOR STAVISKY: Senator Libous,
14 can we use the usual rule where, if you don't
15 wish to be a cosponsor, they notify the desk?

16 SENATOR LIBOUS: You took the words
17 right out of my mouth, Senator.

18 (Laughter.)

19 ACTING PRESIDENT GRIFFO: The
20 resolution is open for cosponsorship. Should you
21 choose not to be a cosponsor, please indicate by
22 approaching the desk.

23 Senator Libous.

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

1 Senate Resolution 4811, by Senator
2 Valesky, could we have it read in its entirety
3 and then call on Senator Valesky.

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will read.

6 THE SECRETARY: Legislative
7 Resolution Number 4811, by Senator Valesky,
8 memorializing Governor Andrew M. Cuomo to
9 proclaim May 6, 2014, as Senior Citizens
10 Awareness Day in the State of New York.

11 "WHEREAS, It is the sense of this
12 Legislative Body to memorialize Governor Andrew
13 M. Cuomo to proclaim May 6, 2014, as Senior
14 Citizens Awareness Day in the State of New York,
15 in conjunction with May being declared as
16 National Older Americans Month; and

17 "WHEREAS, The more than 3 million
18 residents of New York State 60 years of age and
19 older bring a wealth of experience and knowledge
20 to the increasingly active roles they play in
21 today's society; their past contributions and
22 future participation are a vital part of, and
23 valuable asset to, the fabric of community life
24 and activity; and

25 "WHEREAS, These senior citizens have

1 contributed to the state by building and helping
2 preserve the customs, traditions and ideals of
3 the many ethnic groups that make up the mosaic of
4 New York State; and

5 "WHEREAS, The wisdom and experience
6 of senior citizens constantly enrich the lives of
7 the young people of our state through a strong
8 tradition of volunteerism; and

9 "WHEREAS, Since 1962, the month of
10 May has been declared, by Presidential
11 Proclamation, Older Americans Month in order for
12 communities around the nation to set time aside
13 to celebrate and reflect on the unique role older
14 Americans play in the fabric of our society; and

15 "WHEREAS, The legislative and
16 executive branches of New York State government
17 have as a primary goal the improvement of the
18 quality of life of older New Yorkers and the
19 assurance of their continued dignity; and

20 "WHEREAS, It is the intent of this
21 Legislative Body to recognize and celebrate the
22 legacy of New York's senior citizens who have
23 experienced tumultuous changes in the
24 20th century, including the dawn of the nuclear
25 age, the rise of the computer, and the

1 proliferation of the automobile, television,
2 technology and so many other innovations of the
3 American spirit, and who now represent a vast and
4 willing source of knowledge available to our
5 great State of New York; now, therefore, be it

6 "RESOLVED, That this Legislative
7 Body pause in its deliberations to memorialize
8 Governor Andrew M. Cuomo to proclaim May 6, 2014,
9 as Senior Citizens Awareness Day in the State of
10 New York; and be it further

11 "RESOLVED, That this Legislative
12 Body pause to honor the seniors in attendance
13 today: Robert C. Lamar, Mary Sherman, Eva
14 Wincek, Gene Wincek, Mary Martello, Donna Barto,
15 Dale Bryant, Joy Perry, Gladys Benjamin, Linda
16 Clark, Barbara Martin, Louise McCord, Raeph
17 Sanderson, Sister Kathleen Heffron, Frank
18 Bachler, Peg Shafer, Rebecca Shields, Stephen
19 Tuomey, Laura Davis, Florence Martino, Patricia
20 Pomerville, Eugene Pomerville, Dale Sells, Betty
21 Perkins-Carpenter, Ron Travado, Gary Dickerson,
22 Joseph Gavel, Claire Millman, Robert F. Shively,
23 Mary Lowry, Irene D'Alessio, Myrtle Muir, Shurny
24 Parker, Delores Peterkin, Virginia Grady, Rebecca
25 Ferris, Catherine Spies, Alice McConnell, Norbury

1 Chambers, Frank Pileggi, Stanley Farone, Kenneth
2 Dreis, Ellen St. John, George Baum, Anita Mooney,
3 James Finn, Lilly Klaver, Bella Shore, Rita D.
4 Alonzo, Helen Glen, Richard Dickershaid, Lou
5 Grasso, Edwin Guntert, Deanna Urrey, Tony Vickio,
6 Father John Downs, Shirley Meek, Robert
7 Spaulding, Richard Tabor, Eunice Tabor, Donald
8 DuBois, Marie Post, Lucy Abrahams, Robert Dalaba,
9 Gail Dewey and Sally Walker; and, further, to
10 urge the residents of New York State to honor all
11 our senior citizens, who are the cornerstone of
12 the strength of our nation and to whom a debt of
13 gratitude is owed; and be it further

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

18 ACTING PRESIDENT GRIFFO: Senator
19 Valesky.

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

22 I'm very pleased and proud to once
23 again offer this resolution today. This has
24 become a great tradition here in Albany, the
25 opportunity to acknowledge and give thanks to so

1 many senior citizens across the state on this
2 Senior Citizens Awareness Day.

3 The names that were just read with
4 this resolution by the Secretary just a moment
5 ago, many of those individuals are with us here
6 today. They were brought here to Albany to
7 participate in the State Office for the Aging
8 commendation ceremony earlier today. And we have
9 some officials here from the State Office for the
10 Aging, including Acting Director Corinda
11 Crossdale, Greg Olsen, and others from SOFA.

12 We had an opportunity to celebrate
13 their achievements and their accomplishments.
14 And again, as I indicated, many of them have
15 joined us here this afternoon to conclude their
16 day in the Capitol.

17 I know that each and every one of
18 us, in our daily lives and as we go about our
19 daily work in our districts, can think of
20 numerous examples of senior citizens, numerous
21 examples of senior citizens who are making the
22 communities that we represent so much better.
23 The dozens and in fact hundreds and thousands of
24 not-for-profit organizations that are part of
25 what make New York State so strong, many of those

1 nonprofits simply would not survive and thrive
2 without the efforts, the time, the talent, the
3 commitment of our senior citizens.

4 And today we set aside and we ask
5 the Governor, through this resolution, to
6 proclaim today as a day that we set aside to
7 honor them and thank them for what they do for
8 this great state and this nation.

9 The resolution that was just read I
10 think said it best, Mr. President, when it called
11 these seniors and those just like them across the
12 state the cornerstone of the strength of our
13 nation. They in fact are the cornerstone of the
14 strength of our nation. We owe them a great debt
15 of gratitude. And we're so very happy that so
16 many of them could join us today here in the
17 Senate.

18 And, Mr. President, I certainly
19 encourage all of my colleagues today to support
20 the resolution and join me in cosponsoring that
21 document.

22 Thank you.

23 ACTING PRESIDENT GRIFFO: The
24 question is on the resolution. All in favor
25 signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO: Opposed?

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The
5 resolution is adopted.

6 Senator Libous.

7 SENATOR LIBOUS: Mr. President, can
8 we open up this resolution also.

9 ACTING PRESIDENT GRIFFO: The
10 resolution is opened up for cosponsorship.
11 Should you choose not to be a cosponsor, please
12 indicate by approaching the desk.

13 We welcome all of our visitors, who
14 I believe are in the west gallery. Thank you for
15 being with us today, and we extend the welcome of
16 the Senate to all of you.

17 (Applause.)

18 ACTING PRESIDENT GRIFFO: Senator
19 Libous.

20 SENATOR LIBOUS: Mr. President,
21 Resolution Number 4835, by Senator Gallivan,
22 could we have the title read and then call on
23 Senator Gallivan for some comments. And I
24 believe Senator Carlucci also wants to speak on
25 this too.

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Legislative
4 Resolution Number 4835, by Senator Gallivan,
5 recognizing the commitment and sacrifices of
6 New York State's Corrections Officers, in
7 conjunction with the observance of National
8 Correctional Officers and Employees Week 2014.

9 ACTING PRESIDENT GRIFFO: Senator
10 Gallivan on the resolution.

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

13 I rise to recognize and honor the
14 over 18,000 sworn members of NYSCOPBA that work
15 in the correctional facilities across the state,
16 the 20-plus-thousand active sworn and nonsworn
17 corrections employees, and those that have
18 retired, that make up the 27,000 members of
19 NYSCOPBA, for the work that they do.

20 In 1984, thirty years ago yesterday,
21 former President Ronald Reagan signed a
22 proclamation declaring the first full week in May
23 as National Corrections Officers Week, in honor
24 of correction officers who put their lives on the
25 line every day to protect the public from

1 dangerous criminals and help prisoners work
2 towards becoming productive members of society.

3 It's very appropriate that we
4 recognize our state's correction officers, the
5 contributions that they make every day to protect
6 our citizens from harm, and for the work that
7 they do to keep our communities safe.

8 Their job is very demanding.
9 They're responsible for many, many things,
10 including the care, custody, maintenance of the
11 incarcerated, of the facilities. It is so
12 fitting for us to recognize them today.

13 And when we look at our corrections
14 system across the state, we know that many of the
15 correctional facilities are located in rural
16 areas across the state. There's a tremendous
17 amount of history in many of these facilities.

18 One of those facilities is the
19 Attica Correctional Facility, a maximum-security/
20 supermax prison located in Attica, New York,
21 constructed in the 1930s.

22 Our honor guard today was from
23 Attica, the Attica Corrections Color Guard. The
24 team's made up of 15 officers, two sergeants, two
25 lieutenants who are part of the Attica

1 Correctional Emergency Response Team, or CERT
2 team.

3 These members give up their own time
4 and volunteer for the duties on the Color Guard.
5 They are available for funerals, they do
6 community events, they represent New York State
7 nationally with the Correctional Peace Officers
8 Foundation, which is a national organization that
9 takes care of families of officers who die in the
10 line of duty or are seriously assaulted. They've
11 hosted a national convention, they have traveled
12 across the country, and they have proudly
13 represented New York State and the correction
14 officers in New York State. They have been doing
15 this since 1972.

16 So to NYSCOPBA President Donn Rowe,
17 who is with us, to the members of the Attica
18 Color Guard, to members of some of the other
19 facilities that I met with earlier today from
20 Wyoming, Wende, Collins, Gowanda, Lakeview and
21 Willard, and all the men and women who help keep
22 our prisons and our communities safe, I thank you
23 for the job you do.

24 ACTING PRESIDENT GRIFFO: Thank
25 you, Senator Gallivan.

1 Senator Carlucci.

2 SENATOR CARLUCCI: Thank you,
3 Mr. President.

4 And I want to thank Senator Gallivan
5 for sponsoring this important resolution.

6 As was said, our correctional
7 officers do so much good work for New York State.
8 They walk the hardest beat in New York. And that
9 recognition goes unnoticed, because correctional
10 officers are in our prisons, making sure they're
11 keeping our prisons safe and our communities
12 safe. But the hard work that they do goes
13 unnoticed because we don't see them in the
14 community.

15 So that's why it's so fitting that
16 we on this floor recognize the hard work the
17 dedication that they put forward in making sure
18 they keep our communities safe.

19 And I have the distinct privilege, I
20 represent the officers at Sing Sing prison and
21 have gotten to know them and the hard work that
22 they do to make sure that when someone comes into
23 Sing Sing that they get the attention that they
24 deserve, that they need, so that they can be
25 eventually released and made active partners in

1 society.

2 So really I want to thank the Attica
3 Prison Color Guard that's here today, Donn Rowe,
4 Who's in our audience today, thank them for the
5 hard work that they do, and that we recognize and
6 pay tribute to the hard work that correctional
7 officers do here in New York State and around the
8 nation.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Carlucci.

12 Senator Little.

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

15 I would like to join my colleagues
16 as we recognize correction officers throughout
17 the nation, but particularly correction officers
18 in New York State. And I would like to add that
19 I have many correction officers in my district.
20 When I first came to the Senate in 2002, I
21 represented 12 facilities and one federal
22 facility. With the reduction in inmates, we're
23 down to nine facilities and one federal facility.

24 So I have a lot of experience with
25 the correction officers and the challenges that

1 they have in the work that they do. We all talk
2 about how living in our neighborhoods we all want
3 to live in a safe neighborhood. These men and
4 women actually work in a neighborhood that is not
5 always safe. And we have to work hard to see
6 that that neighborhood remains safe and, when
7 there are problems, to correct those problems.

8 The other thing I want to recognize
9 our correction officers for is for the tremendous
10 involvement they have in the community. And many
11 of them are volunteer firemen, they work as
12 Little League coaches, they work in the schools
13 and volunteer in their churches, so many places.
14 So they are valuable members of our community,
15 and I truly appreciate the work that they've
16 done.

17 We talk about the high recidivism
18 rate and how to reduce that. I think that our
19 correction officers have a lot to do with the way
20 the inmates leave the correctional facilities,
21 and I credit them for some of the people who do
22 not come back to the facility again.

23 So thank you very much.

24 ACTING PRESIDENT GRIFFO: Senator
25 Marchione.

1 SENATOR MARCHIONE: Thank you.

2 I also want to thank Senator
3 Gallivan for bringing this resolution forward,
4 and to thank our correction officers for all that
5 they do.

6 And truly what I was also going to
7 say, similar to Senator Little, is the presence
8 that you've had in our community. I know about
9 wood programs that you've done. There are people
10 in our community that can't afford to heat their
11 homes, and the guards within the Mt. McGregor
12 facility, they cut wood for 88 families to keep
13 those families warm.

14 The Adopt A Soldier program in our
15 area sends hundreds if not thousands of packages
16 to overseas military, and these folks are the
17 ones that to into Adopt A Soldier, pack the bags,
18 and have such a presence.

19 So thank you for what you do within
20 the prisons. It is so very appreciated. And
21 thank you for what you have done outside of the
22 prisons and in our community. That does not go
23 unrecognized where I come from.

24 So thank you so very much.

25 ACTING PRESIDENT GRIFFO: Senator

1 Farley.

2 SENATOR FARLEY: Yes, I'm just
3 going to rise briefly to say that having had
4 Mt. McGregor in my district for a number of
5 years, this was a facility that was absolutely
6 beloved by the community because of the program
7 that they had of service to the community.

8 But I just want to rise to say thank
9 you to these correction people that really have
10 one of the most difficult jobs in our state and
11 do it for us, to keep us safe, and risk their
12 lives every day that they go in there.

13 Donn Rowe, who's a constituent of
14 mine, does a great job representing you here.
15 And it is with my pleasure that I thank you for
16 your service.

17 ACTING PRESIDENT GRIFFO: Senator
18 Bonacic.

19 SENATOR BONACIC: Thank you,
20 Mr. President.

21 Not to be repetitive, but one of the
22 things that I got to know better about the job of
23 correction officers, I want to say I don't think
24 they get the respect and enough of the thank-yous
25 of the job they do.

1 In that profession there's
2 tremendous stress, mentally and physically,
3 because they are in the prison, like a prisoner,
4 when they take care of the prisoners.

5 I happen to have six facilities in
6 my Senate district. I used to have eight. But
7 the terrible toll it takes on them, seeing the
8 dark side of human nature, and always being in
9 the prison. Yes, they get to leave, they get to
10 go home. But that stress is probably greater
11 than police officers and firefighters. And
12 that's why their life expectancy is shorter than
13 that of a police officer or a firefighter in the
14 course of their lives.

15 So on behalf all of our colleagues,
16 we thank you for the job that you do every day,
17 even though we might not say thank you every day.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator
20 Nozzolio.

21 SENATOR NOZZOLIO: Thank you,
22 Mr. President.

23 Mr. President and my colleagues, for
24 close to 15 years I served as chairman of the
25 Crime Victims, Crime and Corrections Committee --

1 a position that Senator Gallivan now holds -- and
2 as such, got to learn about the tremendous work
3 done across our state's correctional system by
4 the brave men and women who each and every day
5 risk their lives to keep us safe and secure.

6 Mr. President, my colleagues, if
7 I've said this once, I've said it many times on
8 this floor, that those correction officers from
9 the State of New York are the highest of quality,
10 the highest of caliber, and they walk the
11 toughest law enforcement beat in America. They
12 are the custodians of individuals who in effect
13 have already broken the law, in many cases are
14 extremely violent. And they stand each and every
15 day protecting us and keeping our streets safe by
16 also keeping our correctional facilities secure.

17 Our hearts are out to our COs, well
18 stated by all of our colleagues today who spoke
19 on their behalf. They do great service for the
20 people of this state, and I want them to know
21 that the people of this state, the people of the
22 great State of New York, are extremely grateful
23 to them for their support, their efforts, their
24 hard work and their courage. Because each and
25 every day they act courageously by simply going

1 to work.

2 Mr. President, it's a fitting
3 tribute to them. Later we will be celebrating,
4 in effect, the Correction Officers Memorial, one
5 that Donn Rowe, as president of NYSCOPBA, worked
6 very hard with us in the Senate to achieve that
7 recognition, recognition long overdue, but
8 recognition deserved because they do, as I
9 indicated, walk the toughest law enforcement beat
10 in America.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Thank
13 you, Senator Nozzolio.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO: Opposed?

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The
20 resolution is adopted.

21 I want to welcome the members of the
22 correctional officers who are in attendance
23 today. We thank you for your work and thank you
24 for your service.

25 (Standing ovation.)

1 ACTING PRESIDENT GRIFFO: Senator
2 Libous.

3 SENATOR LIBOUS: Mr. President,
4 could we also open this resolution up. We'll put
5 all members on it. And if for some reason a
6 member wishes not to be on, just please let the
7 desk know.

8 ACTING PRESIDENT GRIFFO: The
9 resolution is open to all. If you are inclined
10 not to be a cosponsor, please indicate by
11 notifying the desk.

12 Senator Libous.

13 SENATOR LIBOUS: I believe there's
14 a privileged resolution at the desk by
15 Senator Seward, Number 4858. Could we have it
16 read in its entirety and call on Senator Seward.

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will read.

19 THE SECRETARY: Legislative
20 Resolution Number 4858, by Senator Seward,
21 mourning the untimely death of Sergeant Shawn
22 Farrell II of Accord, New York, and paying
23 tribute to his courageous actions as a member of
24 the United States Army.

25 "WHEREAS, The courage and bravery of

1 our military personnel since the United States
2 Armed Forces commenced action in the Middle East
3 will ensure our continued role as a nation which
4 embodies the ideals of democracy, and as a
5 defender of liberty for people throughout the
6 world; and

7 "WHEREAS, It is with feelings of
8 deepest regret that this Legislative Body mourns
9 the untimely death of Sergeant Shawn Farrell II,
10 and pays tribute to his courageous actions as a
11 member of the United States Army; and

12 "WHEREAS, Sergeant Shawn Farrell II,
13 of Accord, New York, died on April 28, 2014, at
14 the age of 24, while honorably serving his
15 country in Nejrab District, Kapisa Province,
16 Afghanistan; and

17 "WHEREAS, Sergeant Shawn Farrell was
18 born in Kingston, New York, and was a 2008
19 graduate of Rondout Valley High School; inspired
20 by family members who served before him and the
21 events of 9/11, this patriotic young man joined a
22 United States Army Reserve Unit in Bullville,
23 New York, during his senior year in high school
24 and, immediately following graduation, went to
25 active duty, training at Fort Benning, Georgia,

1 before being assigned to Fort Riley in Kansas;
2 and

3 "WHEREAS, Sergeant Shawn Farrell was
4 a 10th Mountain Division Soldier with
5 1st Battalion, 32nd Infantry Regiment, 3rd
6 Brigade Combat Team; he arrived at Fort Drum in
7 May 2010 and deployed to Afghanistan in support
8 of Operation Enduring Freedom from March 2011 to
9 March 2012; he left for his second tour of duty
10 in Afghanistan in November 2013; and

11 "WHEREAS, Sergeant Shawn Farrell
12 served with distinction; his awards and
13 decorations include the Army Commendation Medal,
14 two Army Achievement Medals, the Army Good
15 Conduct Medal, the National Defense Service
16 Medal, two Afghanistan Campaign Medals, the
17 Noncommissioned Officers Professional Development
18 Ribbon, the Army Service Ribbon, the Overseas
19 Service Ribbon, the NATO Medal, the Combat
20 Infantryman Badge, the Expert Infantryman Badge,
21 and the Air Assault Badge; in addition, this
22 courageous soldier was posthumously awarded the
23 Purple Heart medal; and

24 "WHEREAS, Beloved by his community,
25 Sergeant Shawn Farrell will be remembered for his

1 dedication to his family, his love of the
2 outdoors, and his generosity of spirit; he is
3 survived by his wife, Allison Hilbrandt Farrell;
4 parents, Shawn Farrell and Tracy Kelleher, and
5 Heather and David Stokes; three brothers, Brandon
6 and Jake Farrell, and David Stokes II; sisters,
7 Jenna and Aidan Farrell, and two nieces, Sophie
8 and Aubrey Farrell; as well as his mother and
9 father-in-law, Mechelle and Brian Hilbrandt; and
10 his sister-in-law Hannah Hilbrandt, and many
11 aunts, uncles, cousins, and friends; and

12 "WHEREAS, Residents of this great
13 state must never forget the courage with which
14 our men and women served this country, and must
15 recognize that no greater debt is owed than that
16 owed to those who give of their lives for their
17 beloved nation; and

18 "WHEREAS, The freedoms and security
19 we cherish as Americans come at a very high price
20 for those serving in the military in times of
21 conflict; it is fitting and proper that we who
22 are the beneficiaries of those who risk their
23 lives, leaving their families behind, express our
24 appreciation and eternal gratitude for their
25 sacrifices and courageous acts; now, therefore,

1 be it

2 "RESOLVED, That this Legislative
3 Body pause in its deliberations to mourn the
4 untimely death of Sergeant Shawn Farrell II, of
5 Accord, New York, and to pay tribute to his
6 courageous actions as a member of the United
7 States Army; and be it further

8 "RESOLVED, That a copy of this
9 resolution, suitably engrossed, be transmitted to
10 the family of Sergeant Shawn Farrell II."

11 ACTING PRESIDENT GRIFFO: Senator
12 Seward.

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

15 Through the passage of this
16 resolution today we honor the memory of United
17 States Army Sergeant Shawn M. Farrell II, who was
18 a resident of my portion of Ulster County. He
19 was a young patriot who gave his life for his
20 country.

21 Shawn was a courageous and dedicated
22 young man committed to the ideals that our nation
23 was founded upon: Life, liberty and freedom and
24 service.

25 He knew from an early age that he

1 wanted to serve his country as a member of the
2 United States armed forces. Shawn joined the
3 Army National Guard Reserves as soon as he turned
4 the age of 17, while still attending high school
5 at Rondout Valley High School. You know, after
6 graduation he upped his commitment and went on to
7 active duty.

8 In just a short time in uniform,
9 Shawn earned a number of awards and decorations.
10 You know, Shawn was serving his second tour of
11 duty in support of Operation Enduring Freedom
12 when he was tragically killed by enemy forces in
13 Afghanistan. He served with courage, bravery and
14 valor, and he made the ultimate sacrifice in
15 service of his country.

16 Sergeant Shawn Farrell's memory
17 lives on through his young bride, Allison, his
18 parents, Heather Stokes and Shawn Farrell, and
19 his three brothers and two sisters.

20 You know, I hope that Shawn's family
21 can take some comfort in knowing that through the
22 passage of this resolution, over 19 million
23 New Yorkers join in mourning his loss and also
24 honoring his life. Shawn Farrell is the
25 definition of an American hero, and he will be

1 greatly missed.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Bonacic.

5 SENATOR BONACIC: Thank you,
6 Mr. President.

7 You know, it's a day of mixed
8 emotions. We honored the correction officers
9 earlier at a luncheon. We honored some terrific
10 seniors under the leadership of Senator Valesky.
11 And then we go to the wall of heroes with the
12 police today, and we see 20 names that have been
13 put on the wall who have been killed in the line
14 of duty for protecting us. And today a young man
15 of 23 years of age, serving in the military, who
16 makes the ultimate sacrifice.

17 This young man was from Ulster
18 County. And Senator Seward, I want to thank him
19 for taking the lead on this. And I know Senator
20 Larkin will probably be saying some words. We
21 intend to go to the military service on Thursday
22 morning to pay our respects.

23 And I know every member in this
24 chamber has pain and a heavy heart because of
25 this loss. And it saddens all of us when any one

1 of us have to stand up and talk of a fallen hero
2 that protects our freedoms and our way of life.

3 I have spoken to the family, and
4 quite frankly our words seem inadequate, pale,
5 compared to the ultimate sacrifice that this
6 young man has made for our way of life. But to
7 his family, to his memory, 12 medals, ribbons and
8 badges, a Purple Heart posthumously. Truly a
9 hero, and we will remember him forever.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Larkin.

13 SENATOR LARKIN: Mr. President, the
14 first thing I want to do is congratulate Jim and
15 John for some outstanding remarks.

16 You know, I don't mean to insult
17 anybody, but I know for a fact that John and I
18 have been at Stewart Airport on many occasions in
19 the last few years. And when you start to see
20 the family, it's tough. I've had to write home
21 to a mother and say "Your son was killed" --
22 19 years old. Here we're talking about a kid six
23 years out of high school, volunteered. That
24 brave American soldier.

25 I don't think this country cares

1 enough about our soldiers, to be honest with you.
2 And I don't care who disagrees with me. But
3 until you've been in that foxhole, you'll never
4 understand what they go through. The decorations
5 that this young man achieved are tremendous. But
6 the family will be set to live with the flag and
7 a Purple Heart.

8 There's almost 2 million Americans
9 have been killed or wounded in combat since the
10 start of World War II. Here we are adding
11 another one to it. The question is, when do we
12 stop? When do we say enough is enough? When do
13 we stop lying about what we're doing in all parts
14 of the world? When do we say we will protect
15 those we send?

16 It's a tough thing. But I tell you,
17 the scars of those parents and those friends will
18 last a long time. And if you have any sympathy
19 for this family, before you go to bed tonight,
20 say a prayer. Because the next days, it's going
21 to be very tough until they put that casket in
22 the ground and say goodbye to their loved one.

23 Thank you.

24 ACTING PRESIDENT GRIFFO: The
25 question is on the resolution.

1 All in favor say aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO: Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The
6 resolution is adopted.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,
9 before we -- I want to open this up, too, to all
10 the members. And if there's any member who
11 chooses not to go on it, let the desk know.

12 ACTING PRESIDENT GRIFFO: So noted.

13 SENATOR LIBOUS: But as we've done
14 in the past, could I have the members rise for a
15 moment of silence on behalf of Sergeant Shawn
16 Farrell.

17 ACTING PRESIDENT GRIFFO: I ask all
18 members to please rise in a moment of tribute and
19 honor to Sergeant Shawn Farrell II.

20 (Whereupon, the assemblage rose and
21 respected a moment of silence.)

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

24 ACTING PRESIDENT GRIFFO: Senator
25 Libous.

1 SENATOR LIBOUS: I believe there's
2 a resolution at the desk by Senator Kennedy,
3 Number 4805. Could you have it read in its
4 entirety and call on Senator Kennedy, please.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 4805, by Senator Kennedy,
9 mourning the death of Francis William Sullivan,
10 distinguished citizen and devoted member of his
11 community.

12 "WHEREAS, It is the custom of this
13 Legislative Body to pay tribute to citizens of
14 the State of New York whose lifework and civic
15 endeavor served to enhance the quality of life in
16 their communities and the great State of
17 New York; and

18 "WHEREAS, Francis William Sullivan
19 of Buffalo, New York, died on Tuesday,
20 December 3, 2013, at the age of 90; and

21 "WHEREAS, Born on July 31, 1923, to
22 William and Mary (Lillis) Sullivan, Francis
23 William Sullivan was one of nine children; he was
24 educated by the Sisters of St. Francis at Our
25 Lady of Perpetual Help School, and attended

1 Our Lady of Victory High School and St. Mary's
2 Business School in Buffalo, New York; and

3 "WHEREAS, In 1942, Francis William
4 Sullivan joined the United States Navy, where he
5 served for four years on an ammunition ship and
6 an aircraft carrier in the South Pacific during
7 the Second World War; and

8 "WHEREAS, Francis William Sullivan
9 married his loving wife, Doris Murphy, in 1947,
10 and together they raised seven children in
11 South Buffalo; and

12 "WHEREAS, Known for his hard work,
13 great humor and generosity, Francis William
14 Sullivan was a true family man whose commitment
15 to excellence, and his spirit of humanity,
16 carried over into all fields of enterprise,
17 including charitable and civic endeavors; and

18 "WHEREAS, Francis William Sullivan
19 worked at Allied Chemical for 30 years, as well
20 as Buffalo Raceway and Memorial Auditorium with
21 four of his brothers for 40 years; and

22 "WHEREAS, This exemplary man
23 distinguished himself in his profession and by
24 his sincere dedication and substantial
25 contribution to the welfare of his community; and

1 "WHEREAS, Predeceased by his sister
2 Catherine and brother-in-law Robert, Francis
3 William Sullivan is survived by his wife of 66
4 years, Doris; children, Anne Marie (Joseph),
5 Madonna (Daniel), Kathleen (Charles), Mary
6 (Patrick), Jeanne (Michael), Michael (Barbara),
7 and Francis Jr. (Tami); 19 grandchildren and four
8 great-grandchildren; sister, Margaret; and
9 brothers, James, William, John, Joseph, Donald
10 and Edward; as well as many nieces and nephews;
11 and

12 "WHEREAS, Armed with a humanistic
13 spirit, imbued with a sense of compassion, and
14 comforted by a loving family, Francis William
15 Sullivan leaves behind a legacy which will long
16 endure the passage of time and will remain as a
17 comforting memory to all he served and
18 befriended; now, therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to mourn the
21 death of Francis William Sullivan, distinguished
22 citizen and devoted member of his community; and
23 be it further

24 "RESOLVED, That a copy of this
25 resolution, suitably engrossed, be transmitted to

1 the family of Francis William Sullivan."

2 ACTING PRESIDENT GRIFFO: Senator
3 Kennedy.

4 SENATOR KENNEDY: Thank you,
5 Mr. President.

6 I rise today to honor the life of
7 Francis William Sullivan, who passed away on
8 December 3, 2013, at the good old age of 90.
9 What a beautiful life.

10 We're joined here today by
11 Mr. Sullivan's family, his wife of 66 years -- if
12 you could stand. They're with us here in the
13 gallery. His wife of 66 years, Doris. His
14 daughters, Donna Mulvaney, Kathleen Burke, Jean
15 Costello, and granddaughter Kathryn Hanrahan,
16 three generations of Mr. Sullivan's family.

17 He was the consummate gentleman, one
18 of great generosity and humor, one that gave back
19 to the community, but someone who taught us the
20 value of hard work, someone who taught us the
21 value of integrity, someone who put his faith,
22 his family, and his community before himself,
23 someone who helped to build the City of Buffalo
24 and Western New York, someone we were proud to
25 call our neighbor, a Western New Yorker and a

1 New Yorker.

2 He fought for our country, he fought
3 for our community. And we thank him and his
4 family for the many contributions that he gave to
5 this great Empire State, helping it to become
6 what it is today. We reflect on his life and his
7 contributions. We thank his family for making
8 the trip down from Buffalo, New York, to join us
9 here today on the floor of the Senate as we honor
10 his life.

11 And we ask, Mr. President, that this
12 be open for cosponsorship by the entirety of this
13 honorable body. May he rest in peace.

14 Thank you.

15 ACTING PRESIDENT GRIFFO: Thank
16 you, Senator Kennedy.

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

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO: Opposed?

21 (No response.)

22 ACTING PRESIDENT GRIFFO: The
23 resolution is adopted.

24 We welcome the family of Francis
25 William Sullivan, and we offer our condolences.

1 Senator Marcellino.

2 SENATOR MARCELLINO: May we have
3 the reading of the next resolution, Number 4822,
4 by Senator Rivera, read it in its entirety, and
5 then call on Senator Rivera to speak.

6 ACTING PRESIDENT GRIFFO: The
7 previous resolution is open for cosponsorship.
8 Should you choose not to be a cosponsor, please
9 notify the desk.

10 And the Secretary will read
11 Resolution 4822.

12 THE SECRETARY: Legislative
13 Resolution Number 4822, by Senator Rivera,
14 commending Monroe College upon the occasion of
15 being ranked the top regional university by
16 exceeding predicted graduation rates by U.S. News
17 and World Report.

18 "WHEREAS, It is the sense of this
19 Legislative Body to recognize and honor those
20 exemplary institutions of higher education within
21 the State of New York for their commitment to the
22 pursuit of academic excellence; and

23 "WHEREAS, Attendant to such concern,
24 and in full accord with its long-standing
25 traditions, this Legislative Body is justly proud

1 to commend Monroe College upon the occasion of
2 being ranked the top regional university for
3 exceeding predicted graduation rates by U.S.
4 News & World Report; the designation was reported
5 in the newsmagazine's '2014 Best Colleges'
6 rankings; and

7 "WHEREAS, Founded in the Bronx,
8 New York, in 1933, Monroe College is a nationally
9 ranked private institution of higher learning,
10 offering certificate, associate, bachelor's, and
11 master's degree programs; it opened its
12 New Rochelle campus in 1983, operates a small
13 campus in St. Lucia, and has about 600 students
14 enrolled online; and

15 "WHEREAS, Monroe College was
16 recognized by U.S. News & World Report as the
17 regional university with the largest difference
18 between predicted and actual graduation rates;
19 based on the students served, their test scores,
20 and other key factors, Monroe College's estimated
21 graduation rate was 27 percent, but the actual
22 rate was 65 percent, 38 points above what was
23 predicted; this ranked Monroe first among
24 regional universities that performed above
25 expectations; and

1 "WHEREAS, Schools with an actual
2 graduation rate that exceeds the predicted rate
3 are seen as boosting student achievement and, as
4 a result, perform better in the rankings; Monroe
5 College's outstanding commitment to its students
6 is evidenced in the comprehensive support system
7 it offers students, including personal counselors
8 assigned to students at varying stages in their
9 academic journeys, as well as the flexibility
10 offered to adult students who face the everyday
11 challenges of juggling work and family; and

12 "WHEREAS, Monroe College was also
13 cited as having one of the best online bachelor's
14 degree programs in the nation, one of five
15 programs that made the list in the New York
16 metropolitan area; and

17 "WHEREAS, According to the New York
18 State Education Department's Office of Research
19 and Information Systems, Monroe College graduates
20 more minority students than any other college in
21 New York State; and

22 "WHEREAS, Monroe College, along with
23 its President, Stephen Jerome, is deserving of
24 the highest commendation for its evident
25 commitment to the well-being of its students;

1 now, therefore, be it

2 "RESOLVED, That this Legislative
3 Body pause in its deliberations to commend
4 Monroe College upon the occasion of being ranked
5 the top regional university for exceeding
6 predicted graduation rates by U.S. News & World
7 Report, fully confident that in its future, it
8 will enjoy the same success which has so
9 characterized its past; and be it further

10 "RESOLVED, That a copy of this
11 resolution, suitably engrossed, be transmitted to
12 Stephen Jerome, President, Monroe College."

13 ACTING PRESIDENT GRIFFO: Senator
14 Rivera.

15 SENATOR RIVERA: Thank you,
16 Mr. President.

17 My colleagues, it was only last week
18 that we were here celebrating, last Monday,
19 Bronx Day. We were talking about all the great
20 things that the Bronx has in New York City and
21 that it brings to New York State. We were
22 talking about -- whether it was the Yankees or
23 talking about Fordham Road and all its
24 businesses, about the Bronx Zoo, the Garden,
25 et cetera, et cetera -- we talked about all these

1 different institutions.

2 One that we did not mention last
3 week, because I wanted to make sure that they had
4 a day for themselves, was Monroe College.

5 Now, Monroe College has been in the
6 Bronx for the last 80 years, founded in 1933 by a
7 woman. And at the time, having maybe around nine
8 students. It was a bold move to make for a woman
9 back then. She founded this college, and it has
10 existed in the Bronx for the last 80 years, right
11 in the heart of my district, across the street
12 from St. James Park on Jerome Avenue. I invite
13 you all to come and visit.

14 But the great thing about this
15 college that I wanted to point out today was the
16 fact that -- because they are great every day.
17 But just a couple of months ago, U.S. News and
18 World Report found that when they took the
19 demographics of the folks that go to this college
20 and they compared it all across other colleges in
21 the region, they saw that what they expected as
22 far as graduation rates, they had exceeded by
23 38 points. And that right there tells you what
24 an excellent institution this is.

25 Now, we have a couple of folks that

1 are joining us here from Jerome -- I'm sorry,
2 from Monroe College. I get confused for two
3 reasons on Jerome. Number one, because it is on
4 Jerome Avenue. And because the president of the
5 institution is Steve Jerome, who's here with us
6 today, back there.

7 And we are joined not only by
8 Stephen Jerome but also by his able vice
9 president, Roberta Greenberg, and I want to
10 definitely point her out. She is over here with
11 us.

12 But most importantly, we are joined
13 by a few students who go to Monroe College and
14 can personally attest to the quality not only of
15 the education but of all the services that are
16 provided for them. And these were folks that
17 were, most of them, born and raised in the Bronx,
18 with full families, and pursuing an academic
19 career that is going to make them and their
20 families do better for the future. So I'll
21 briefly speak a little bit about each of them.

22 First of all, Avy Mills, Ms. Mills.
23 Could you stand up for a second? Ms. Mills. She
24 is currently -- not only is she assistant to the
25 vice president of student affairs, Ms. Greenberg,

1 who I just introduced, but she's also seeking a
2 master's degree in marketing. So we're soon
3 going to have to call her Master Mills. Thank
4 you, Ms. Mills.

5 Mr. Vaughn McBean -- where are you,
6 Mr. McBean? That gentleman right there -- who
7 has never been to Albany before, and this is the
8 first day that he has been up here. I'm very
9 glad to have him on the Senate floor. Mr. McBean
10 is actually a native of Jamaica, and he currently
11 lives in the Bronx. I will throw up the X again,
12 as I have done in the past.

13 (Laughter.)

14 SENATOR RIVERA: Now, he is an
15 information technology student, so he is the type
16 of dude that you have to thank when your
17 computers work, when we're actually getting the
18 cameras here to be able to record us. That is
19 the type of gentleman that makes sure that we
20 work.

21 So Mr. McBean is going to graduate
22 from there just shortly, and then he's going to
23 pursue a master's degree in business management
24 at Ohio State University this fall. So that's
25 another one of the great students that we have

1 there from Monroe.

2 And then we have what I call the
3 Samanthas, because we have two Samanthas with us
4 today. First of all, we have Samantha Alvarado.
5 Where are you, Ms. Alvarado? Over here.

6 Ms. Alvarado, she grew up most of
7 her life in Washington Heights, and she has a
8 father who owns a successful business that, among
9 other things, makes keys. It's a couple of
10 blocks from my office, so she asked me who makes
11 the keys for my office so I'll make sure to go to
12 her father's business.

13 She is married, with two children,
14 is pursuing a four-year registered nurse's
15 degree, and just in a few weeks she is going to
16 go to San Salvador, with doctors from Montefiore
17 Medical Center as well as other medical
18 facilities in the Bronx, to provide service down
19 there in El Salvador to children that are getting
20 heart transplants done. That is the type of work
21 that she does, and that demonstrates the type of
22 student that we have at Monroe College.

23 And last but not least, the other
24 Samantha, Samantha Vega. Now, Samantha is
25 somebody who was born and raised in the Bronx,

1 this lady right here. She graduates in June with
2 a degree in criminal justice with a minor in
3 human services. She's applied to Columbia
4 University, Fordham University and Hunter
5 College. Let's cross our fingers for Ms. Vega.
6 And she is pursuing her degree in social work,
7 and she is definitely going to be making a
8 difference in the Bronx.

9 So these four students, these
10 fantastic students, and obviously Stephen Jerome,
11 the president, are more of the things that we are
12 proud of in the Bronx. So I'm extremely proud,
13 Mr. President, to be able to bring them to the
14 floor today to talk about this exemplary
15 institution with exemplary students.

16 And the greatest thing about the
17 Bronx is the type of folks that they graduate.
18 All the folks that are graduating, most of them
19 come right back to the Bronx. They're from the
20 Bronx, they come back to the Bronx and do great
21 work there and make our borough a little bit
22 better every single day.

23 So as I told my colleagues before,
24 come and visit. It would be great to see you.

25 So thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Hassell-Thompson.

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

5 I rise to support this resolution on
6 behalf of my colleague, but certainly on behalf
7 of Monroe College and the work that it does in
8 our communities.

9 They've not only done extraordinary
10 things in the college arena, but when I first
11 came to the Senate, my predecessor used to teach
12 a class and brought high school students to
13 Monroe. And it was a great readiness situation
14 for them to see what it meant to be in college
15 life, and to be in school and really know
16 probably for the first time, first generations,
17 to know that they could have the opportunity to
18 go to college. So to be a part of that kind of
19 program said a lot for them as a student but
20 certainly for the work of that institution.

21 Monroe is also in the Westchester
22 community and in St. Lucia, as you heard, and
23 just expanding all over the place. I tease them
24 that they're trying to become the Columbia of
25 Westchester County.

1 But I appreciate it, again, because
2 of the high rate of students that not only get
3 in, but finish, because graduating becomes of
4 major importance to our students. Many of our
5 students go to college not quite ready. Monroe
6 makes sure that if they come unready, they get
7 them ready. And then they help them to make sure
8 that they graduate. And that makes a tremendous
9 difference in terms of truly having a successful
10 experience in the college environment.

11 So I appreciate Senator Gustavo
12 Rivera for bringing the resolution, but certainly
13 for giving all of you an opportunity to see the
14 glorious things that we're doing in the Bronx and
15 Westchester for our young people.

16 Thank you, Monroe.

17 ACTING PRESIDENT GRIFFO: Senator
18 Latimer.

19 SENATOR LATIMER: Thank you,
20 Mr. President.

21 I stand in support of Senator
22 Rivera's resolution. And of course he praises
23 the Bronx, which is worthy of praise. The Bronx
24 is where I got to go to college, at Fordham
25 University. The Bronx is where I got my first

1 full-time job and my first girlfriend in the
2 Bronx.

3 (Laughter.)

4 SENATOR LATIMER: However, I
5 represent Westchester County, and I'm very proud
6 to represent the fine city of New Rochelle. And
7 everything that my colleague said about Monroe's
8 impact in the Bronx can be repeated, at length,
9 about the impact that this institution has had
10 with their presence in the City of New Rochelle.

11 In the East Main Street corridor,
12 the presence of Monroe College, which is growing,
13 has made a tremendous economic impact and
14 development impact in downtown New Rochelle, with
15 the various athletic teams and the various
16 programs, including their particularly innovative
17 culinary program of culinary arts.

18 So Senator Rivera has said it all.
19 Senator Hassell-Thompson has added to that. Let
20 me just say that the reach and the scope of
21 Monroe College is not limited only to the
22 boogie-down Bronx but to buttoned-down
23 Westchester.

24 (Laughter.)

25 SENATOR LATIMER: We join forces to

1 thank Mr. Jerome, his family, the people at
2 Monroe College and the students at Monroe College
3 for their impact across the dotted line that
4 actually unites us.

5 ACTING PRESIDENT GRIFFO: Senator
6 Stavisky.

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

9 My district is sort of contiguous to
10 the Bronx, if you include the bridges. But I met
11 with the folks from Jerome College on several
12 occasions -- I'm sorry, what did I say? Why are
13 we saying Jerome? Monroe's first name was James.
14 Jerome, it's close.

15 (Laughter.)

16 SENATOR STAVISKY: I met with the
17 folks from Monroe College several times within
18 the last year or so. And I am proud to say that
19 they have a presence in Queens County, in
20 Flushing, as part of an educational complex.
21 They are open to students of great diversity,
22 great ethnic variations. And they represent the
23 best, amongst the best in the proprietary
24 colleges.

25 And I believe I recall a story in

1 the New York Times where -- everybody seems to be
2 critical of the colleges, but the story in the
3 New York Times pointed out that their graduation
4 rates were good, that the successes that they've
5 had have been good.

6 And I too want to congratulate the
7 college on -- I don't make the same mistake
8 twice -- Monroe College on being a presence not
9 just in the Bronx, which is where you started --
10 and I have some ties to the Bronx; I went to
11 school in the Bronx also, high school -- but
12 you're spreading out.

13 And as a Queens legislator, we
14 welcome the folks from Monroe College and we hope
15 you'll expand even further. As Flushing is
16 growing, so will the college grow.

17 And I thank you for coming to Albany
18 and wish you the best of luck.

19 ACTING PRESIDENT GRIFFO: Senator
20 Espaillat.

21 SENATOR ESPAILLAT: Thank you,
22 Mr. President.

23 Well, Monroe College doesn't only
24 belong to the Bronx or Westchester, as many other
25 students come from Northern Manhattan. And so I

1 want to thank the institution for the fine
2 service that they provide to these students. The
3 graduation rates speak for themselves. Every so
4 often I get the opportunity to walk down my house
5 near Baker Field and see the hundreds of folks
6 that are graduating from their college, and it's
7 an impressive sight.

8 And I congratulate Mr. Monroe and --
9 Mr. Jerome and Monroe College for the services
10 that you provide to many young people that
11 otherwise will not be able to go anywhere. And
12 so you are filling a gap that I think is very
13 important for all of us.

14 Thank you so much, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 LaValle.

17 SENATOR LaVALLE: Thank you,
18 Mr. President.

19 I've heard that Monroe College is a
20 great resource for the Bronx. Right? Wrong.
21 Partially right. It's a great resource for the
22 entire state. Steve Jerome, who's the president,
23 does an incredible job, because he is very
24 concerned about each and every student.

25 At Monroe College they want to make

1 sure that students who get their education can
2 take that education and get a job, add value to
3 the community, add value to the economy. And so
4 they do very well in so many areas, whether it's
5 in athletics or academics, or human value in
6 being good people that will get into a good job
7 and make themselves and their parents and family
8 and friends proud of them.

9 So it's a great pleasure to rise and
10 speak on this occasion. And, Senator Rivera,
11 thank you for the opportunity for us to recognize
12 a great educational institution.

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator LaValle.

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

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO: Opposed?

19 (No response.)

20 ACTING PRESIDENT GRIFFO: The
21 resolution is adopted.

22 We welcome all those from
23 Monroe College who are in attendance today.
24 Thank you very much for being here.

25 (Applause.)

1 SENATOR LIBOUS: Mr. President, I
2 believe the sponsor would like this resolution
3 opened for all members of the Senate. And if
4 someone chooses not to go on the resolution, to
5 please let the desk know.

6 ACTING PRESIDENT GRIFFO: The
7 resolution is open for cosponsorship. Should you
8 choose not to be a cosponsor, indicate by
9 approaching the desk.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President, if
12 we could return to reports of standing
13 committees, I believe there's a report of the
14 Finance Committee at the desk.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read the report of the
17 Finance Committee.

18 THE SECRETARY: Senator
19 DeFrancisco, from the Committee on Finance,
20 reports the following nominations.

21 As commissioner of the Department of
22 Agriculture and Markets, Richard Ball, of
23 Schoharie.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: Yes, I move
2 the nomination.

3 Mr. Ball went through the
4 Finance Committee under intense questioning from
5 many of the members. And by that questioning, it
6 became apparent that he is very, very well
7 qualified for this job. In fact, someone
8 referred to him as "the farmers' agriculture
9 commissioner," since he is one and he intimately
10 knows the business.

11 More importantly, he knows the
12 state. Under many questions from our New York
13 City delegation, he not only was aware of the
14 programs that they talked about, but was aware of
15 who ran them, many of whom were personal friends
16 of his.

17 So it's a great pleasure to move his
18 nomination. And I would request that you would
19 recognize, Mr. President, Senator Richie to
20 second the nomination.

21 ACTING PRESIDENT GRIFFO: Senator
22 Ritchie.

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

25 And I'd like to start by thanking

1 Governor Cuomo for such a tremendous appointment.

2 I had the opportunity to meet
3 Richard for the first time when I toured
4 Schoharie Valley after the devastation from
5 Hurricane Irene. And I have to tell you, from
6 the moment I got there, it was pretty eye-opening
7 for me. There was a lot of chaos on the ground,
8 even at Richard's farm.

9 But what struck me was not only did
10 he talk about the issues of the farmers of the
11 area, but he talked about the community as a
12 whole and his ideas of how to get them back on
13 their feet.

14 And, you know, I guess for me to see
15 his greenhouse opened up, and clothes and canned
16 goods -- and even a woman there getting diapers
17 at his greenhouse -- trying to help the community
18 get back on its feet, maybe that would help
19 answer some of the questions at today's
20 Finance Committee meeting about what this
21 gentleman is really about.

22 He has made his livelihood as a
23 farmer since he was 18 years old. He operates a
24 200-acre farm. He's on the cutting edge. I know
25 Senator Krueger and myself have had a number of

1 conversations about trying to connect upstate
2 producers to New York City, and this gentleman
3 has been on the cutting edge, he's been able to
4 do that. We hope to work together to extend that
5 to other parts of the state.

6 You know, when I think about a
7 farmer, I think about somebody who's ready to dig
8 in, somebody who is always there to lend a
9 helping hand, somebody who's really compassionate
10 about what he does. And I can tell you, that is
11 this gentleman here. I think the Governor could
12 have made no other pick that could have been any
13 better than Richard Ball as Commissioner of Ag &
14 Markets.

15 And I think a testament to him is
16 all his family that's here today. So I'm going
17 to take a minute, since so many of them came to
18 support him, to acknowledge them. His wife,
19 Shirley. Shirley's parents, Robert and Jackie
20 Markham. Richard's sister, Kathy Dickinson.
21 Richard's son, Ethan, and his wife, Mary.
22 Richard's daughter Sarah and her husband, Jacob
23 Hooper. Richard's daughter Jolyn Borst.
24 Richard's granddaughters Anna, Taylor, Olivia and
25 Abby. Richard's grandson Liam. And Richard's

1 good friends Peter and Donna Mauhs.

2 Now, I want to thank you all for
3 coming today and sharing this special day for
4 Richard. And I just want to say to those that
5 are listening, that they have a wonderful
6 Ag Commissioner who is really going to work to
7 strengthen this number-one industry in New York
8 State.

9 And congratulations, Richard. Look
10 forward to working with you.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Thank
13 you, Senator Ritchie.

14 Senator DeFrancisco, why do you
15 rise?

16 SENATOR DeFRANCISCO: I just was
17 wondering, who's tending the farm?

18 (Laughter.)

19 ACTING PRESIDENT GRIFFO: Senator
20 Seward.

21 SENATOR SEWARD: Thank you,
22 Mr. President.

23 I asked the same thing of the family
24 earlier today, and they said it's on autopilot
25 today.

1 (Laughter.)

2 SENATOR SEWARD: Well, thank you,
3 Mr. President, and I just wanted to rise and say
4 this is a very proud day for Schoharie County,
5 because one of our own is being named
6 Commissioner of Agriculture and Markets. And
7 it's also a very good day for agriculture in
8 New York State.

9 As has been mentioned by both
10 Senator Rivera and Senator DeFrancisco, Richard
11 Ball's roots in agriculture are very, very deep.
12 Inspired by his grandparents, who were long-time
13 dairy farmers, he has lived and breathed
14 agriculture his entire life.

15 And we're very fortunate in the
16 Schoharie Valley to have Richard and his family
17 operating the Schoharie Valley Farms. It's a
18 great place for vegetable crops, fruits,
19 greenhouse crops. And also, of course, their
20 market is known as the Carrot Farm, and that's a
21 great family outing. My family and I come over,
22 and we enjoy visiting from time to time.

23 You know, Richard Ball is a real
24 leader when it comes to his involvement in many,
25 many agriculture-related organizations, as well

1 as in the community. He has served as a member
2 of the Mohawk Valley Regional Economic
3 Development Council. He's been past president of
4 the Schoharie County Chamber of Commerce. And I
5 like the combination of his background both in
6 agriculture and in economic development/business-
7 related activities. He has been part of both
8 communities.

9 And of course, as Senator Ritchie
10 mentioned, following the devastating floods of
11 2011, which was very devastating to the Schoharie
12 Valley, Richard has been a real leader in our
13 community in terms of our recovery efforts.

14 Richard's initiatives as acting
15 commissioner have focused very much on connecting
16 upstate agricultural products with the downstate
17 market. And I say that's very good for our
18 upstate farmers and very good for our downstate
19 residents, who have access to healthy, fresh
20 foods produced right here in New York State.

21 So, Mr. President, when I think of
22 Richard Ball, I think of an outstanding family
23 man -- and what a beautiful family we have here
24 today. He's a class act. He's thoughtful and an
25 effective leader.

1 And I just want to say the Governor
2 has done very, very well in selecting Richard
3 Ball to be our next commissioner of Agriculture
4 and Markets. I congratulate the Governor on a
5 great choice.

6 And, Richard, we look forward to
7 continuing to work with you in your new capacity
8 as our commissioner.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 Young.

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

14 I rise in strong support of Richard
15 Ball as the new Ag & Markets commissioner in
16 New York State.

17 And as former chair of the Senate
18 Standing Committee on Agriculture, I can
19 personally vouch for Richard's qualifications for
20 this position. Because I've had the great
21 fortune of working with him over the years. We
22 now have the capable leadership of Senator
23 Ritchie as chair of the Ag Committee, but I'm
24 still a proud member. And I just want to let you
25 know how much I value the fact that we have

1 worked together on so many issues.

2 And I also want to work with you as
3 we move forward, because you know so well how
4 important agriculture is to the economic health
5 and future of New York State.

6 But as somebody who grew up on a
7 dairy farm, I know farmers very well. Not only
8 have you been a very strong advocate for
9 agriculture, but you've actually lived
10 agriculture as a farmer. And I know that you
11 will take that background that you have and help
12 so many people across all of New York State help
13 boost our economy and really help us have a
14 brighter future.

15 So I just want to say to you
16 personally, heartfelt thanks for undertaking this
17 big responsibility that you have ahead. But I
18 have the utmost confidence and faith in you. So
19 I wish you well, sincerely congratulate you and
20 your entire family, and look forward to working
21 together as we move forward.

22 Thank you.

23 ACTING PRESIDENT GRIFFO: Senator
24 Nozzolio.

25 SENATOR NOZZOLIO: Thank you,

1 Mr. President.

2 Mr. President, my congratulations to
3 Richard Ball for his nomination. The quality of
4 life as a farmer, as a businessman, as a member
5 of Farm Bureau and the policies put forth by
6 Farm Bureau, his reputation for his endeavors
7 within those organizations and business preceded
8 him here.

9 And the comments of Senator Seward
10 and Senator Young and Senator Ritchie certainly
11 amplify the fact that the nominee has a great
12 background in agriculture.

13 What I was extremely impressed with,
14 though, during the deliberations of the Senate
15 Finance Committee in our confirmation process,
16 Richard Ball understood very clearly the fact
17 that economic development and job development in
18 the state, particularly regarding agriculture,
19 should not be siloed from and insulated from the
20 role that he will have as agriculture
21 commissioner.

22 That it's an extremely important
23 endeavor, commissioner of Ag & Markets. But
24 understanding that yes, you are the guardian of
25 the number-one job developer in New York State,

1 that food growth and processing has literally
2 tens of thousands of job for New Yorkers. If you
3 add the beverage component to food, whether it's
4 growing a grape, whether it's developing a
5 vineyard, a winery, those issues are critically
6 important to job development in New York State.

7 That we had a chance to discuss
8 briefly at the Senate Finance Committee the
9 importance of agricultural research, and
10 especially applied agricultural research, in this
11 job-development component. I firmly believe that
12 if START-UP, the Governor's program for job
13 development, is going to work anywhere, it's
14 going to work at the Experiment Station of
15 Cornell University located in Geneva, New York.

16 Coincidentally, the director of the
17 Experiment Station at Geneva is here today,
18 Director Tom Burr, sitting in the chamber with
19 us, along with Dr. Susan Brown, who is going to
20 be here next week as well, because she's
21 designated as one of the Women of Distinction of
22 this state by the State of New York Senate
23 because of her great applied agricultural
24 research and her development of two new apple
25 varietals. The SnapDragon and RubyFrost are

1 actual new apples created by the research of
2 Dr. Brown.

3 But the Experiment Station in itself
4 is a place where scientific research meets job
5 development in the agricultural sector. And I
6 was very impressed with Mr. Ball's understanding,
7 Richard Ball's understanding of how important
8 this all is to bringing actual markets to
9 New York farmers by having better products,
10 products are that are more competitive, products
11 that grow better in New York and that in effect
12 are competitive with products grown all across
13 the world.

14 And that will bring additional
15 processing here to New York. I'd like to think
16 that New York is at the cusp of a renaissance of
17 food processing. Certainly in yogurt, in grapes
18 and wine, in other commodities, we are coming
19 back to an era where most of the food in the
20 Northeast was processed in New York.

21 I would love to see that day occur.
22 I believe under Richard Ball's guidance as
23 commissioner this can happen. I look forward to
24 his partnerships with our great agricultural
25 research team in New York State, designated

1 through our land grant college at Cornell
2 University. And with that, I believe we are
3 going to be in a great period for New York
4 agriculture.

5 The potential is there. I know the
6 nominee is certainly up to the task. I am
7 pleased to support this nomination, and I wish
8 Richard Ball great luck and work and fortune with
9 this important component of our number-one
10 industry.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 Tkaczyk.

14 SENATOR TKACZYK: Thank you,
15 Mr. President.

16 I rise to join my colleagues to
17 congratulate Richard Ball. I couldn't be
18 happier. I have the great fortune to live near
19 the Schoharie Valley Farm, and I shop there
20 often. And I remember when Richard and his
21 family bought the farm over 20 years ago. And I
22 have enjoyed watching him grow the farm and his
23 family to grow, to grow their vision.

24 And when you go into the Schoharie
25 Valley Farm, you are convinced you're a part of

1 the family. And I think that's something that
2 Richard and his family have done over the years,
3 is create community through their enterprise.
4 And they're such an important part of the
5 Schoharie Valley, as you've heard.

6 I can't think of a better person to
7 take agriculture into the future here in New York
8 State, because we need visionary people. Richard
9 Ball is one of those visionaries who sees
10 opportunities between farmers and consumers and
11 then makes them happen. He was instrumental in
12 helping to put together the Corbin Hill Farm
13 project. Their farm was one of the group of
14 farmers who are part of this CSA that is bringing
15 tractor-trailorload of food every week to the
16 South Bronx and Harlem and feeding people who in
17 some areas live in a food desert.

18 And they come up to visit, and the
19 farms that they visit, one of them is Schoharie
20 Valley Farm. If you go to the Corbin Hill
21 project website and click on a video, you will
22 likely see the farmer they're visiting is Richard
23 Ball. You can see him out in the field.

24 I'm so excited that the Governor
25 picked the right person at the right time to head

1 Ag & Markets, and I wholeheartedly support his
2 nomination.

3 I want to congratulate you, Richard,
4 and the entire family, and I wish you well.

5 ACTING PRESIDENT GRIFFO: Senator
6 Savino.

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

9 I also rise to congratulate not just
10 Governor Cuomo on this pick but also Richard Ball
11 and his family.

12 I was delighted when the Governor
13 put his name forward as Commissioner of Ag &
14 Markets, because I actually knew him. I met him
15 about a year ago; when he was in his work with
16 the Farm Bureau, he reached out to me as the
17 chair of the Senate Labor Committee because he
18 had seen the work that I was doing with
19 Senator Espaillat and others on the issue of
20 farmworkers and whether or not we could achieve a
21 Justice for Farmworkers bill in this state.

22 He invited me to come and speak to
23 come and speak to the Farm Bureau at their summer
24 meeting. Turned out I was the first Labor chair
25 ever to address the New York State Farm Bureau,

1 and I think it was as much as a risk for me as it
2 was for him. It was quite a shock for the
3 members of the Farm Bureau to realize that a
4 New York City downstate Democrat with strong
5 labor credentials did not have horns on her head.

6 But it began the first of a series
7 of meetings and discussions that I've had with
8 members of the Farm Bureau about what we can do
9 to address the issues of farmworkers in this
10 state. And it allowed me to see both sides of
11 this issue from the farmers themselves -- many of
12 whom, like Richard Ball, were farmworkers also at
13 one point in their life -- and how do we work
14 together to find solutions to the challenges that
15 they face.

16 He opened my eyes to many of the
17 challenges that farmers and family farmers have,
18 and then followed up on that by arranging a
19 visit, along with the Farm Bureau, for me in
20 November where I got to tour Schoharie Valley
21 Farm and I saw Corbin Hill Road at work with
22 them. I then got to go to a couple of dairy
23 farms. I found out a lot about dairy cows.
24 Namely, they have very long tongues and if you
25 get close enough to them, they will lick you.

1 (Laughter.)

2 SENATOR SAVINO: But it was a real
3 eye-opening experience for me, and it created a
4 dialogue that I know we're going to continue,
5 working with Senator Espaillat, where I think we
6 can finally begin to find some common ground.
7 And if there's anyone who can help make that
8 happen, it's going to be Richard Ball as the new
9 commissioner of Ag & Markets.

10 I look forward to a long, fruitful
11 relationship with you. Congratulations to you
12 and your family.

13 And by the way, if you've never
14 visited the Schoharie Valley Farm, I suggest you
15 do so. Not only do they have great produce and
16 they have great products, they have a wonderful
17 restaurant there and his daughters are some of
18 the best cooks I have ever encountered.

19 Congratulations to you and to your
20 family.

21 ACTING PRESIDENT GRIFFO: Senator
22 Libous.

23 SENATOR LIBOUS: Mr. Ball, I don't
24 know you. But I live in Binghamton, and I have
25 to travel on Route 88. And I've stopped at the

1 Carrot Barn many times, and the carrot oatmeal
2 cookies are out of this world.

3 (Laughter.)

4 SENATOR LIBOUS: And as long as you
5 continue to make those, you've got my support.
6 Godspeed.

7 (Laughter.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Little.

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

12 I join my colleagues in wishing you
13 well and actually supporting this confirmation of
14 you as commissioner of agriculture. And I thank
15 the Governor for appointing you to this position.

16 If there were a perfect resume for a
17 commissioner of agriculture, I believe you have
18 it. You have all the experience at every facet
19 of farming and agriculture there is. And even
20 more importantly, you work very hard on the
21 selling of the product and the marketing of
22 product and promotion of agriculture in New York
23 State.

24 So as one who represents six
25 counties, all of whom are involved in farming --

1 some more than others, but it's a big industry in
2 my district, big in the economy. And I look
3 forward to working with you. Congratulations.

4 ACTING PRESIDENT GRIFFO: Senator
5 Espaillat.

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

8 I'm happy to stand up in support of
9 this nomination.

10 Many of you know how I vote on
11 agricultural bills and why. But having sat in
12 the Finance Committee meeting today, I saw
13 someone that I think is open to discussion and
14 working to solve the issue of farmworkers. You
15 know, he clearly stated that he believes they
16 should get a day off, and I think it's open to
17 ideas from many sides of the aisles. And I look
18 forward to working with him and Senator Savino as
19 well as others that are interested not only in
20 the agricultural business in farms, but also in
21 what happens there to farmworkers.

22 And so I look forward to having a
23 positive and constructive working relationship
24 with him. I congratulate him and his family.

25 ACTING PRESIDENT GRIFFO: Senator

1 Ranzenhofer.

2 SENATOR RANZENHOFER: Thank you,
3 Mr. President.

4 I'd like to say I think it's a real
5 tribute to Mr. Ball as to the number of people
6 who have already stood up and complimented you
7 and commended you for your experience and what a
8 great choice the Governor has made in selecting
9 you. That doesn't happen with everybody that's
10 selected to serve as a commissioner.

11 One of the things that I had
12 mentioned earlier, I reminded Senator
13 DeFrancisco, is I referred to you today in the
14 Finance Committee as a farmer's farmer. And I
15 think that's a real tribute.

16 Now, when your nomination was placed
17 in front of this body, I treat it as a job
18 application by you asking for our support, so I
19 did a little bit of homework. And the first
20 thing is to check references. And in checking
21 with the farmers in my district -- and I
22 represent the 61st District, which goes from
23 Buffalo to Rochester and includes Genesee
24 County -- one of the comments that I heard over
25 and over is that he is a man that knows farming

1 and has gotten his hands dirty.

2 In other words, you've been there.
3 You haven't read about it, you haven't taught it,
4 you've actually done it. You've farmed. And,
5 you know, I think that's a great tribute to the
6 experience that you bring to this job.

7 One of the things that so impressed
8 me today in looking through your resume and your
9 credentials is the initiative that you've taken
10 with your own farm in bringing produce to where
11 it's needed in New York City, and your
12 willingness to expand that program to other urban
13 areas throughout the state, whether it be
14 Buffalo, Rochester, Syracuse. I think that's a
15 great model for the rest of the state, and I look
16 forward to working with you to try to expand that
17 program.

18 The other thing that I was very
19 impressed with this morning, and I think that
20 Senator Nozzolio alluded to this a little bit
21 earlier, is the agribusiness. Okay, not just
22 dairy farming and not just cash crop, but the
23 yogurt production that's going on across the
24 state.

25 And your comment that even though

1 this state has experienced exponential growth
2 over the last, say, 10 to 13 years to where we
3 are now the number-one yogurt producer, your
4 comment today that we have just seen the
5 beginning, we haven't seen anything yet. We are
6 on the cusp of really revolutionizing this
7 industry and other industries similar.

8 And I think it's that type of
9 leadership, that type of foresight, that type of
10 approach, by saying not that the best is behind
11 us with the great work and the great deeds that
12 we've already accomplished, but that we can
13 really go so much further.

14 So I'm very encouraged. I think
15 that you are the right person for the job. And
16 again, back to my original comments, I think,
17 from the comments that I've heard from both sides
18 of the aisle and the number of people that have
19 stood up and spoken so passionately and fervently
20 and so strongly in support of your nomination,
21 will only lead you to great success in leading
22 the agricultural community in the years ahead.

23 So I congratulate you and look
24 forward to working with you in the years ahead,
25 sir.

1 ACTING PRESIDENT GRIFFO: Senator
2 Krueger.

3 SENATOR KRUEGER: Congratulations.
4 I would like to say we rarely get a rock star
5 here in the Senate chambers, so I'm delighted
6 that we have found one to be the commissioner of
7 Agriculture and Markets.

8 And as has been spoken by many of my
9 colleagues, this is an all-state issue, whether
10 it's upstate agricultural areas or whether it's
11 the great City of New York, who I often describe
12 as 8½ million mouths happy to eat whatever
13 New York State can produce and get down to us.

14 So I wish you the best in your
15 efforts to make sure that the great State of
16 New York maximizes its possibilities for
17 agriculture and markets for all of us.
18 Congratulations.

19 ACTING PRESIDENT GRIFFO: Senator
20 Maziarz.

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

23 I have to agree with all my
24 colleagues. Commissioner, I don't think I've
25 seen this level of support here -- from the City,

1 from upstate, from everywhere -- in a long time.

2 I agree with what Senator
3 Ranzenhofer said. I too do the same thing. you
4 know, I'd never met you before, I hadn't really
5 known much about you. And I contacted the
6 Farm Bureau presidents in Monroe, Orleans, and
7 Niagara County, where the best fruits and
8 vegetables and dairy products in the entire State
9 of New York -- most particularly, better than
10 Syracuse -- are grown here in this state. And
11 all of them had very positive things to say about
12 you, Richard.

13 And we all know, those of us who
14 represent agricultural districts know that there
15 are a lot of issues today with farming, with
16 labor and the cost and energy and so forth. And
17 issues like the county fairs, that fall under the
18 jurisdiction of the Ag & Markets Department, are
19 all issues that you certainly are well prepared
20 to address.

21 So I join with my colleagues here,
22 again, from across the state. I am most
23 impressed with this appointment. I think it was
24 an excellent choice by the Governor.

25 So congratulations to you.

1 Thank you.

2 ACTING PRESIDENT GRIFFO: Senator
3 Montgomery.

4 SENATOR MONTGOMERY: Thank you,
5 Mr. President.

6 I rise to join my colleagues in
7 complimenting the Governor on this excellent
8 appointment. And just to make sure we all
9 understand that the agricultural industry in our
10 state is really extremely important.

11 And I'm just happy to see that we
12 all seem to have come to an agreement with I
13 think one of the things that Senator Smith said
14 some years back, that we have one New York. And
15 the oneness means that we have a new high respect
16 for upstate and the farming industry that that
17 represents. And the same to the same extent that
18 upstate has for downstate and the City and what
19 we represent. And that we should be working
20 together to maximize that.

21 And I want to just acknowledge that
22 I had some young people from Verona, New York, in
23 my district last week, who represented and they
24 were ambassadors for their area and for the whole
25 issue of farming, and they did a demonstration

1 for young people in my district. It was a very,
2 very wonderful opportunity for both of those
3 young people, both the upstate children and the
4 downstate children, to come together. And I said
5 to them, "This is America."

6 And so that's what it represents to
7 me. I hope we can do more of that. So,
8 Commissioner Ball, I look forward to working with
9 you to make that happen.

10 And again, I think that this is a --
11 we have advanced ourselves, because at one point
12 we were upstate and downstate. But now I think
13 what I'm hearing today is a reflection of the
14 "one state" principle. And I'm very happy that
15 I've been able to stay long enough to see it and
16 experience it.

17 Congratulations, Commissioner Ball.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator
20 Díaz.

21 SENATOR DIAZ: Thank you,
22 Mr. President.

23 I just wanted to say that I join
24 those in this chamber that are happy for this
25 nomination. But I am happy for the nomination,

1 but in a different -- for a different reason.

2 Mr. President, ladies and gentlemen,
3 we have a state like New York where we all brag
4 about how we fight for people's equality. We
5 have a state where we brag about that we are
6 number one protecting human rights. We are in a
7 state where our leaders fight hard to push bills
8 of all kinds.

9 However, Mr. President and ladies
10 and gentlemen, we in this state that brag so much
11 about protecting people's rights and human rights
12 and giving equality to people, we have a section
13 or segment of this state called farmworkers,
14 where practically they have been exploited. They
15 are being treated like slaves. We have a state
16 that brags about human rights, and we have
17 laborers, farmworkers that cannot even have a day
18 off, that don't have holidays, that don't have
19 sick days, don't have anything. Not even health
20 benefits.

21 And in this state nowadays, in this
22 time of history, we're still having this kind of
23 oppressed people in this state.

24 Now, today I asked Mr. Ball, the
25 nominee, about his personal position on these

1 issues about if farmworkers should get equality.
2 And now we're talking equality, we talk about
3 equality. And Mr. Ball said he believed --
4 ladies and gentlemen, he answered my question
5 saying he believed that everybody, everyone
6 should be equal, that everyone should get all the
7 benefits, and that farmworkers should be treated
8 like anybody else, equal. And to give them all
9 the benefits.

10 So that's why I'm happy. That's why
11 I'm happy, to hear those things. I hope that
12 now, after Mr. Ball gets approved by the Senate
13 and he takes possession of the Agriculture
14 Department, that he goes and do exactly as he
15 believes, that farmworkers should be treated with
16 decency, with respect, and given all benefits.

17 So I'm happy to support this
18 nomination, happy to join all of you that are so
19 happy with the nomination, happy for Mr. Ball and
20 happy for his family, and happy for the
21 farmworkers. Because maybe finally, finally, we
22 will get a person, a human being, a decent person
23 that cares about other people.

24 And also I'm happy because he knows
25 the Bronx. He's been there. He works there.

1 He's done things there.

2 So, Mr. President, I approve and I
3 congratulate Mr. Ball. Thank you.

4 ACTING PRESIDENT GRIFFO: Senator
5 Perkins.

6 SENATOR PERKINS: Thank you very
7 much. I rise to join my colleagues in supporting
8 this nomination.

9 I'm especially supporting it because
10 of the concerns that I have, as were expressed by
11 Senator Díaz and Senator Adriano Espaillat, about
12 the workers, the farmworkers. He has
13 unequivocally represented that he would be moving
14 forward in making sure that the kind of decency
15 and rights that they're entitled to, that he
16 would be responsible for making sure happens.
17 And that's a very, very important concern.

18 Clearly, the fact that his work has
19 impacted my district, where he has, through his
20 work, worked with our faith-based community to
21 connect Harlem with the workers and the farmers
22 in the area that he comes from, with vegetables
23 and other kinds of food distribution. And I know
24 that they've been very successful. What you
25 might literally call soul food was a part of his

1 legacy.

2 And we think that he'll do a great
3 job, especially, of course, if he is able to move
4 the farmworkers agenda forward, as he indicated
5 he would to us in the hearing that we had this
6 afternoon.

7 So I wanted to vote aye on this.

8 ACTING PRESIDENT GRIFFO: Senator
9 Gipson.

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

12 I'd just like to echo everything
13 that my colleagues have said about our nominee
14 today. Mr. Ball I believe really does understand
15 that New York State grows some of the finest farm
16 products in the country, if not the world.

17 And I am, as many have mentioned
18 today, particularly excited about the fact that
19 he has committed himself to trying to find a
20 solution that we have all struggled with, which
21 is to find a way to get our farm products in the
22 upstate area down to New York City, which is, as
23 he continues to point out, one of the largest
24 appetites in the country.

25 I believe he's going to be able to

1 help us find that solution, and I look forward to
2 working with him.

3 ACTING PRESIDENT GRIFFO: The
4 question is on the nomination of Richard Ball as
5 Commissioner of Agriculture and Markets for the
6 State of New York. All in favor signify by
7 saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO: Opposed?
10 (No response.)

11 ACTING PRESIDENT GRIFFO: Richard
12 Ball is hereby confirmed as Commissioner of the
13 New York State Department of Agriculture and
14 Markets.

15 (Extended applause.)

16 ACTING PRESIDENT GRIFFO: We
17 welcome the members of the Ball family who are
18 present today.

19 Commissioner, we congratulate you on
20 your confirmation, we thank you for your service,
21 and we extend our best wishes for success.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: I'd like to
24 move the nomination of Barry F. Schwartz, as
25 trustee of the City University of New York.

1 I had mentioned to Mr. Schwartz that
2 the discussion that we had in the Finance
3 Committee before him was lengthy, and therefore
4 we didn't spend -- do you have to read the
5 nomination first? Why don't you do that?

6 (Laughter.)

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read the nomination.

9 THE SECRETARY: As trustee of the
10 City University of New York, Barry F. Schwartz,
11 of New York City.

12 ACTING PRESIDENT GRIFFO: Senator
13 DeFrancisco on the nomination.

14 SENATOR DeFRANCISCO: Ditto.

15 (Laughter.)

16 CHAIRMAN DeFRANCISCO: No, I move
17 the nomination of Barry F. Schwartz as a member
18 of the Board of Trustees of CUNY.

19 And we didn't get much time to talk
20 to him. And I think it's important to mention
21 what a great nomination this is as well, for CUNY
22 and for the State of New York.

23 His background is quite frankly
24 unbelievable. He's been successful in business,
25 and most everyone has his resume. I won't go

1 into the business background. But he's been
2 very, very successful, and as a result has
3 contributed greatly in his community.

4 But from the educational standpoint,
5 this is kind of interesting. He graduated from
6 Kenyon College in 1970. By 2000, he was a member
7 of the Board of Trustees of Kenyon College, where
8 he remains to the present day.

9 I'm from Syracuse University, and we
10 sometimes play Georgetown. Despite that rivalry,
11 Georgetown is a wonderful university. And he
12 graduated with his J.D. degree in 1974. By 2005,
13 continuing to the present date, he's a member of
14 the Georgetown University Law Center Board of
15 Visitors.

16 So he's maintained his contacts with
17 his institutions of higher education and
18 participates in their growth, and to make certain
19 that they remain the outstanding institutions
20 that they were before he got there. So he's an
21 individual well-versed in issues concerning
22 higher education, and he's an individual who has
23 paid back for the wonderful opportunities he's
24 had and for the success he'd gotten.

25 So Governor Cuomo, this was a great

1 nomination. And I thank Mr. Schwartz for being
2 willing to contribute to the higher education in
3 the State of New York.

4 So I move the nomination.

5 ACTING PRESIDENT GRIFFO: Senator
6 LaValle.

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

9 Senator DeFrancisco laid out the
10 educational background and business background of
11 Mr. Schwartz.

12 By the way, he shows he has
13 endurance, because he was before the Higher
14 Education Committee this morning at 10 o'clock,
15 answered questions and spoke before the
16 committee, and was unanimously forwarded to the
17 Finance Committee.

18 As I had said this morning, one of
19 the most important things is that he sits on and
20 has sat on several higher education boards. And
21 that's critically important, because at CUNY in
22 the last number of years they have, under the
23 chairmanship of Benno Schmidt and Chancellor Matt
24 Goldstein, produced an incredible record in
25 bringing the City University to a new plateau, a

1 new place.

2 And he understands how to sit on a
3 board, make decisions on a higher education
4 board, and will continue to keep that movement
5 upward of a very good system, our City
6 University.

7 So, Mr. Schwartz, I wish you good
8 luck, hope we will continue to have a dialogue.
9 And the board you sit on, the City University, is
10 very critically important to the people of the
11 State of New York and the City of New York.

12 ACTING PRESIDENT GRIFFO: Senator
13 Stavisky.

14 SENATOR STAVISKY: Thank you,
15 Mr. President.

16 And I too, as the ranking member on
17 the committee, met with Mr. Schwartz earlier
18 today, and we discussed the rich tradition that
19 is the City University of New York, back to its
20 founding in 1847 as City College, where the
21 mission at that time was to educate -- at that
22 time it was only the sons, but to educate the
23 sons and now daughters of immigrants.

24 And that mission truly has not
25 changed. And Mr. Schwartz was aware of the

1 importance of maintaining the City University as
2 a viable institution going back to that period of
3 its founding, and the fact that there are three
4 aspects: It's got to remain affordable and
5 accessible and of high quality.

6 And those were the three issues that
7 many of us have been talking about, but
8 Mr. Schwartz brought those three issues up
9 himself.

10 He does bring an interesting
11 background with his prior service on those other
12 higher educational institutions' boards.

13 And I am delighted that the Governor
14 has submitted his name. I think we're going to
15 have an excellent trustee. And we all look
16 forward to working with him in the days ahead,
17 because the City University represents an
18 opportunity for young people, particularly in
19 districts where English may not be their native
20 language, in the districts of immigrants. And
21 that is important.

22 And I had urged him and he agreed to
23 visit some of the colleges within CUNY. I know
24 the CUNY trustees hold meetings on various
25 college campuses, but we have such great examples

1 of CUNY institutions throughout the city.

2 And we congratulate Mr. Schwartz on
3 his nomination, and we all look forward to
4 working with him in the days ahead.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Hoylman.

8 SENATOR HOYLMAN: Thank you,
9 Mr. President.

10 I rise in support of the nomination
11 of Barry Schwartz and commend the Governor on his
12 excellent selection.

13 You know, CUNY is an incredibly
14 important institution, as was commented: 270,000
15 college degree students, 247,000 adult continuing
16 and professional students, the city/state
17 partnerships that CUNY has established with our
18 public schools, economic development initiatives,
19 immigration aid, financial advice. And I'm
20 confident that Barry Schwartz is a trustee who
21 can manage all of that.

22 You know, I first met Barry, he gave
23 me one of my first satisfying constituent
24 interactions. Barry lives in Greenwich Village.
25 I didn't know who he was. He called me because

1 his house was vibrating. And we took the call,
2 why would a house be vibrating in Greenwich
3 Village? Staff thought about it.

4 We figured it out. There was a
5 loose rail tie underneath Barry's house that was
6 causing the vibration. And so we called the MTA,
7 they tightened it what whatever they tighten rail
8 ties with, and it was fixed. So thank you for
9 that, Barry.

10 (Laughter.)

11 SENATOR HOYLMAN: And Barry's
12 professional accomplishments have been mentioned.

13 I will say, though, that I think his
14 asset will come because of his interest in our
15 community in Greenwich Village and the city as
16 well.

17 And you look at the boards that
18 Barry sits on, whether it's the New York City
19 Center; Human Rights First, which is an
20 organization that protects refugees and combats
21 torture and defends persecuted minorities
22 throughout the country and the world. And you
23 look at Barry's background at MacAndrews &
24 Forbes, the companies that are such a diverse
25 holding company -- so Barry has to, I'm sure,

1 understand a lot about a lot of different
2 companies. Revlon, Scientific Games Corporation,
3 Harland Clarke Holdings Corporation.

4 And last but not least, Barry is on
5 the board of Jazz at Lincoln Center, which is
6 also in my district. And I was speaking to
7 Senator Latimer about his support for Jazz at
8 Lincoln Center, and Senator Latimer told me that
9 he's voting for him today on the hope that he'll
10 be able to attend his swearing-in ceremony along
11 with Wynton Marsalis and his jazz combo. I trust
12 they will entertain us all, Barry.

13 But thank you so much for your
14 service. Thank you for volunteering for this
15 mission. And thank you to Governor Cuomo for
16 putting Barry Schwartz's name forward.

17 ACTING PRESIDENT GRIFFO: The
18 question is on the nomination of Barry F.
19 Schwartz as a member of the Board of Trustees of
20 CUNY. All in favor signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed?

23 (No response.)

24 ACTING PRESIDENT GRIFFO: Barry F.
25 Schwartz is hereby confirmed as a member of the

1 Board of Trustees of the City University of
2 New York.

3 Congratulations, Mr. Schwartz, and
4 good luck.

5 (Standing ovation.)

6 ACTING PRESIDENT GRIFFO: Senator
7 Libous.

8 SENATOR LIBOUS: Mr. President,
9 we're going to get started in a second.

10 ACTING PRESIDENT GRIFFO: Senator
11 Libous.

12 SENATOR LIBOUS: Mr. President, I
13 think we have a noncontroversial calendar in
14 front of us. Could we --

15 (Laughter.)

16 SENATOR LIBOUS: Could we -- well,
17 wishful thinking is always important, is it not?

18 Could we proceed with the reading of
19 the noncontroversial calendar.

20 ACTING PRESIDENT GRIFFO: Can I
21 have some order in the chamber, please.

22 The Secretary will read the
23 noncontroversial calendar.

24 THE SECRETARY: Calendar Number
25 117, by Senator LaValle, Senate Print 4577, an

1 act to amend Chapter 399 of the Laws of 2008.

2 ACTING PRESIDENT GRIFFO: There is
3 a home-rule message at the desk.

4 The Secretary will read.

5 SENATOR GIANARIS: Lay it aside.

6 ACTING PRESIDENT GRIFFO: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 123, by Senator Seward, Senate Print 6408B, an
10 act to authorize.

11 ACTING PRESIDENT GRIFFO: There is
12 a home-rule message at the desk.

13 The Secretary will read.

14 THE SECRETARY: Section 5. This
15 act shall take effect immediately.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 SENATOR GIANARIS: Lay it aside.

20 ACTING PRESIDENT GRIFFO: Lay the
21 bill aside.

22 THE SECRETARY: Calendar Number
23 191, by Senator Farley, Senate Print 6282, an act
24 to amend the Education Law.

25 SENATOR GIANARIS: Lay it aside.

1 ACTING PRESIDENT GRIFFO: Lay the
2 bill aside.

3 THE SECRETARY: Calendar Number
4 193, by Senator Bonacic, Senate Print 5077, an
5 act to amend the Civil Practice Law and Rules.

6 SENATOR GIANARIS: Lay it aside.

7 ACTING PRESIDENT GRIFFO: Lay the
8 bill aside.

9 THE SECRETARY: Calendar Number
10 203, by Senator Hannon, Senate Print 3817, an act
11 to amend the Public Health Law.

12 SENATOR GIANARIS: Lay it aside.

13 ACTING PRESIDENT GRIFFO: Lay the
14 bill aside.

15 THE SECRETARY: Calendar Number
16 210, by Senator Golden, Senate Print 2237D, an
17 act to amend the Penal Law.

18 SENATOR GIANARIS: Lay it aside.

19 ACTING PRESIDENT GRIFFO: Lay the
20 bill aside.

21 THE SECRETARY: Calendar Number
22 257, by Senator Young, Senate Print 4356, an act
23 to amend the Soil and Water Conservation
24 Districts Law.

25 SENATOR GIANARIS: Lay it aside.

1 ACTING PRESIDENT GRIFFO: Lay the
2 bill aside.

3 THE SECRETARY: Calendar Number
4 278, by Senator Avella, Senate Print 6599D, an
5 act to amend the Education Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 SENATOR GIANARIS: Lay it aside.

9 ACTING PRESIDENT GRIFFO: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 313, by Senator Grisanti, Senate Print 6117A, an
13 act to amend the Real Property Tax Law.

14 SENATOR GIANARIS: Lay it aside.

15 ACTING PRESIDENT GRIFFO: Lay the
16 bill aside.

17 THE SECRETARY: Calendar Number
18 321, by Senator Grisanti, Senate Print 6292, an
19 act to amend the Education Law.

20 SENATOR GIANARIS: Lay it aside.

21 ACTING PRESIDENT GRIFFO: Lay it
22 aside.

23 THE SECRETARY: Calendar Number
24 327, by Senator Libous, Senate Print 976, an act
25 to amend the Civil Service Law.

1 SENATOR GIANARIS: Lay it aside.

2 ACTING PRESIDENT GRIFFO: Lay it
3 aside.

4 THE SECRETARY: Calendar Number
5 331, by Senator Avella, Senate Print 731, an act
6 to amend the Religious Corporations Law.

7 SENATOR GIANARIS: Lay it aside.

8 ACTING PRESIDENT GRIFFO: Lay it
9 aside.

10 Can I have some order in the house,
11 please.

12 THE SECRETARY: Calendar Number
13 338, by Senator LaValle, Senate Print 2178A, an
14 act to amend the Environmental Conservation Law.

15 SENATOR GIANARIS: Lay it aside.

16 ACTING PRESIDENT GRIFFO: Lay it
17 aside.

18 THE SECRETARY: Calendar Number
19 345, by Senator Golden, Senate Print 2169, an act
20 to amend the Real Property Tax Law.

21 SENATOR GIANARIS: Lay it aside.

22 ACTING PRESIDENT GRIFFO: The bill
23 is laid aside.

24 THE SECRETARY: Calendar Number
25 347, by Senator Marcellino, Senate Print 1506, an

1 act to amend the Vehicle and Traffic Law.

2 SENATOR GIANARIS: Lay it aside.

3 ACTING PRESIDENT GRIFFO: The bill
4 is laid aside.

5 THE SECRETARY: Calendar Number
6 359, by Senator Skelos, Senate Print 3033, an act
7 to amend the Penal Law.

8 SENATOR GIANARIS: Lay it aside.

9 ACTING PRESIDENT GRIFFO: The bill
10 is laid aside.

11 THE SECRETARY: Calendar Number
12 360, by Senator Golden, Senate Print 3074, an act
13 to amend the Criminal Procedure Law.

14 SENATOR GIANARIS: Lay it aside.

15 ACTING PRESIDENT GRIFFO: The bill
16 is laid aside.

17 THE SECRETARY: Calendar Number
18 363, by Senator Nozzolio, Senate Print 4488, an
19 act to amend the Penal Law.

20 SENATOR GIANARIS: Lay it aside.

21 ACTING PRESIDENT GRIFFO: The bill
22 is laid aside.

23 THE SECRETARY: Calendar Number
24 400, by Senator Flanagan, Senate Print 1530, an
25 act to amend the Economic Development Law.

1 SENATOR GIANARIS: Lay it aside.

2 ACTING PRESIDENT GRIFFO: The bill
3 is laid aside.

4 THE SECRETARY: Calendar Number
5 405, by Senator Addabbo, Senate Print 1919, an
6 act to amend the Vehicle and Traffic Law.

7 SENATOR LIBOUS: Lay it aside.

8 ACTING PRESIDENT GRIFFO: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 407, by Senator Golden, Senate Print 2503, an act
12 to amend the Vehicle and Traffic Law.

13 SENATOR GIANARIS: Lay it aside.

14 ACTING PRESIDENT GRIFFO: The bill
15 is laid aside.

16 THE SECRETARY: Calendar Number
17 408, by Senator Larkin, Senate Print 3994, an act
18 to amend the Vehicle and Traffic Law.

19 SENATOR GIANARIS: Lay it aside.

20 ACTING PRESIDENT GRIFFO: The bill
21 is laid aside.

22 THE SECRETARY: Calendar Number
23 413, by Senator Flanagan, Senate Print 1191, an
24 act to amend the Executive Law.

25 SENATOR GIANARIS: Lay it aside.

1 ACTING PRESIDENT GRIFFO: The bill
2 is laid aside.

3 THE SECRETARY: Calendar Number
4 415, by Senator Golden, Senate Print 1957, an act
5 to amend the Executive Law.

6 SENATOR GIANARIS: Lay it aside.

7 ACTING PRESIDENT GRIFFO: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 429, by Senator Marcellino, Senate Print 3631A,
11 an act to amend the Tax Law.

12 SENATOR GIANARIS: Lay it aside.

13 ACTING PRESIDENT GRIFFO: Lay the
14 bill aside.

15 THE SECRETARY: Calendar Number
16 433, by Senator Ranzenhofer, Senate Print 6695,
17 an act to amend the State Law.

18 SENATOR GIANARIS: Lay it aside.

19 ACTING PRESIDENT GRIFFO: The bill
20 is laid aside.

21 THE SECRETARY: Calendar Number
22 461, by Senator Marcellino, Senate Print 1507A,
23 an act to amend the Penal Law.

24 SENATOR GIANARIS: Lay it aside.

25 ACTING PRESIDENT GRIFFO: The bill

1 is laid aside.

2 THE SECRETARY: Calendar Number
3 465, by Senator Lanza, Senate Print 2475, an act
4 to amend the Penal Law.

5 SENATOR GIANARIS: Lay it aside.

6 ACTING PRESIDENT GRIFFO: The bill
7 is laid aside.

8 THE SECRETARY: Calendar Number
9 468, by Senator Seward, Senate Print 3547, an act
10 to amend the Penal Law.

11 SENATOR GIANARIS: Lay it aside.

12 ACTING PRESIDENT GRIFFO: The bill
13 is laid aside.

14 THE SECRETARY: Calendar Number
15 470, by Senator Griffio, Senate Print --

16 SENATOR LIBOUS: Oh, lay it aside.
17 (Laughter.)

18 ACTING PRESIDENT GRIFFO: Senator
19 Díaz, why do you rise?

20 SENATOR DIAZ: Lay aside.

21 ACTING PRESIDENT GRIFFO: Lay it
22 aside.

23 SENATOR LIBOUS: Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Libous, that completes the noncontroversial

1 reading of the calendar.

2 SENATOR LIBOUS: It appears,
3 Mr. President, that we have a controversial
4 calendar in front of us.

5 ACTING PRESIDENT GRIFFO: We do
6 indeed.

7 SENATOR LIBOUS: And what I would
8 like to do is, on this controversial calendar,
9 take up Calendar Number 278, please, at this
10 time.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will ring the bell.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 278, by Senator Avella, Senate Print 6599D, an
16 act to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 SENATOR GIANARIS: Explanation,
20 please.

21 ACTING PRESIDENT GRIFFO: An
22 explanation has been requested by Senator
23 Gianaris, Senator Avella.

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

1 The legislation that's before the
2 chamber this afternoon -- or this evening, at
3 this point -- would amend the Education Law to
4 require that the Sea of Japan also be referenced
5 as the East Sea in textbooks used in New York.

6 This legislation would ensure that
7 the children of New York not only receive quality
8 education, but also accurate education, by
9 facilitating and understanding that the body of
10 water that separates the Korean Peninsula and
11 Japan is also known as the East Sea.

12 The sea area between the Korean
13 Peninsula and Japan has been referred to as the
14 East Sea for well over 2,000 years. There are
15 dozens of worlds maps predating the 19th century
16 that refer to this body of water as the East Sea.
17 The name Sea of Japan, however, came into wider
18 use in the 20th century, especially during the
19 Japanese occupation of Korea.

20 The international standard supports
21 a concurrent use of "East Sea" and "Sea of Japan"
22 when referring to the body of water between Korea
23 and Japan. The International Hydrographic
24 Organization's Technical Resolution A.4.2.6,
25 which was adopted on March 13, 1974, provides

1 when countries sharing a given geographic feature
2 do not agree on a common name, the names used by
3 each of the countries should be used
4 concurrently.

5 This standard is confirmed by the
6 United Nations Resolution on Geographical Names
7 111/20, which further states that "accepting only
8 one or some of such names while excluding the
9 rest would be inconsistent in principle as well
10 as inexpedient in practice."

11 And I think, you know, we spend a
12 lot of time, my fellow colleagues, talking about
13 education. And I think it's very important that
14 the students throughout our educational system in
15 New York State learn what the real name is of
16 this body of water, and the bill would make dual
17 reference to "Sea of Japan" and "East Sea."

18 ACTING PRESIDENT GRIFFO: Senator
19 Stavisky.

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

22 First, let me welcome our friends
23 from I guess mostly Queens back to Albany for
24 this bill. And I congratulate you on your
25 lobbying effort to give recognition to the fact

1 that we can have dual recognition of two names
2 for the same location.

3 I consider that to be important
4 because, as you know, I'm a former high school
5 social studies teacher, and accuracy is extremely
6 important, particularly when we teach young
7 people geographic terms.

8 There is a precedent for this. We
9 have often naming of streets or bridges with two
10 names -- not that people call it the Ed Koch
11 Bridge, necessarily, but we recognize that it's
12 the Queensboro Bridge or the 59th Street Bridge.
13 So there is the precedent for conaming.

14 And secondly, this gives recognition
15 to the fact that there was a period in Korean
16 history, from the beginning of the 20th century
17 till the end of the Second World War where --

18 ACTING PRESIDENT GRIFFO: Senator
19 Stavisky, are you just speaking on the bill,
20 then?

21 SENATOR STAVISKY: Yes, on the
22 bill, I'm sorry. On the bill.

23 -- that there is a recognition that
24 this was a difficult period in the time of the
25 occupation of the Republic of South Korea.

1 And again, I thank you for your
2 efforts and urge my colleagues to support this
3 bill.

4 Thank you.

5 ACTING PRESIDENT GRIFFO: Senator
6 Rivera.

7 SENATOR RIVERA: Thank you so much,
8 Mr. President. On the bill.

9 ACTING PRESIDENT GRIFFO: Senator
10 Rivera on the bill.

11 SENATOR RIVERA: I also welcome our
12 friends from Queens. I am from the Bronx, I do
13 not have many folks that are Korean that live up
14 there, but I certainly welcome you to the floor
15 of the Senate.

16 And I wanted to take a moment to
17 thank Senator Stavisky, since it was, I remember,
18 just a few years ago when I came into the
19 Senate -- she recognizes that she has a very
20 diverse district in Queens, and so she's taken to
21 teaching me a little bit about it. And certainly
22 as it relates to this issue, she was the first
23 one that educated me.

24 If I remember correctly, there was
25 actually a bill that she had introduced before

1 that was cosponsored by Assemblymember Kim in the
2 Assembly. I was looking forward to being
3 supportive of that piece of legislation. It's
4 unfortunate that's not the one that we are
5 considering, as it does not have a same-as
6 sponsor in the Assembly, which is quite
7 unfortunate.

8 Because I do think that, just as my
9 colleagues have stated, it is important for the
10 sake of accuracy to make sure that we name things
11 what they are. And as the historical realities
12 have been explained to us, it is certainly
13 important that we recognize that in our efforts
14 to learn more about other parts of the world, as
15 we learn more about the communities that make up
16 our diverse state, that we take care to consider
17 the historical realities of those communities and
18 what has impacted those communities throughout
19 their history -- what has led them to the U.S.,
20 what has led them to the City of New York, what
21 has led them to Queens and how they have thrived
22 there.

23 So certainly on this particular
24 issue I will be voting in the affirmative, again,
25 pointing out that it is a sad, unfortunate

1 reality that we do not have a same-as Assembly
2 sponsor. Which means that this bill is unlikely
3 to become law this year. Which is, again,
4 unfortunate.

5 But certainly I thank Senator
6 Stavisky for educating me on this issue before,
7 and as well as for her introduction of this
8 bill -- I'm sorry, introduction of a bill that
9 did this prior. We're not looking at that bill,
10 we're looking at this one, so I will be
11 supportive of this bill.

12 Thank you so much, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Serrano.

15 SENATOR SERRANO: Thank you,
16 Mr. President.

17 I rise today to speak on this bill
18 and to thank all of the guests who are here today
19 for being here and for supporting the work that
20 we do here in the State Legislature.

21 As many of you know, my interest,
22 very deep interest is in the arts and culture.
23 We live in a multicultural society, a
24 multicultural city and state which I represent.

25 So that's why a bill of this nature

1 is of great interest to me, and I'm very happy to
2 see that we as a body are taking an interest in
3 issues that are outside of our realm, to the
4 extent that we understand that we live in a
5 global society and that the education that we
6 have here in New York is about the world around
7 us.

8 And we need to better understand and
9 have a better appreciation for the historical
10 context of regions outside of our own. And I
11 think that that's important for the youngsters in
12 our community to have a well-rounded, a more
13 global perspective of the world. I believe that
14 the arts and culture and cultural education of
15 this nature breaks down barriers, breaks down
16 prejudice, and it fosters the kind of
17 relationships that we feel are extremely
18 important.

19 So I want to thank Senator Stavisky,
20 Senator Avella, and anyone else who supports this
21 notion, because I believe that it is critically
22 important.

23 Thank you. I will be voting yes.

24 ACTING PRESIDENT GRIFFO: Senator
25 Krueger.

1 SENATOR KRUEGER: Thank you.

2 I also rise to welcome our guests
3 here from various boroughs. I represent a part
4 of Manhattan that until recently included
5 Koreatown. And I too come from a city that is
6 the United Nations of the world. I actually have
7 the U.N. in my district. But we all know when
8 we're from New York City that it's the United
9 Nations.

10 And it's important not only to be
11 respectful of all of the world, but to ensure
12 that our history books are dynamic and kept
13 up-to-date.

14 So Senator Stavisky also first
15 educated me to this issue and the importance of
16 New York State to get it right by making sure
17 that the textbooks that we use are accurate and
18 reflect current understanding of the world. And
19 so I want to thank her.

20 And I am very pleased that this
21 Senate is passing this bill today, and hopefully
22 soon we will see this become the law of New York
23 State.

24 Thank you.

25 ACTING PRESIDENT GRIFFO: Senator

1 Díaz.

2 SENATOR DIAZ: Thank you,
3 Mr. President.

4 Ladies and gentlemen,
5 Korean-Americans, welcome to our chamber. Glad
6 to see you here and those over there.

7 As a Puerto Rican, as a black Puerto
8 Rican that grew up in Puerto Rico, when I became
9 Senator, I made my business to be sure that I
10 recognize every single group. And you, ladies
11 and gentlemen, are witness that in this chamber I
12 have brought to this chamber the Bangladesh
13 community, the Garifunas, the Dominicans. I
14 honor the Puerto Ricans, the Afro-Americans. I
15 do my Abrazos and the Taiwanese, people from
16 Taiwan. So I've tried to honor all those
17 communities.

18 Today, Senator Avella, this bill
19 that you have introduced made me happy. It made
20 me happy because this bill recognize the effort
21 and honoring the Korean-American people,
22 community. I join you, Senator Avella,
23 supporting this bill. And I thank you for this
24 bill.

25 And I also honor the Korean-American

1 community here today. I love, I love when I see
2 different communities come to the chamber. I
3 love that. And I am glad to see you over here
4 today. And again, I'm proud that Senator Avella
5 has submitted this bill and that you are here
6 today, and I'm honored to support this bill.

7 Thank you, Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator
9 Hoylman.

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

12 I rise to -- I want to thank Senator
13 Stavisky for raising this issue in our conference
14 and leading this effort.

15 I note that this bill does reflect
16 reality. If you Google on Google Earth "Sea of
17 Japan," you will see it referred to both as "Sea
18 of Japan" and the "East Sea."

19 So I commend the sponsor and Senator
20 Stavisky for making certain that our laws and our
21 textbooks in New York reflect common parlance and
22 that all nations and our heritage across the
23 world is being honored.

24 So thank you to our visitors for
25 being here today.

1 ACTING PRESIDENT GRIFFO: Senator
2 Gianaris.

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

5 I was listening carefully to what
6 Senator Díaz said. He left out one group among
7 the many that have issues here, and that's the
8 Greeks. And my parents are immigrants from
9 Greece, and we certainly are aware of many
10 territorial issues that may seem like they're
11 international in nature but affect communities
12 here in New York a great deal. And when it comes
13 to issues like that, in the case of Greece it's
14 disputes over the Island of Cyprus or of Northern
15 Epirus and other territories.

16 I'm proud to say that Senator
17 Skelos, who's also of Greek heritage, and I work
18 together very well on issues like that, and we've
19 had great success in the Senate working in a
20 bipartisan fashion. And it may shock some to
21 realize that politics affects what we do here,
22 but on some issues it shouldn't. And issues that
23 matter to communities like this one are one of
24 them. Or is one of them.

25 And that's why I too want to stand

1 up and make the point very clear that we would
2 not be here passing this bill today if it were
3 not for Senator Toby Stavisky and the great
4 efforts she's put in on this issue.

5 Despite what others may want to
6 claim, the fact is the issue was first raised and
7 the case was made aggressively by Senator Toby
8 Stavisky, and I didn't want this moment to pass
9 without recognizing her efforts and making sure
10 that the Korean communities in my own home county
11 of Queens and elsewhere know where the thanks
12 should go -- in addition to others. Everyone who
13 votes for this bill should be thanked, of course.
14 But we shouldn't let politics affect a
15 recognition of someone who's worked very hard on
16 an issue like this.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Is there
19 any other Senator to be heard?

20 Senator Montgomery.

21 SENATOR MONTGOMERY: Thank you,
22 Mr. President.

23 I too rise to compliment Senator
24 Stavisky for her many years of talking to me and
25 to our conference members about the issues,

1 certainly unique -- not necessarily totally
2 unique, but specific to your district as it
3 relates to people from the Asian communities.

4 And I happen to have on my staff, my
5 chief of staff in my district office is a young
6 person who is Chinese. And so having her with me
7 every day has been so important for the last few
8 years in terms of my education, my understanding
9 and learning about Asian culture. And I know how
10 sensitive it is, because I also have a young
11 person who is a Puerto Rican person. And when
12 you say something that is not correct for her,
13 she corrects you right away. And so, you know,
14 that's how you learn.

15 And so I appreciate the
16 conversations that we've had, and it makes me
17 really proud to be able to say welcome to our
18 constituents from Korea, and welcome to our
19 State Senate. And this is your house, we honor
20 you. And you honor us by your presence.

21 And we are learning about your
22 culture. And so it's very helpful and important,
23 and I'm pleased that you are giving us an
24 opportunity to talk about something that is
25 important to you and your culture and the part of

1 the world that you represent. And that's how we
2 all learn about each other, and certainly this is
3 a teaching moment for us.

4 So thank you, welcome to you, and
5 thank you, Senator Stavisky.

6 ACTING PRESIDENT GRIFFO: Is there
7 any other Senators wishing to be heard?

8 Senator Hassell-Thompson.

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

11 I rise to add my voice to those of
12 my colleagues and to congratulate both
13 Senator Avella and Senator Stavisky.

14 I stand here and talk about the
15 large, very diverse populations that I represent.
16 I don't have a large Korean population in my
17 community. But I was supposed to have been in
18 Korea last week because you have a sister city
19 agreement with the City of Mount Vernon and with
20 one of our business community who has developed a
21 vocational program. And we will be doing
22 business with you, with your LCD lights, and we
23 are very excited about that opportunity. My
24 mayor and several others traveled to Korea, but
25 because of my duties here in the Senate I was not

1 able to go.

2 But I feel very happy today to be
3 here with my colleagues as we help you to change
4 the history and as we read history, so that your
5 children and our children will get it right. And
6 so I commend you for your work on this, and to my
7 colleagues who have done the job that they need
8 to do to ensure that our textbooks reflect
9 inclusiveness, not exclusiveness.

10 And thank you. Thank you for being
11 here.

12 ACTING PRESIDENT GRIFFO: Is there
13 any other Senator who wishes to speak?

14 Senator Avella to close debate.

15 SENATOR AVELLA: Thank you,
16 Mr. President.

17 And I'll be quick. I know our
18 guests have been here for a long, long time.

19 First of all, I do want to thank the
20 Majority Coleaders, Senator Skelos and Senator
21 Klein, for bringing my bill to the floor.

22 But I do want to recognize the
23 members of the Korean-American community that are
24 here from Queens and have been here for a long
25 time up in the gallery, and the special leaders

1 of the Korean-American community that are here.

2 And I'll ask them to rise as I introduce them.

3 And the first person I'd like to
4 recognize is the person who brought this issue to
5 my attention over two years ago, and we've been
6 working on it ever since, Christine Colligan, the
7 president of the Korean American Parents
8 Association of Greater New York.

9 The next person I'd like to
10 recognize is somebody who' also has been working
11 on this for years and represents the largest
12 umbrella group of Korean organizations in
13 New York, and that's Mr. Sung Min, president of
14 the Korean American Association of Greater
15 New York.

16 Next I'd like to recognize Mr. Hyung
17 Bin Im, president of the Senior Citizen Voters'
18 Federation of New York.

19 Paul Song, president of the Korean
20 American Junior Chamber.

21 Paul Yoo, president of the Korean
22 American Association of Queens.

23 Mr. Won Choi, president of the
24 Korean American Seafood Association of New York.

25 Mr. Thomas Rho, president of the

1 Korean Veterans Association, Northeast Region.

2 Reverend Kyung Hwang, of The Council
3 of Korean Churches of Greater New York.

4 Mr. Myung Jae Lee, president of the
5 Seoul Gyung-Gi United Association of New York.

6 Mr. Young Bae Choi, president,
7 R.O.K. Marine Corps Veterans Association of
8 Eastern USA.

9 And Reverend Man Ho Lee, executive
10 director of the Elim Senior Center.

11 And on behalf of all of us here who
12 are voting for this bill today, you know, we
13 appreciate your coming. We appreciate your
14 waiting so long for this bill to pass. And this
15 is an historic bill, and I know that the Assembly
16 will pick this up and pass it and then we will
17 move on to having the Governor sign it.

18 ACTING PRESIDENT GRIFFO: The
19 debate is closed.

20 The Secretary will ring the bell.

21 SENATOR LIBOUS: Mr. President, if
22 you can instruct members to sit in their seats so
23 we can take the roll call.

24 ACTING PRESIDENT GRIFFO: Will all
25 members please take their seats, their assigned

1 seats.

2 I ask all members to please return
3 to their seats.

4 Read the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect July 1, 2016.

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco to explain his vote.

12 SENATOR DeFRANCISCO: Yes, I came
13 here today fully prepared to vote no. And not
14 because of the issue, but because of the
15 procedure. I believe, and I think I voted
16 consistently, that the Legislature should not be
17 writing textbooks for the Education Department
18 and that the Education Department should be
19 passing on these things. And if it's so well
20 received, they should, in their capacity, change
21 the textbooks.

22 But I guess in this situation, when
23 a substantial segment of our community wants to
24 get this done and it hasn't been done yet, then I
25 guess I'll make an exception this time.

1 But I'm requesting to the Education
2 Department, whoever may be listening, if they
3 haven't gone home yet, why don't you do this
4 before the Governor has to address the bill and
5 show that you've been listening to the people of
6 the State of New York and you'll do it
7 administratively?

8 So I vote aye.

9 ACTING PRESIDENT GRIFFO: Senator
10 DeFrancisco to be recorded in the affirmative.

11 Senator Rivera to explain his vote.

12 SENATOR RIVERA: Thank you,
13 Mr. President, to explain my vote.

14 First of all, I thank Senator
15 DeFrancisco for voting aye on this bill. And I
16 will be voting in the affirmative as well.

17 And I just want to reiterate,
18 particularly considering that we have so many
19 wonderful guests here, and considering what this
20 means to our ability to be able to teach our
21 young people about the historical realities of
22 the particular Korean community here in the State
23 of New York, I want to thank again Senator
24 Stavisky. Because I believe that without Senator
25 Stavisky's advocacy on this, without having her

1 have it brought to us as well as she did, I don't
2 think any of us would be educated on it and I
3 certainly don't think we would be voting on this
4 bill today.

5 I will reiterate, however,
6 Mr. President -- I know, two minutes, I know.
7 I've still got about one. I will also reiterate
8 not only again my great admiration for Senator
9 Stavisky, but also to say that it is unfortunate
10 that we do not have an Assembly cosponsor so far.

11 So I am hoping that we get the
12 opportunity to do that, to have an Assembly
13 cosponsor, and that we're able to make this into
14 law in the State of New York before this year is
15 through.

16 With that, Mr. President, I will be
17 voting from the affirmative. Thank you.

18 ACTING PRESIDENT GRIFFO: Senator
19 Rivera to be recorded in the affirmative.

20 Senator Farley to explain his vote.

21 SENATOR FARLEY: Mr. President, I
22 rise to pay tribute to this Korean community for
23 having patience as we go through this legislative
24 process today. You're to be applauded for your
25 patience with us and what is going on here.

1 Congratulations.

2 ACTING PRESIDENT GRIFFO: Senator
3 Farley, how do you vote?

4 SENATOR FARLEY: I vote aye.

5 ACTING PRESIDENT GRIFFO: Senator
6 Farley to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 278, those recorded in the
10 negative: Senator Zeldin.

11 Absent from voting: Senator Ball.

12 Ayes, 59. Nays, 1.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 (Standing ovation.)

16 ACTING PRESIDENT GRIFFO: Senator
17 Libous.

18 SENATOR LIBOUS: Mr. President, can
19 we please take up Calendar 433.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 433, by Senator Ranzenhofer, Senate Print 6695,
24 an act to amend the State Law.

25 SENATOR KRUEGER: Explanation.

1 ACTING PRESIDENT GRIFFO: Senator
2 Krueger has requested an explanation, Senator
3 Ranzenhofer.

4 Can I have some order in the
5 chamber, please.

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

8 This bill would designate yogurt as
9 the official state snack of the State of
10 New York.

11 SENATOR KRUEGER: Through you,
12 Mr. President, if the sponsor --

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger.

15 SENATOR KRUEGER: Thank you. If,
16 through you, the sponsor would please yield.

17 ACTING PRESIDENT GRIFFO: Will the
18 sponsor yield for a question from Senator
19 Krueger?

20 SENATOR RANZENHOFER: I'd be happy
21 to yield.

22 SENATOR KRUEGER: Thank you.

23 How did the sponsor arrive at yogurt
24 as the official state snack among all foods here
25 in New York?

1 ACTING PRESIDENT GRIFFO: Again,
2 I'm going to ask for some order in the chamber.
3 I know we have some distinguished guests, but I
4 would ask that we move the conversations outside
5 the chamber, please.

6 Senator Krueger, pose your question,
7 please.

8 SENATOR KRUEGER: Certainly. How
9 did the sponsor arrive at the yogurt as the
10 official state snack out of all the foods we eat
11 here in New York State?

12 SENATOR RANZENHOFER: Through you,
13 Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Ranzenhofer.

16 SENATOR RANZENHOFER: Yes. First
17 of all, Senator Krueger, I want to thank you for
18 that excellent question, because there really is
19 a history with respect to designating yogurt as
20 the state snack.

21 And this is really an example of
22 democracy in action. All of us at some point in
23 our careers have gone into schools and talked to
24 classes about how a bill becomes a law. And this
25 particular situation --

1 ACTING PRESIDENT GRIFFO: I'd ask
2 the Sergeant to remove those who are making noise
3 in the chamber right now. I want the members to
4 be able to engage in this conversation. All
5 conversations to be taken outside the chamber,
6 please.

7 Senator Ranzenhofer, you may
8 continue.

9 SENATOR RANZENHOFER: Thank you,
10 Mr. President.

11 There is a fourth-grade class in the
12 Byron-Bergen Elementary School, and their teacher
13 is Craig Schroth. He is a fourth-grade teacher
14 in that school. And earlier this year they were
15 studying government. And one of the things that
16 they were studying in their government class is
17 reviewing different state symbols.

18 At the same time, you may remember,
19 at the time just before the Olympics started,
20 that Russia was not allowing the United States to
21 bring yogurt into the country during the
22 Olympics.

23 So through the course of their
24 studies and what was happening in current events,
25 they decided that this would be a great example

1 of a state snack. It makes sense from a health
2 standpoint, in that yogurt contains many vital
3 ingredients that are healthy. Specifically,
4 yogurt tastes great, it's a good source of
5 protein, calcium, vitamin B, potassium and
6 magnesium, all nutrients that are an important of
7 a good and healthy diet.

8 It makes sense from an economic
9 standpoint. Because if you were here during the
10 debate earlier when we confirmed a new
11 agricultural commissioner, and earlier during the
12 Finance Committee, the commissioner talked about
13 how this made sense, that New York has now become
14 the number-one producer of yogurt. It used to be
15 California; now it is New York State. New York
16 produces more yogurt than any other state in the
17 nation. In the last ten or so years, we've
18 tripled the number of yogurt producers in the
19 State of New York.

20 It's also done a tremendous service
21 to our dairy producers, in the amount and the
22 volume of milk that has been produced in the
23 State of New York.

24 All of you should have received
25 letters, they went on to a letter-writing

1 campaign. And some of the letters that were
2 forwarded to me, I heard from Paul Harmer, who is
3 a sixth-grade student there, Madison Farnsworth,
4 Coltin Henry, Sara Fraser. Also members of the
5 fourth-grade class -- Madelynn Pimm, Alayna
6 Streeter, and Meghan Kendall -- have done a very,
7 very good job of advocating for a state snack
8 that both has very positive ingredients from an
9 economic standpoint. And from a health
10 standpoint, they could not have chosen a
11 healthier snack than yogurt.

12 So I think for both of those
13 reasons, I think that gives the body and you,
14 Senator Krueger, a little bit about the history
15 of how this bill has worked its way in really our
16 democracy when you have a bunch of fourth-grade
17 students studying in class, came up with a
18 project, and here we are on the floor of the
19 State Senate, this bill having moved through
20 committee, now discussing how a bill becomes a
21 law in really the framework of a democracy from a
22 bunch of 9th and 10th graders who introduced this
23 concept statewide.

24 SENATOR KRUEGER: Through you,
25 Mr. President, if the sponsor would continue to

1 yield.

2 SENATOR RANZENHOFER: Fourth.

3 Fourth-graders, I stand corrected.

4 SENATOR KRUEGER: Well, that was an
5 interesting soliloquy. Did we ask the
6 fourth-graders if they would consider other foods
7 to be the state snack, or did we just give them
8 the yogurt option?

9 SENATOR RANZENHOFER: Well, it
10 wasn't an option that was given to them. This is
11 something that they came up with on their own.

12 As I said, they were studying state
13 symbols throughout New York State and other
14 states. And this was not something that their
15 teacher gave to them or their Senator or their
16 elected representative gave to them. This is
17 based on the fact that they live in an
18 agricultural community, that they realize that
19 yogurt is a very healthy snack.

20 There are 22 Senators that have
21 yogurt-producing manufacturers within their
22 district. We have yogurt manufacturers actually
23 in every single region of the state. We have
24 them in Long Island, we have them in New York
25 City, we have them in the Mid-Hudson, the Capital

1 Region, the Mohawk Region, the Central Region,
2 the North Country, Southern Tier, Finger Lakes,
3 and Western New York.

4 And it's through their research and
5 their hard work that in their judgment, okay, in
6 this school's judgment, in this class judgment,
7 that they felt that this would be the healthiest
8 state snack, they felt this state snack really
9 would send an economic message. Because in their
10 community just in the last couple of years, there
11 have been 500 jobs that have been created by the
12 opening of two new yogurt-producing
13 manufacturers, Alpina and Muller.

14 So this is not something that was
15 handed down to them, this is a product which they
16 thought would be a very good state snack and a
17 good representative, and to really tell the rest
18 of America that this is a good state snack, it's
19 a healthy state snack, it's a state snack that
20 this body should adopt.

21 SENATOR KRUEGER: Through you,
22 Mr. President, if the sponsor would continue to
23 yield.

24 SENATOR RANZENHOFER: I'd be happy
25 to yield to Senator Krueger.

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

3 SENATOR KRUEGER: I do love the
4 story of the fourth-graders enjoying yogurt. The
5 sponsor referenced it's a healthy food.
6 Sometimes. Is there any clarification in his
7 proposal that this yogurt would need to be a
8 low-sugar, low-fat yogurt? Or could it be it be
9 any kind of yogurt? Because some of them on the
10 market actually have so much sugar our children
11 shouldn't be eating it even if they like it.

12 So is there a definition of the kind
13 of yogurt that would be our healthy state snack?

14 SENATOR RANZENHOFER: I don't
15 believe that the fourth-graders wanted to
16 discriminate between different types of yogurts.
17 We have low-fat yogurt and regular yogurt, we
18 have Greek yogurt, we have soy yogurt. There are
19 many yogurts that are manufactured in the State
20 of New York and across the country.

21 The general concept of yogurt as
22 being a healthy snack was the overriding factor
23 in these fourth-graders deciding that this should
24 be the state snack of the State of New York and
25 asking for this body's consent and approval to go

1 ahead and have yogurt generically, without
2 defining it -- whether it's Greek yogurt or not
3 Greek yogurt or low-fat yogurt or not low-fat
4 yogurt, they thought that the concept of yogurt
5 was so important that it just sends a very good
6 message, and that yogurt should be the state
7 snack for this state.

8 SENATOR KRUEGER: Through you,
9 Mr. President, if the sponsor would continue to
10 yield.

11 SENATOR RANZENHOFER: I'd happy to
12 continue to yield to Senator Krueger.

13 SENATOR KRUEGER: Thank you.

14 So we've spent a lot of time on this
15 floor talking about the diversity of the State of
16 New York and how people come here from all over
17 the world to be New Yorkers and how proud we are
18 of that.

19 So one of my possible concerns with
20 supporting yogurt as the New York State official
21 snack is the issue of lactose intolerance. And
22 in fact, research shows that 80 to 90 percent --

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger, are you on the bill now or are you
25 asking a question?

1 SENATOR KRUEGER: No, it's a long
2 question, Mr. President.

3 ACTING PRESIDENT GRIFFO: Okay.

4 SENATOR KRUEGER: So research shows
5 that 80 to 90 percent of people from the
6 continent of Africa and people from the continent
7 of Asia are actually lactose intolerant, where in
8 fact dairy snacks aren't really that good a
9 health idea for them.

10 Does the sponsor have any suggestion
11 about possibly having multiple state snacks,
12 those that one group of people might enjoy eating
13 and another snack that other people may have more
14 physical ability to participate in, so that we
15 have a lactose and a non-lactose state snack?

16 SENATOR RANZENHOFER: That's an
17 excellent question, and one that I can actually
18 speak to from personal experience.

19 One of the alternatives to yogurt or
20 one of the kinds of yogurts that someone can
21 eat -- and I know this because my wife eats this
22 type of yogurt -- is soy yogurt. So yogurt is a
23 yogurt which is not made from dairy, although
24 most yogurt is. But for those that cannot eat
25 dairy products and that cannot consume milk,

1 there is soy yogurt, which does not have the very
2 products which you are concerned about.

3 And that's why, back to your earlier
4 question in terms of designating a specific type
5 of yogurt, yogurt is a very generic and
6 all-inclusive type of product. So it does
7 include soy yogurt. Although a lot of the
8 discussion that I've engaged in with you during
9 this evening has been about, you know, the dairy
10 industry, but it is broad enough to include soy
11 yogurt, which would address the very concern that
12 you've just raised.

13 SENATOR KRUEGER: Through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 SENATOR RANZENHOFER: I'd be happy
17 to continue to yield to Senator Krueger.

18 SENATOR KRUEGER: Because we're so
19 proud of our agricultural sector here in New York
20 and we spent much of the day talking about the Ag
21 & Markets commissioner and the important issues
22 of agriculture, would we need to require that the
23 state snack of New York be yogurt that is
24 produced in the State of New York, or would
25 yogurt from anywhere in the country be acceptable

1 as the New York State snack?

2 SENATOR RANZENHOFER: My
3 understanding of the law that we have that we are
4 discussing and hopefully will shortly enact is
5 that simply "yogurt" would be designated as the
6 state snack.

7 There are, you know, just for
8 instance -- let me just give you an example. You
9 know, for instance, we have the state flower,
10 which is the rose, which was designated in 1955.
11 Roses are the state flower. It's not roses that
12 are grown in the State of New York, but it's the
13 state flower regardless of where it's grown.

14 We have the state tree, which is the
15 sugar maple, which was designated in 1956. And
16 again, it's simply the designation of that tree,
17 not where the tree originates from or, you know,
18 where it's planted or where it's harvested.

19 We have, just for example, the state
20 beverage, milk, which has been in existence since
21 1981, which would be over 30 years. And again,
22 you know, we don't designate whether it's skim
23 milk or not skim milk. You know, we don't deal
24 with the issue of people being lactose
25 intolerant, because you can still get soy milk.

1 Although I'm not sure if back in 1981 soy milk
2 was that prevalent. But it is the product that
3 is designated, and not the source of the product.

4 And lastly, let me talk about the
5 state muffin. The state muffin is the apple
6 muffin, which was named in 1987. And again, you
7 know, when you're talking about the apple muffin,
8 it's not the fact that the apple muffin is baked
9 in Syracuse or the apple muffin is baked in
10 New York City, it's the fact that (laughing) --
11 it's the fact that we have the apple muffin.

12 So I hope that answers your
13 question.

14 (Laughter.)

15 SENATOR KRUEGER: Through you,
16 Mr. President, if the sponsor would continue to
17 yield.

18 SENATOR RANZENHOFER: (Laughing.)
19 I'd be happy to.

20 (Laughter.)

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR KRUEGER: Let's stick with
24 the yogurt for a minute, not the apple muffin.

25 So the sponsor has said soy yogurt

1 would count also as a snack. Just for the
2 record, I have recently tried soy yogurt. There
3 are no fourth-graders in the State of New York
4 who will want to have soy yogurt as their snack.
5 That is just not a food combo that has been
6 perfected yet.

7 But because fourth-graders are going
8 to decide the state snack of New York, at least
9 as proposed in this bill, are we concerned that
10 we are offending other foods that are produced
11 and popular here in the State of New York?
12 Perhaps we should have done some kind of survey
13 asking people do they want yogurt as their state
14 snack as opposed to other popular foods that get
15 eaten here and sold here and manufactured here.

16 I know the people of Buffalo think
17 that Buffalo wings --

18 ACTING PRESIDENT GRIFFO: Senator
19 DeFrancisco, why do you rise?

20 SENATOR DeFRANCISCO: Would Senator
21 Krueger yield?

22 ACTING PRESIDENT GRIFFO: Senator
23 Krueger, do you yield?

24 SENATOR KRUEGER: I'd be happy to
25 yield. Yes, certainly.

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco.

3 SENATOR DeFRANCISCO: I'd just like
4 to know how you offend foods.

5 (Laughter.)

6 SENATOR KRUEGER: You know what, I
7 stand corrected. The food is not offended, the
8 taste bud buds of fourth-graders probably would
9 be offended if they were to try soy yogurt
10 believing that that was the snack they were in
11 search of.

12 Do you have other questions,
13 Senator?

14 SENATOR DeFRANCISCO: No, that
15 was --

16 ACTING PRESIDENT GRIFFO: Senator
17 Krueger, you may continue.

18 SENATOR KRUEGER: Thank you.

19 ACTING PRESIDENT GRIFFO: Are you
20 now on the bill or asking further questions?

21 SENATOR DeFRANCISCO: Wait, I have
22 one other question.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco.

25 SENATOR DeFRANCISCO: The question

1 is, are you kidding me? That's my question.

2 (Laughter.)

3 SENATOR KRUEGER: Through you,
4 Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Krueger.

7 SENATOR KRUEGER: I actually would
8 ask the same question about our having this bill
9 here on the floor. Who's kidding whom?

10 There are state products. There's a
11 process we go through. It's not the most
12 important thing we do here on the floor of the
13 Senate, I would argue, for any of these products,
14 whether it's the apple muffin or I distinctly
15 remember we once -- we once passed a New York
16 State beetle, I believe it was, or bug. And we
17 made it a ladybug. And then a year later we
18 learned that that particular genus species of
19 ladybug was extinct and hadn't been seen in
20 New York for something like 60 or 70 years, so we
21 had to pass a new bill clarifying it was a
22 different genus species of ladybug. I'm not sure
23 how important that one was either.

24 I distinctly remember an extended
25 fight in the Rules Committee between two Senators

1 over which should be the saltwater fish of
2 New York State, because there was very passionate
3 opinions pro and con, particularly, saltwater
4 fish at least one year in the Rules Committee.
5 And I'm not even sure we ever decided that here
6 on the floor of the Senate.

7 But again, if you're going to pick a
8 state snack, I think you should actually go
9 through some process of asking the people of
10 New York to weigh in on it. You notice the pun,
11 weigh? Yogurt?

12 ACTING PRESIDENT GRIFFO: Okay,
13 members, I'm going to ask for some order in the
14 chamber.

15 Senator Krueger, are you now on the
16 bill or are you still responding to -- is that a
17 long answer to Senator DeFrancisco's question?

18 SENATOR KRUEGER: I think that was
19 a long answer to Senator DeFrancisco's question,
20 but I would be happy to move on.

21 ACTING PRESIDENT GRIFFO: Are you
22 now posing a question or on the bill? Just for
23 clarification.

24 SENATOR KRUEGER: I am posing a
25 question, thank you, to the sponsor.

1 ACTING PRESIDENT GRIFFO: Senator
2 Krueger would like the Senator to yield.
3 Sponsor, do you continue to yield?

4 SENATOR RANZENHOFER: Yes,
5 Mr. President.

6 ACTING PRESIDENT GRIFFO: And I'm
7 going to ask for order in the chamber.

8 Senator Krueger, you may continue.

9 SENATOR KRUEGER: Thank you.

10 I was wondering whether the sponsor
11 would consider amending his bill to allow us to
12 have a poll or some other scientific method to
13 determine whether New Yorkers want one specific
14 snack or multiple snacks. And if they did, what
15 their preference for the New York State snack
16 would be.

17 Because if New York State is going
18 to have an official state snack, as much as I
19 might find a specific classroom of fourth-graders
20 adorable and brilliant, I just think the process
21 should be broadened a bit. Would the sponsor
22 consider expanding the research about what the
23 New York State snack ought to be before we
24 propose one official food?

25 SENATOR RANZENHOFER: My answer to

1 Senator Krueger is I think at some point, you
2 know, we need to show leadership. In this
3 particular example, you know, this has come from
4 a fourth-grade class. They've proposed it.
5 Every piece of legislation that we pass or
6 consider, you know, we don't always take a poll
7 to see which way the wind is blowing.

8 I know in the rich history of
9 New York in which we've named other state
10 symbols, you know, we've done it in a similar
11 way. I know that other states such as
12 Massachusetts and other states across the country
13 have done the same way.

14 So my feeling is that I think this
15 is the appropriate state snack. That's why this
16 bill has been in front of this body for
17 approximately several weeks, several months. And
18 I'm prepared to move it forward. I think it's
19 the right choice for the State of New York.

20 SENATOR KRUEGER: On the bill,
21 Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Krueger on the bill.

24 SENATOR KRUEGER: I appreciate the
25 sponsor's answers. I appreciate the humor we are

1 all taking from this, and that's appropriate.

2 To be honest, I don't think I can
3 vote to make yogurt the official state snack
4 right here right now in this chamber. There's
5 probably a lot of different good reasons to
6 consider many different foods, and I don't think
7 we should rush to judgment on yogurt tonight.

8 I will be voting no. Thank you,
9 Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 Rivera.

12 SENATOR RIVERA: Thank you,
13 Mr. President. If the sponsor would yield for a
14 few questions.

15 SENATOR RANZENHOFER: I'd be happy
16 to.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR RIVERA: Thank you,
20 Mr. President.

21 I have some of the same concerns
22 that Senator Krueger had, through you,
23 Mr. President. But I'll start on another line of
24 questioning, if you will.

25 First of all, it's very interesting,

1 you know, that each state has their own different
2 things -- state flower, state animal, state rock,
3 et cetera. As far as a state snack, what exactly
4 are we defining as a snack here? Through you,
5 Mr. President.

6 SENATOR RANZENHOFER: I think it's
7 self-explanatory. I mean, you have breakfast,
8 lunch, and dinner. And then you have snacks.

9 (Laughter.)

10 SENATOR RANZENHOFER: That's the
11 way I would define it, as a snack.

12 (Laughter.)

13 SENATOR RANZENHOFER: Senator
14 Rivera, knowing how much time that you and I have
15 spent in the lunchroom, I think that we both know
16 what a snack is.

17 (Laughter.)

18 SENATOR RIVERA: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 SENATOR RANZENHOFER: I'd be happy
22 to yield to Senator Rivera.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR RIVERA: Thank you,

1 Mr. President.

2 Well, first of all, I'd correct
3 Senator Libous, who is shaking a -- that's candy.
4 Candy can be considered -- I guess that could be
5 considered a snack as well.

6 So, Mr. President, through you, so a
7 snack could be anything that is -- to understand
8 the definition, a snack is anything that is eaten
9 in between the main meals of the day, a breakfast
10 or lunch or dinner. Through you, Mr. President,
11 is that correct?

12 SENATOR RANZENHOFER: When you were
13 giving your example, I mean, a snack is something
14 that you eat at other meals, but the snack is the
15 actual product. So you can have a snack, which
16 in this case would be yogurt, as a snack in
17 between meals. You can have yogurt, even though
18 that it would be the state snack, you can have
19 that at breakfast, as I do.

20 What we're doing here is we're
21 designating a product to be the snack.

22 SENATOR RIVERA: Through you,
23 Mr. President, if the sponsor would continue to
24 yield.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR RANZENHOFER: I'd be happy
3 to.

4 SENATOR RIVERA: Thank you,
5 Mr. President. You didn't say the sponsor
6 yields, so I was --

7 ACTING PRESIDENT GRIFFO: I did say
8 the sponsor yields, Senator Rivera. You may
9 continue with your question.

10 SENATOR RIVERA: Oh, sorry. Thank
11 you, Mr. President.

12 It's interesting that we're making
13 that distinction, because what if I wake up in
14 the morning and I have a vat of -- not a vat, but
15 a cup, if you will, of yogurt. Yeah, vat. I
16 mean look at the size of me. Obviously, it would
17 be something like a vat. But just a cup of
18 yogurt for breakfast, I guess that would not be
19 considered a snack. Is that correct,
20 Mr. President? Through you.

21 SENATOR RANZENHOFER: No, that
22 would be incorrect. Because the product is the
23 snack. It's not the time that you eat it.

24 So if you have yogurt at breakfast
25 and yogurt is the state snack, you're eating the

1 state snack of yogurt at breakfast.

2 So we're talking about the product.

3 SENATOR RIVERA: Through you,
4 Mr. President, if the sponsor would continue to
5 yield.

6 SENATOR RANZENHOFER: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR RIVERA: So to clarify that
10 response, you're saying we'd be eating it -- I'm
11 not saying I'm eating it at breakfast. If I say
12 I'm eating it for breakfast, would that not make
13 it a breakfast food as opposed to a snack?

14 SENATOR RANZENHOFER: The product
15 is yogurt. And again, that would be the state
16 snack. So no matter when you ate it, it would be
17 still be the state snack.

18 We're talking about the product, not
19 the time that you eat it.

20 SENATOR RIVERA: Through you,
21 Mr. President, if the sponsor would continue to
22 yield.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR RIVERA: So if I'm eating

1 it for breakfast and I'm calling it breakfast as
2 opposed to a snack, I guess I'm misusing it at
3 that point?

4 SENATOR RANZENHOFER: Again, I
5 wouldn't characterize it that way. You may.

6 I'm talking about the product that
7 we're trying to name as the state snack.

8 SENATOR RIVERA: Through you,
9 Mr. President, if the sponsor would continue to
10 yield.

11 SENATOR RANZENHOFER: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR RIVERA: Thank you,
15 Mr. President.

16 So actually let's dig down into the
17 actual kind of yogurt, since there's different
18 kinds. I know that you're probably familiar --
19 and I know that my Greek colleague here in the
20 Senate chamber -- my Greek colleagues, right,
21 because Senator Skelos as well as Senator
22 Gianaris. There might be other Greeks -- are
23 there other Greeks in the Senate? I'm not sure.
24 There might be just two.

25 But they're very familiar with Greek

1 yogurt, right? We have a brand, Mr. President,
2 produced here in New York State that has been
3 very successful, Chobani, I believe they're
4 called. Not to do an unpaid-for plug on the
5 floor of the Senate, but certainly they have been
6 a very successful New York company.

7 That is a Greek yogurt manufacturer.
8 Does the sponsor know the difference between
9 yogurt and Greek yogurt? And if so, are we then,
10 by voting on this bill, saying that Greek yogurt
11 would not be a considered a state snack and
12 yogurt would? If there's a difference between
13 the two.

14 SENATOR RANZENHOFER: Yes, I know
15 the difference.

16 And just like when we designated
17 milk, we don't distinguish between chocolate milk
18 and strawberry milk, we don't distinguish between
19 skim milk and 2 percent.

20 As with that product, we are not
21 distinguishing here. It is yogurt no matter what
22 type of yogurt it is.

23 SENATOR RIVERA: Through you,
24 Mr. President, if the sponsor would continue to
25 yield.

1 SENATOR RANZENHOFER: Yes.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR RIVERA: Thank you,
5 Mr. President.

6 Just for my own edification, what is
7 the difference between yogurt and Greek yogurt?
8 I'm not familiar.

9 SENATOR RANZENHOFER: Greek yogurt
10 normally has about three times the amount of milk
11 in it than regular yogurt.

12 SENATOR RIVERA: Thank you.
13 Mr. President, through you, if the sponsor would
14 continue to yield.

15 ACTING PRESIDENT GRIFFO: Does the
16 sponsor yield?

17 SENATOR RANZENHOFER: Yes.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor will yield.

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

22 So in consideration of the -- as
23 you're saying you want to make it the official
24 state snack, and considering some of the
25 concerns that Senator Krueger brought up as far

1 as the different types of snacks that there
2 exist, did you consider, say, the potato chip as
3 a potential state snack?

4 SENATOR RANZENHOFER: No.

5 SENATOR RIVERA: Through you,
6 Mr. President, if the sponsor would continue to
7 yield.

8 SENATOR RANZENHOFER: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

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

13 Did the sponsor consider raisins as
14 a potential official state snack?

15 SENATOR RANZENHOFER: No.

16 SENATOR RIVERA: Through you,
17 Mr. President, if the sponsor would continue to
18 yield.

19 SENATOR RANZENHOFER: Yes.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR RIVERA: Thank you,
23 Mr. President.

24 Did the sponsor consider perhaps
25 pretzels as the potential official state snack?

1 SENATOR RANZENHOFER: Never.

2 (Laughter.)

3 SENATOR RIVERA: You should. Those
4 are good.

5 Mr. President, through you, if the
6 sponsor would continue to yield.

7 SENATOR RANZENHOFER: Yes.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR RIVERA: Actually, that's
11 an interesting question. What if -- through you,
12 Mr. President, if the pretzel was dipped in
13 yogurt, would that then be considered -- could we
14 consider that? That would be two in one,
15 Mr. President.

16 SENATOR RANZENHOFER: The yogurt
17 would be the state snack; the pretzel would not.

18 SENATOR RIVERA: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 SENATOR RANZENHOFER: Yes.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR RIVERA: Thank you,
25 Mr. President. Did you perhaps consider cashews

1 as the official state snack?

2 SENATOR RANZENHOFER: No, I would
3 never do that.

4 (Laughter.)

5 SENATOR RIVERA: Cashews are good.
6 Through you, Mr. President, if the
7 sponsor would continue to yield.

8 SENATOR RANZENHOFER: Two more
9 questions, yes.

10 SENATOR RIVERA: Two?

11 ACTING PRESIDENT GRIFFO: The
12 sponsor will yield to a couple of questions,
13 Senator Rivera.

14 SENATOR RIVERA: All right. I will
15 make them good ones, then, Mr. President.

16 Did the sponsor consider hot dogs as
17 the official state snack?

18 SENATOR RANZENHOFER: Never.

19 SENATOR RIVERA: Through you,
20 Mr. President, if the sponsor would continue to
21 yield for one more question.

22 SENATOR RANZENHOFER: One final
23 question.

24 ACTING PRESIDENT GRIFFO: Go ahead,
25 Senator Rivera.

1 SENATOR RIVERA: I'm thinking, to
2 make sure I make it a good one.

3 Did the sponsor --

4 ACTING PRESIDENT GRIFFO: Senator
5 Díaz.

6 SENATOR RIVERA: He had a good
7 suggestion, Mr. President.

8 ACTING PRESIDENT GRIFFO: That's
9 okay, Senator Rivera. You have the floor.
10 Please pose your question.

11 SENATOR RIVERA: Yes, thank you,
12 Mr. President. Did the sponsor consider perhaps
13 making cheesecake the official state snack?

14 SENATOR RANZENHOFER: Absolutely
15 not.

16 SENATOR RIVERA: Mr. President, on
17 the bill, please.

18 ACTING PRESIDENT GRIFFO: Senator
19 Rivera on the bill.

20 SENATOR RIVERA: First of all, I
21 thank the sponsor for answering questions.

22 I do think that some of our Brooklyn
23 colleagues were particularly perturbed by the way
24 in which you answered that last question, seeming
25 to suggest that cheesecake would not be an

1 acceptable form of snack. I think they would
2 disagree with you, particularly the folks that
3 live close to Juniors down there.

4 Mr. President, I share some of the
5 concerns that Senator Krueger expressed. And
6 while I do consider that yogurt is yummy,
7 certainly, I do think that we need to consider
8 whether on issues of health -- I know that the
9 sponsor was talking about this being a healthy
10 option. There are certain types of yogurt that
11 are certainly healthy, others that unfortunately
12 are not.

13 Being able to make sure that we tell
14 the same fourth-graders that brought us this idea
15 that maybe we should focus on having yogurt made
16 from skim milk, ones that are low in sugar, would
17 be very important to make sure that we don't
18 encourage a snack which will be obviously very
19 high in calories, very high in sugar, et cetera.

20 I do think that we should have a
21 conversation with other folks across the state to
22 really consider what other types of state snacks
23 would potentially, could potentially be utilized.
24 I mean, certainly raisins or yogurt-covered
25 raisins, pretzels or yogurt-covered pretzels. I

1 think we could make a combination of a couple of
2 these and come up with some good options.

3 Potato chips and, for those that
4 don't like potato chips, how about kale chips?
5 Those are really good. You can get them in some
6 of the very good supermarkets across the state.
7 And I do believe that kale is grown in the State
8 of New York as well, so obviously it would be a
9 good choice.

10 I think that there are certainly
11 many potential foods that could be considered
12 snacks that we should consider having as the
13 official state snacks. So I think that we should
14 have a broader discussion than just this one type
15 of food.

16 But I do thank the sponsor for
17 bringing it up. Because obviously, if nothing
18 else, it has brought a very fruitful and good
19 discussion on the floor of the Senate. I'm sure
20 that some of my other colleagues might have
21 further questions.

22 So thank the sponsor, and I will be
23 voting in the affirmative on this piece of
24 legislation.

25 Thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Stavisky.

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

5 I notice that all of the suggestions
6 regarding snacks can be found in our little
7 lounge off the floor. Is there any
8 significance --

9 ACTING PRESIDENT GRIFFO: Senator
10 Stavisky, are you on the bill?

11 SENATOR STAVISKY: Oh, I'm sorry,
12 will the sponsor -- no, I have a few questions.

13 ACTING PRESIDENT GRIFFO: Senator
14 Ranzenhofer, will you yield to several questions
15 from Senator Stavisky?

16 SENATOR RANZENHOFER: A few.

17 ACTING PRESIDENT GRIFFO: Senator
18 Stavisky.

19 SENATOR STAVISKY: Well, then, I'll
20 try to include -- is there any significance to
21 the fact that yogurt and some of the other
22 suggestions mentioned by Senator Rivera are
23 served in our lounge?

24 SENATOR RANZENHOFER: Well, the
25 cheesecake I thought more of a dessert than --

1 SENATOR STAVISKY: Well, that's
2 wishful thinking, I suspect.

3 SENATOR RANZENHOFER: Yeah. But I
4 think, again, there are -- some of the
5 suggestions that Senator Rivera made I thought
6 quite frankly were unhealthy. And I certainly
7 would not use the guidepost the food that is
8 served in the Senate lounge as food to name a
9 state snack after.

10 SENATOR STAVISKY: Thank you. Will
11 the Senator continue to yield.

12 SENATOR RANZENHOFER: Two more
13 questions.

14 ACTING PRESIDENT GRIFFO: The
15 Senator yields.

16 SENATOR STAVISKY: Seriously, if
17 this legislation is enacted, will the
18 manufacturers of the yogurt be able to list on
19 their label official New York State logo -- or
20 "official New York State yogurt"?

21 SENATOR RANZENHOFER: I don't
22 believe so. I mean, if you look at any other
23 product that has a state designation, I don't
24 necessarily believe if you buy a rosebush that
25 you'll see the state symbol on the rosebush or if

1 you buy the muffin that you'll see the state
2 symbol on the muffin. So I would say no.

3 SENATOR STAVISKY: If the Senator
4 would continue.

5 SENATOR RANZENHOFER: One more
6 question.

7 SENATOR STAVISKY: Would New York
8 State be able to get any of the profits from this
9 designation, or a percentage of the profits?

10 SENATOR RANZENHOFER: I believe it
11 would be similarly treated as other
12 state-designated symbols.

13 SENATOR STAVISKY: If -- if the
14 Senator would -- would it be possible -- what
15 will be the cost, if yogurt is designated as the
16 official snack, in terms of reprinting brochures
17 and expressions of advertising?

18 SENATOR RANZENHOFER: I don't
19 really understand your question. I'm not sure
20 whose cost you're talking about.

21 SENATOR STAVISKY: Will there be an
22 additional cost? That's the question.

23 SENATOR RANZENHOFER: No.

24 SENATOR STAVISKY: And my last
25 question is related to Senator Libous's comment

1 earlier about --

2 ACTING PRESIDENT GRIFFO: Senator
3 Stavisky, can you come through the chair, please,
4 direct your question?

5 SENATOR STAVISKY: On the bill.

6 ACTING PRESIDENT GRIFFO: Senator
7 Stavisky on the bill.

8 SENATOR STAVISKY: My last question
9 would have been Senator Libous mentioned
10 Commissioner Ball's carrot cookies as being out
11 of this world. Can we consider the carrot
12 cookie --

13 SENATOR LIBOUS: Carrot oatmeal.

14 SENATOR STAVISKY: Oh, sorry,
15 carrot and oatmeal.

16 I think this questions the whole
17 something of official designations and what the
18 meaning is. Nevertheless, Mr. President, I will
19 vote in favor of this bill.

20 ACTING PRESIDENT GRIFFO: Senator
21 Bonacic.

22 SENATOR BONACIC: Will Senator
23 Ranzenhofer stand for a question of the sponsor,
24 please?

25 SENATOR RANZENHOFER: Yes.

1 SENATOR BONACIC: If this
2 legislation were to become law, does any consumer
3 in the State of New York have to eat yogurt or
4 can they eat any snack they want?

5 SENATOR RANZENHOFER: Right.

6 SENATOR BONACIC: They can eat any
7 snack they want. They don't have to eat yogurt.

8 SENATOR RANZENHOFER: They can now
9 and they could afterwards.

10 SENATOR BONACIC: Okay, on the
11 bill.

12 ACTING PRESIDENT GRIFFO: Senator
13 Bonacic on the bill.

14 SENATOR BONACIC: I want to thank
15 Senator Ranzenhofer for putting this bill forward
16 for a variety of reasons.

17 Yes, there's a menu of what people
18 like and preferences for their snacks. But when
19 you look at yogurt -- and, you know, I usually
20 see it when I come into our little Senate food
21 room there. And when we come in there, there's
22 maybe six to eight of them, and within an hour
23 there's none left if you come an hour later. So
24 I think a lot of the members here embrace yogurt
25 as a good snack -- maybe for lunch, maybe as

1 breakfast, but that's a choice. But the product
2 itself.

3 In addition, it provides economic
4 vitality to the State of New York, this industry.
5 This industry is expanding here. This industry
6 is creating jobs. They're paying taxes and
7 they're doing good things.

8 This particular product, as opposed
9 to some of the suggestions I've heard on the
10 other side, is very healthy. And no one is
11 compelled to eat particular kinds of yogurt, but
12 whatever kind of yogurt they like.

13 So for a variety of reasons, which
14 are all good, I think this is an excellent
15 suggestion to make yogurt the state snack.

16 And as to the question of whether
17 they can promote it, I think they can. If the
18 state says yogurt is the state snack, I think
19 corporate America and that industry could say
20 yeah, come try the state snack.

21 And it's all good. I see no
22 negatives against this. And in fact, some of the
23 suggestions I know were a little tongue-in-cheek,
24 but they were very unhealthy, probably promoting
25 obesity. And maybe Mayor Bloomberg, if he were

1 still around, would be mad at some of these
2 suggestions.

3 (Laughter.)

4 SENATOR BONACIC: So I vote aye.
5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Díaz.

8 SENATOR DIAZ: Thank you,
9 Mr. President. I just want to say that I am
10 glad --

11 ACTING PRESIDENT GRIFFO: Are you
12 on the bill, Senator Díaz?

13 SENATOR DIAZ: On the bill. On the
14 bill.

15 -- that we have spent all this time
16 here talking about if yogurt could be the state
17 snack. And the time that we have taken to
18 question the sponsor of the bill and the time
19 that we have taken -- and, you know, it's telling
20 me that we don't have bigger things to do, that
21 these 63 members of the chamber doesn't have
22 nothing bigger to do, just to stay here and
23 question about yogurt, if yogurt could be the
24 designated snack for the state.

25 And so the whole state, and

1 everything -- everybody's watching, could see how
2 hard we work, how hard we earn our money. It's
3 almost 7 o'clock, and we are here discussing
4 yogurt.

5 I'm honored, honored to be part of
6 this great working body, and to be here laying
7 aside a bill to discuss if yogurt could be the
8 official snack of the state. Because we don't
9 have nothing to do or no problems to discuss with
10 senior citizens, problems with housing, with
11 jobs, with farmworkers being exploited. With so
12 many other things, we have nothing, we could
13 spend our time here discussing that yogurt could
14 be the official snack of New York.

15 This is a great body, I'm honored to
16 be part of it. Thank you, Mr. Chair.

17 ACTING PRESIDENT GRIFFO: Senator
18 Ranzenhofer to close debate.

19 SENATOR RANZENHOFER: Thank you,
20 Mr. President.

21 I'd like to thank my colleagues for
22 their questions and their comments and for their
23 support on the bill.

24 I'd like to thank Craig Schroth from
25 the Byron-Bergen Elementary School and their

1 students for bringing this idea to the Senate
2 body. As I said, we've all talked in classes
3 before, and this is really democracy in action,
4 how a group of 9-and-10-year-olds can get
5 together and suggest a very good idea for the
6 state snack.

7 As I said, I think it makes sense
8 from a health perspective, I think it makes sense
9 from an economic development perspective, and I
10 encourage all of my colleagues to vote yes on
11 this bill.

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: The
14 debate is closed.

15 The Secretary will ring the bell.

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 DeFrancisco to explain his vote.

24 SENATOR DeFRANCISCO: Yes, I want
25 to agree entirely with Senator Díaz.

1 And I know everyone in this room
2 knows why the debate was as long as it was. It
3 had nothing to do with the merits, it had nothing
4 to do with the questions. And if people would be
5 honest, they would say exactly why the debate was
6 this long.

7 Number two, Senator Bonacic listed a
8 series of reasons why this bill is a good bill.
9 One of the most important reasons is there's so
10 much apathy about government that if a group of
11 fourth-graders are willing to do research and to
12 propose bills for this body to consider, we
13 should seriously consider them and we should vote
14 in favor unless there's a reason not to.

15 And lastly, as a little
16 foreshadowing of things to come, I have a
17 fourth-grade class for which I put in a bill to
18 make the wood frog the official amphibian of the
19 State of New York.

20 (Laughter.)

21 CHAIRMAN DeFRANCISCO: So get ready
22 for your questions. We'll have another debate as
23 inspiring as this one in the future.

24 Thank you.

25 (Laughter.)

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco, how do you vote?

3 SENATOR DeFRANCISCO: Absolutely,
4 positively yes.

5 ACTING PRESIDENT GRIFFO: Senator
6 DeFrancisco to be recorded absolutely, positively
7 yes.

8 Senator Gallivan to explain his
9 vote.

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

12 My colleagues, I may never get to
13 say this again, but as a proud Byron-Bergen
14 alumni, I vote aye.

15 (Laughter.)

16 ACTING PRESIDENT GRIFFO: Senator
17 Gallivan to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 433, those recorded in the
21 negative are Senators Krueger --

22 (Pause.)

23 ACTING PRESIDENT GRIFFO: Will
24 those in the negative please raise your hands.

25 Results?

1 THE SECRETARY: In relation to
2 Calendar Number 433, those recorded in the
3 negative are Senators Hoylman, Krueger, Parker,
4 Perkins, Sampson, Smith, Squadron and Zeldin.

5 Absent from voting: Senator Ball.
6 Ayes, 52. Nays, 8.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President,
11 could we lay the rest of the calendar aside for
12 the day, please.

13 ACTING PRESIDENT GRIFFO: The
14 remainder of the calendar will be laid aside for
15 the day.

16 SENATOR LIBOUS: Is there any
17 further business at the desk?

18 ACTING PRESIDENT GRIFFO: There is
19 no further business before the desk.

20 SENATOR LIBOUS: There being no
21 further business, I move that we adjourn until
22 Wednesday, May 7th, at 11:00 a.m.

23 ACTING PRESIDENT GRIFFO: On
24 motion, the Senate stands adjourned until
25 Wednesday, May 7th, at 11:00 a.m.

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Senate adjourned.

(Whereupon, at 6:54 p.m., the Senate
adjourned.)