NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 6, 2014

3:45 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

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

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

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

(Whereupon, the Color Guard exited the chamber.)

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

Father Young.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

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

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

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Father Young.

The reading of the Journal.

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

ACTING PRESIDENT GRIFFO: Without

objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Mr. President, just one motion.

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

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

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

Senator Libous.

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

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

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

SENATOR LIBOUS: Thank you, Mr. President.

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

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

Senator Libous.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator

Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

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

And I thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stavisky.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gianaris.

The question is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

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

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

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

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

(Laughter.)

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

"WHEREAS, These senior citizens have

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

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

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

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

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Gallivan on the resolution.

SENATOR GALLIVAN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

Correctional Emergency Response Team, or CERT team.

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

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Gallivan.

Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

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

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

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

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

society.

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Carlucci.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

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

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

So thank you very much.

ACTING PRESIDENT GRIFFO: Senator Marchione.

SENATOR MARCHIONE: Thank you.

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

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

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

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

So thank you so very much.

ACTING PRESIDENT GRIFFO: Senator

Farley.

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

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

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

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

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

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

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

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

to work.

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

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

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

"WHEREAS, The courage and bravery of

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

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

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

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

before being assigned to Fort Riley in Kansas; and

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

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

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

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

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

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

be it

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

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

ACTING PRESIDENT GRIFFO: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

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

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

He knew from an early age that he

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

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

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

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

greatly missed.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Larkin.

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

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

I don't think this country cares

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: The question is on the resolution.

All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: So noted.

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

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

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

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the family of Francis William Sullivan."

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

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

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

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

New Yorker.

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Kennedy.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

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

Senator Marcellino.

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

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

And the Secretary will read Resolution 4822.

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

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

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

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

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

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

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

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

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

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

now, therefore, be it

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

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

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

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

different institutions.

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

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

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

Now, we have a couple of folks that

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

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

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

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

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

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

(Laughter.)

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

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

there from Monroe.

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

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

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

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

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

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

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

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

So thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

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

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

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

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

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

Thank you, Monroe.

ACTING PRESIDENT GRIFFO: Senator Latimer.

SENATOR LATIMER: Thank you, Mr. President.

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

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

(Laughter.)

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

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

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

(Laughter.)

SENATOR LATIMER: We join forces to

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

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

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

(Laughter.)

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

And I believe I recall a story in

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

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

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

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

Thank you so much, Mr. President.

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

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

At Monroe College they want to make

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

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

ACTING PRESIDENT GRIFFO: Thank you, Senator LaValle.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

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

(Applause.)

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

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

Senator Libous.

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move the nomination.

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

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

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

ACTING PRESIDENT GRIFFO: Senator Ritchie.

SENATOR RITCHIE: Thank you, Mr. President.

And I'd like to start by thanking

Governor Cuomo for such a tremendous appointment.

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

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

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

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

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

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

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

good friends Peter and Donna Mauhs.

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ritchie.

Senator DeFrancisco, why do you rise?

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

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

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

(Laughter.)

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

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

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

worked together on so many issues.

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you,

Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Tkaczyk.

SENATOR TKACZYK: Thank you, Mr. President.

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

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

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

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

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

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

Ag & Markets, and I wholeheartedly support his nomination.

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

ACTING PRESIDENT GRIFFO: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

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

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

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

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

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

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

(Laughter.)

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

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

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

Congratulations to you and to your family.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Laughter.)

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

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

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

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

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

ACTING PRESIDENT GRIFFO: Senator

Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

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

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

and has gotten his hands dirty.

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

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

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

And your comment that even though

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

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

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

ACTING PRESIDENT GRIFFO: Senator Maziarz.

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

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

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

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

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

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

So congratulations to you.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

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

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

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

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

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

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

Congratulations, Commissioner Ball.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Díaz.

SENATOR DIAZ: Thank you, Mr. President.

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

but in a different -- for a different reason.

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

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

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

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

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

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

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

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

He's done things there.

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

ACTING PRESIDENT GRIFFO: Senator Perkins.

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

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

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

legacy.

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

So I wanted to vote aye on this.

ACTING PRESIDENT GRIFFO: Senator Gipson.

SENATOR GIPSON: Thank you, Mr. President.

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

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

I believe he's going to be able to

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

(Extended applause.)

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

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

Senator DeFrancisco.

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

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

(Laughter.)

ACTING PRESIDENT GRIFFO: The Secretary will read the nomination.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco on the nomination.

SENATOR DeFRANCISCO: Ditto.

(Laughter.)

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

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

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

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

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

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

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

So Governor Cuomo, this was a great

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

So I move the nomination.

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

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

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

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

new place.

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

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

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

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

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

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

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

of CUNY institutions throughout the city.

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

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

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

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

(Laughter.)

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

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Board of Trustees of the City University of New York.

Congratulations, Mr. Schwartz, and good luck.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Libous.

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

ACTING PRESIDENT GRIFFO: Senator Libous.

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

(Laughter.)

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

Could we proceed with the reading of the noncontroversial calendar.

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

The Secretary will read the noncontroversial calendar.

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

act to amend Chapter 399 of the Laws of 2008.

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

The Secretary will read.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

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

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

Can I have some order in the house, please.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

act to amend the Vehicle and Traffic Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill

is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

THE SECRETARY: Calendar Number 470, by Senator Griffo, Senate Print --

SENATOR LIBOUS: Oh, lay it aside.

(Laughter.)

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

SENATOR DIAZ: Lay aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous, that completes the noncontroversial

reading of the calendar.

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

ACTING PRESIDENT GRIFFO: We do indeed.

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

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR GIANARIS: Explanation, please.

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

SENATOR AVELLA: Thank you, Mr. President.

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Senator Rivera.

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

ACTING PRESIDENT GRIFFO: Senator Rivera on the bill.

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

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

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

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

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

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

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

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

Thank you so much, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

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

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

So that's why a bill of this nature

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

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

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

Thank you. I will be voting yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you.

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

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Senator

Díaz.

SENATOR DIAZ: Thank you, Mr. President.

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

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

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

And I also honor the Korean-American

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

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

So thank you to our visitors for being here today.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

And that's why I too want to stand

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

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

Thank you, Mr. President.

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

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

Senator Hassell-Thompson.

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

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

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

able to go.

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

And thank you. Thank you for being here.

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

Senator Avella to close debate.

SENATOR AVELLA: Thank you, Mr. President.

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

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

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

of the Korean-American community that are here. And I'll ask them to rise as I introduce them.

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

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

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

Paul Song, president of the Korean American Junior Chamber.

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

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

Mr. Thomas Rho, president of the

Korean Veterans Association, Northeast Region.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: The debate is closed.

The Secretary will ring the bell.

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

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

seats.

I ask all members to please return to their seats.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

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

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

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

So I vote aye.

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

Senator Rivera to explain his vote.

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

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

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

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

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

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

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

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

Senator Farley to explain his vote.

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

Congratulations.

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

SENATOR FARLEY: I vote aye.

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

Announce the results.

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

Absent from voting: Senator Ball.

Ayes, 59. Nays, 1.

ACTING PRESIDENT GRIFFO: The bill is passed.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

SENATOR KRUEGER: Explanation.

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

Can I have some order in the chamber, please.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

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

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

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

SENATOR RANZENHOFER: I'd be happy to yield.

SENATOR KRUEGER: Thank you.

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

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

Senator Krueger, pose your question, please.

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

SENATOR RANZENHOFER: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

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

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

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

Senator Ranzenhofer, you may continue.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

yield.

SENATOR RANZENHOFER: Fourth. Fourth-graders, I stand corrected.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

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

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

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

SENATOR KRUEGER: Thank you.

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

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

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

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

ACTING PRESIDENT GRIFFO: Okay.

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

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

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

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

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

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

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

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

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

as the New York State snack?

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

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

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

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

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

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

So I hope that answers your question.

(Laughter.)

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

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

(Laughter.)

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

So the sponsor has said soy yogurt

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

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

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

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

SENATOR DeFRANCISCO: Would Senator Krueger yield?

ACTING PRESIDENT GRIFFO: Senator Krueger, do you yield?

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

(Laughter.)

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

Do you have other questions, Senator?

SENATOR DeFRANCISCO: No, that was --

ACTING PRESIDENT GRIFFO: Senator Krueger, you may continue.

SENATOR KRUEGER: Thank you.

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

SENATOR DeFRANCISCO: Wait, I have one other question.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: The question

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

(Laughter.)

SENATOR KRUEGER: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

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

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

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

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

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

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

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

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

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

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

SENATOR RANZENHOFER: Yes, Mr. President.

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

Senator Krueger, you may continue.

SENATOR KRUEGER: Thank you.

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

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

SENATOR RANZENHOFER: My answer to

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

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

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

SENATOR KRUEGER: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

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

all taking from this, and that's appropriate.

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

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

ACTING PRESIDENT GRIFFO: Senator Rivera.

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

SENATOR RANZENHOFER: I'd be happy to.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

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

First of all, it's very interesting,

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

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

(Laughter.)

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

(Laughter.)

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

(Laughter.)

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you,

Mr. President.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR RANZENHOFER: I'd be happy to.

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

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

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

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

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

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

state snack of yogurt at breakfast.

So we're talking about the product.

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

SENATOR RANZENHOFER: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: So if I'm eating

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

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

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

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

SENATOR RANZENHOFER: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

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

But they're very familiar with Greek

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

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

SENATOR RANZENHOFER: Yes, I know the difference.

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

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

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

SENATOR RANZENHOFER: Yes.
ACTING PRESIDENT GRIFFO: The sponsor yields.
SENATOR RIVERA: Thank you, Mr. President.
Just for my own edification, what is the difference between yogurt and Greek yogurt? I'm not familiar.
SENATOR RANZENHOFER: Greek yogurt normally has about three times the amount of milk in it than regular yogurt.
SENATOR RIVERA: Thank you. Mr. President, through you, if the sponsor would continue to yield.
ACTING PRESIDENT GRIFFO: Does the sponsor yield?
SENATOR RANZENHOFER: Yes.
ACTING PRESIDENT GRIFFO: The sponsor will yield.
SENATOR RIVERA: Thank you, Mr. President.
So in consideration of the -- as you're saying you want to make it the official state snack, and considering some of the concerns that Senator Krueger brought up as far

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

SENATOR RANZENHOFER: No.

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

SENATOR RANZENHOFER: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

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

SENATOR RANZENHOFER: No.

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

SENATOR RANZENHOFER: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

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

SENATOR RANZENHOFER: Never.

(Laughter.)

SENATOR RIVERA: You should. Those are good.

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

SENATOR RANZENHOFER: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR RANZENHOFER: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

as the official state snack?

SENATOR RANZENHOFER: No, I would never do that.

(Laughter.)

SENATOR RIVERA: Cashews are good.

Through you, Mr. President, if the sponsor would continue to yield.

SENATOR RANZENHOFER: Two more questions, yes.

SENATOR RIVERA: Two?

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

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

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

SENATOR RANZENHOFER: Never.

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

SENATOR RANZENHOFER: One final question.

ACTING PRESIDENT GRIFFO: Go ahead, Senator Rivera.

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

Did the sponsor --

ACTING PRESIDENT GRIFFO: Senator Díaz.

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

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

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

SENATOR RANZENHOFER: Absolutely not.

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

ACTING PRESIDENT GRIFFO: Senator Rivera on the bill.

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

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

SENATOR RANZENHOFER: A few.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

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

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

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

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

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

SENATOR RANZENHOFER: Two more questions.

ACTING PRESIDENT GRIFFO: The Senator yields.

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

SENATOR RANZENHOFER: I don't believe so. I mean, if you look at any other product that has a state designation, I don't necessarily believe if you buy a rosebush that you'll see the state symbol on the rosebush or if

you buy the muffin that you'll see the state symbol on the muffin. So I would say no.

SENATOR STAVISKY: If the Senator would continue.

SENATOR RANZENHOFER: One more question.

SENATOR STAVISKY: Would New York State be able to get any of the profits from this designation, or a percentage of the profits?

SENATOR RANZENHOFER: I believe it would be similarly treated as other state-designated symbols.

SENATOR STAVISKY: If -- if the Senator would -- would it be possible -- what will be the cost, if yogurt is designated as the official snack, in terms of reprinting brochures and expressions of advertising?

SENATOR RANZENHOFER: I don't really understand your question. I'm not sure whose cost you're talking about.

SENATOR STAVISKY: Will there be an additional cost? That's the question.

SENATOR RANZENHOFER: No.

SENATOR STAVISKY: And my last question is related to Senator Libous's comment

earlier about --

ACTING PRESIDENT GRIFFO: Senator Stavisky, can you come through the chair, please, direct your question?

SENATOR STAVISKY: On the bill.

ACTING PRESIDENT GRIFFO: Senator Stavisky on the bill.

SENATOR STAVISKY: My last question would have been Senator Libous mentioned Commissioner Ball's carrot cookies as being out of this world. Can we consider the carrot cookie --

SENATOR LIBOUS: Carrot oatmeal.

SENATOR STAVISKY: Oh, sorry, carrot and oatmeal.

I think this questions the whole something of official designations and what the meaning is. Nevertheless, Mr. President, I will vote in favor of this bill.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Will Senator Ranzenhofer stand for a question of the sponsor, please?

SENATOR RANZENHOFER: Yes.

SENATOR BONACIC: If this legislation were to become law, does any consumer in the State of New York have to eat yogurt or can they eat any snack they want?

SENATOR RANZENHOFER: Right.

SENATOR BONACIC: They can eat any snack they want. They don't have to eat yogurt.

SENATOR RANZENHOFER: They can now and they could afterwards.

SENATOR BONACIC: Okay, on the bill.

ACTING PRESIDENT GRIFFO: Senator Bonacic on the bill.

SENATOR BONACIC: I want to thank Senator Ranzenhofer for putting this bill forward for a variety of reasons.

Yes, there's a menu of what people like and preferences for their snacks. But when you look at yogurt -- and, you know, I usually see it when I come into our little Senate food room there. And when we come in there, there's maybe six to eight of them, and within an hour there's none left if you come an hour later. So I think a lot of the members here embrace yogurt as a good snack -- maybe for lunch, maybe as

breakfast, but that's a choice. But the product itself.

In addition, it provides economic vitality to the State of New York, this industry. This industry is expanding here. This industry is creating jobs. They're paying taxes and they're doing good things.

This particular product, as opposed to some of the suggestions I've heard on the other side, is very healthy. And no one is compelled to eat particular kinds of yogurt, but whatever kind of yogurt they like.

So for a variety of reasons, which are all good, I think this is an excellent suggestion to make yogurt the state snack.

And as to the question of whether they can promote it, I think they can. If the state says yogurt is the state snack, I think corporate America and that industry could say yeah, come try the state snack.

And it's all good. I see no negatives against this. And in fact, some of the suggestions I know were a little tongue-in-cheek, but they were very unhealthy, probably promoting obesity. And maybe Mayor Bloomberg, if he were

still around, would be mad at some of these suggestions.

(Laughter.)

SENATOR BONACIC: So I vote aye. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Díaz.

SENATOR DIAZ: Thank you, Mr. President. I just want to say that I am glad --

ACTING PRESIDENT GRIFFO: Are you on the bill, Senator Díaz?

SENATOR DIAZ: On the bill. On the bill.

-- that we have spent all this time here talking about if yogurt could be the state snack. And the time that we have taken to question the sponsor of the bill and the time that we have taken -- and, you know, it's telling me that we don't have bigger things to do, that these 63 members of the chamber doesn't have nothing bigger to do, just to stay here and question about yogurt, if yogurt could be the designated snack for the state.

And so the whole state, and

everything -- everybody's watching, could see how hard we work, how hard we earn our money. It's almost 7 o'clock, and we are here discussing yogurt.

I'm honored, honored to be part of this great working body, and to be here laying aside a bill to discuss if yogurt could be the official snack of the state. Because we don't have nothing to do or no problems to discuss with senior citizens, problems with housing, with jobs, with farmworkers being exploited. With so many other things, we have nothing, we could spend our time here discussing that yogurt could be the official snack of New York.

This is a great body, I'm honored to be part of it. Thank you, Mr. Chair.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer to close debate.

SENATOR RANZENHOFER: Thank you, Mr. President.

I'd like to thank my colleagues for their questions and their comments and for their support on the bill.

I'd like to thank Craig Schroth from the Byron-Bergen Elementary School and their

students for bringing this idea to the Senate body. As I said, we've all talked in classes before, and this is really democracy in action, how a group of 9-and-10-year-olds can get together and suggest a very good idea for the state snack.

As I said, I think it makes sense from a health perspective, I think it makes sense from an economic development perspective, and I encourage all of my colleagues to vote yes on this bill.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I want to agree entirely with Senator Díaz.

And I know everyone in this room knows why the debate was as long as it was. It had nothing to do with the merits, it had nothing to do with the questions. And if people would be honest, they would say exactly why the debate was this long.

Number two, Senator Bonacic listed a series of reasons why this bill is a good bill. One of the most important reasons is there's so much apathy about government that if a group of fourth-graders are willing to do research and to propose bills for this body to consider, we should seriously consider them and we should vote in favor unless there's a reason not to.

And lastly, as a little foreshadowing of things to come, I have a fourth-grade class for which I put in a bill to make the wood frog the official amphibian of the State of New York.

(Laughter.)

CHAIRMAN DeFRANCISCO: So get ready for your questions. We'll have another debate as inspiring as this one in the future.

Thank you.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, how do you vote?

SENATOR DeFRANCISCO: Absolutely, positively yes.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded absolutely, positively yes.

Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Mr. President.

My colleagues, I may never get to say this again, but as a proud Byron-Bergen alumni, I vote aye.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Gallivan to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 433, those recorded in the negative are Senators Krueger --

(Pause.)

ACTING PRESIDENT GRIFFO: Will those in the negative please raise your hands.

Results?

THE SECRETARY: In relation to Calendar Number 433, those recorded in the negative are Senators Hoylman, Krueger, Parker, Perkins, Sampson, Smith, Squadron and Zeldin.

Absent from voting: Senator Ball.

Ayes, 52. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we lay the rest of the calendar aside for the day, please.

ACTING PRESIDENT GRIFFO: The remainder of the calendar will be laid aside for the day.

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

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR LIBOUS: There being no further business, I move that we adjourn until Wednesday, May 7th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, May 7th, at 11:00 a.m.

Senate adjourned.

(Whereupon, at 6:54 p.m., the Senate adjourned.)