NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:16 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask all to please bow our heads in a moment of silent reflection and prayer.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

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

ACTING PRESIDENT GRIFFO: Without objection, the Journal will stand 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 from state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I have several motions, all on bills from Senator Flanagan. And I'd move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause.

The bills, all Flanagan bills, are as follows: 2139, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2148A, 2149, 2165, 2584, 2585, 2586, 2588, 2589, 1999, 2054, 2057, 2058, 2059, 2079, 2080, 2082, 2084, 2088, 2089, 2090, 2091, 2092, 2132, 2138A, 2695, 3206A, 3214, 3934, 3944, 4995, 5069A, 5124, 5139, 5588, 5672, 5954, and finally 5973.

ACTING PRESIDENT GRIFFO: It is so ordered.

SENATOR DeFRANCISCO: I would also

request that the Resolution Calendar be adopted, with the exception of Resolutions 3273, 3313, 3338, 3360, and 3361.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Resolution Calendar, with the exception of Resolutions 3273, 3313, 3338, 3360, and 3361, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted as indicated.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I request that you now go to the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 11, by Senator Carlucci, Senate Print 6380, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in

the same manner as Chapter 518 of the Laws of 2015.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 24, by Senator Seward, Senate Print 6393, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 26, by Senator Seward, Senate Print 6395, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the reading of the noncontroversial active list calendar for today.

SENATOR DeFRANCISCO: Thank you. Would you please --

ACTING PRESIDENT GRIFFO: Excuse me, Senator DeFrancisco. Senator Perkins is to be recorded in the negative on that previous bill.

So reannounce the results.

THE SECRETARY: In relation to Calendar 26, those recorded in the negative are Senators Perkins and Krueger.

Ayes, 46. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill

is passed.

And that completes the reading of the noncontroversial active list calendar.

SENATOR DeFRANCISCO: Now would you please take up Resolution 3338, by Senator Stewart-Cousins, and read it in its entirety.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Resolution Number 3338, by Senators Stewart-Cousins and Larkin, commemorating the observance of the 31st Annual Martin Luther King, Jr. Day in the State of New York, on January 18, 2016.

"WHEREAS, From time to time we take note of certain individuals whom we wish to recognize for their valued contributions and to publicly acknowledge their endeavors which have enhanced the basic humanity among us all; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the custom of this Legislative Body to join the people of this great Empire State in proudly observing the 31st Annual Martin Luther King, Jr. Day in the State of New York, on January 18, 2016, taking note of his many

accomplishments and contributions to mankind; and

"WHEREAS, Dr. Martin Luther King, Jr., was born the grandson of a slave into a segregated society in Atlanta, Georgia, on January 15, 1929, and was instrumental in formulating a policy which ultimately destroyed legal apartheid in the southern states of our nation; and

"WHEREAS, In February of 1968, Dr. Martin Luther King, Jr., spoke about the inevitability of his death and hoped that when we spoke of his life, we would not concentrate on his academic achievements: that he graduated from Morehouse College, that he attended the Crozer Theological Seminary and Boston University, where he earned a doctorate in systematic theology; and

"WHEREAS, Furthermore, Dr. Martin Luther King, Jr., did not find it important that we mention that he won the Nobel Peace Prize and over 300 other awards; and

"WHEREAS, Dr. Martin Luther King, Jr.'s finest legacy of greater social justice for all Americans was truly reflected in his devotion to serve and respect others, and in his steadfast

love for all humanity; and

"WHEREAS, Standing in a long line of great American black leaders, Dr. Martin Luther King, Jr., represents the historical culmination and the living embodiment of a spirit of united purpose rooted in black African culture and the American dream; and

"WHEREAS, An apostle of peace, Dr. Martin Luther King, Jr., fought unrelentingly for the civil rights of all Americans and taught us that through nonviolence, courage displaces fear, love transforms hate, acceptance dissipates prejudice, and mutual regard cancels enmity; and

"WHEREAS, Dr. Martin Luther King, Jr., manifestly contributed to the cause of America's freedom, and his commitment to human dignity is visibly mirrored in the spiritual, economic and political dimensions of the civil rights movement; and

"WHEREAS, In addition, Dr. Martin Luther King, Jr.'s life was devoted to the liberation of his people, and his courage transcended the advocates of mindless retrenchment; and

"WHEREAS, It is the sense of this

Legislative Body that the common and shared responsibility of governance demands an irrevocable commitment to the preservation and enhancement of human dignity as exemplified by Dr. Martin Luther King, Jr.; and

"WHEREAS, Upon the occasion of the celebration of the birthday of Dr. Martin Luther King, Jr., it is the practice of this Legislative Body to commemorate the heroic efforts of Dr. King, who loved and served humanity, and who was a drum major for peace, justice and righteousness; and

"WHEREAS, The 2016 Dr. Martin Luther King, Jr., holiday observance marks the 87th anniversary of his birth, and the 31st annual holiday celebrated in the State of New York in his honor; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize and pay tribute to the legendary life and achievements of Dr. Martin Luther King, Jr., upon the occasion of the anniversary of his birth and the celebration of Martin Luther King, Jr., Day in the State of New York and throughout the nation; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Black, Puerto Rican, Hispanic and Asian Legislative Caucus."

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

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

I rise, as we do annually, to give honor to a man who has not only changed the course of everyday lives of individuals, but our understanding of peace and equality and service and justice in our world.

I often talk about my parents, who had no thought of me ever being in a position such as this because of the world they lived in as African-Americans.

But the reality is that we are at this point where Dr. King's message has to be more resonant within each of us in the work that we do today than ever before. There's a lot of opinions, there's a lot of conversation. And we in this chamber have the ability to lead in ways that would make Dr. King proud.

One of his quotes that I remember is

"life's persistent question is what can you do for others." We are all in the position every day to do something for others. But few of us are in these kinds of positions that when we act, we are doing for others.

What will we do? What will we do in reforming criminal justice? What will we do in education? What will we do in economic justice? What will we do to make sure that equality is the key to America's continued progress right here in this state?

That's the persistent question. And fortunately for us in this chamber, we can offer the answer. I hope that next year when we celebrate Dr. King's birthday, we will have spent our days leading up to it answering, in the way Dr. King would have us answer, life's persistent question.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

Thank you, Senator Cousins.

I had never met Dr. King until March

of 1965. In August of '63, I was in Europe, and we were aware of all of the marching going on in Washington and what some of our brightest people said "This will turn into something bigger." And it did.

March the 7th, the United States of America should be ashamed of that day, because that's the day we had people with baseball bats, with guns and everything else, shooting at people because they were of color. Or they were people of noncolor supporting people of color. That slaughter on that day was an opening eye to a lot of people.

About 5 o'clock that night my phone rang, and thinking about who would be calling me at 5 o'clock on Sunday night, and it was the sergeant major. And he said, "There will be a car in front of your house in 15 minutes. Plan to be here all night." So I packed up and went to the Pentagon.

And right then and there, the President had already given instructions, something has to be done. The chief of staff of the Army, John Sullivan, said, "You fight fire with fire. But this is more than fire, this is

human dignity."

I was never so ashamed of people. I saw that film that today we would have seen it different ways, we would have known better about it. But this was a total disgrace. And the real meaning of it was that the American people didn't rise up and say: What the hell is going on in our country? This is a disgrace. We're Americans. Do we beat one another to death?

Well, I was very emotional and said my piece: The only way we're going to do this is we must control it. The President then said, "Number one, let's ask Governor Wallace to activate his troops." That wasn't going to be the school solution in my opinion. But as a young major waiting to make -- three weeks later to become a colonel, I was very careful what I said, Michael. You eat some of those words.

The orders first came out to hand this message to Wallace. And I did, on the 10th. And he told me to tell the President where to shove that paper. I came back to Montgomery Air Base, called Washington. They said: "Stay there till midnight and open the second package." So I opened the second package and went back.

And this colonel down there -- by now I have changed from civilian clothes to "I'm also a major," and I said: "Here is an another order for your governor. And tell him that somebody has to sign this tonight." Somebody come out and signed it. It ordered all of Alabama military -- National Guard, reserves, air, whatever it was -- were being called to active duty by the President.

And there are some people who still say to you, Well, Wallace did this because if he activated Alabama troops, Alabama citizens would have paid for the mission. But when the President paid for them, all of us that were alive in those days, we paid for it.

I didn't care. He got the message. And he told me where to go. I didn't go there. I went back to Washington.

We went back later. The idea was, in my opinion Wallace was the key because nobody did what they did without the governor's blessing. But there was a police chief, his name was Bull Connor. I don't know if any of you ever heard of him. Overweight, obese -- Kemp Hannon would be telling him what to do to reduce his

calories.

I went to see him because I thought he was the bull in the china closet. And he said to me, "I don't talk to tin soldiers." My answer to him was very simple. "If you stand on that bridge on Sunday, your ass" -- excuse me, ladies and gentlemen -- "will be thrown in jail for a hell of a long time, because you're a brutal, dumb-assed member of law enforcement who should be ashamed of yourself to allow that to happen."

The next issue was what do we do. So we had to come up -- those of you who have been with the armed forces know we come up with a compact. How did we do it? We brought forces in from many, many states, all combat units. And the one thing we did, we did not put anybody from Alabama in charge of any of the marching, the crossings, the collective information, because we wanted an issue.

The President said: "I want it as smooth as can be and I don't want any more disturbance." I'm proud to stand here to say today that we marched from the 21st to the 25th, when we ended up in Montgomery at the state house.

One thing that bothered me with all of this is there was a gentleman there today -- where's Bill? Where's Perkins? No, that's all right, John, don't go get him.

Bill Perkins has a constituent of his who was my bodyguard in Alabama. And Montgomery and I have struck up a business of friendship, every year we communicate at Christmas. And I don't know, but we're doing Easter cards this year, right? I don't know what happened.

But what did we really accomplish? There was nobody injured, nobody hurt until the very last day. Everybody that marched down this road we said, Fine, but don't go back that road, come back this road. And a lady from International Auto Workers out of Detroit, Michigan, her name was Viola Liuzzo, was shot and killed. She went into a gin mill, and they were celebrating.

The celebration that they had should have been a very nice celebration, in honor, marching with Dr. King, people of all faiths, people of all colors, with one mission.

A congressman from California named

Murphy said at the last day, "Major, if you were a member of Congress and you were going to vote on this Voting Act, how would you vote?" I said: "Very simple. They are United States of America citizens, and I would let them vote." We won't let them go to my bathroom, they won't let me drink out of your water fountain, but I can send you, the government of the United States, into combat and have some of our youngest men, women, killed. It's not a gift we're going to give you. It's a right we're going to grant you to use and exercise as you see fit.

One of the things that bothered me yet -- I mentioned it last year. And Andrea, I thank you very much for offering to come down to my armory and see what we did. We should be talking about what we are doing. Dr. King stood up there and talked. He gave us a message. How many of you walk away from here today and say: Oh, a couple of politicians stood up there and shot the bull, for what?

For what? To make the United States of America a united states, not a divided states. We cannot live without another one. Bitching and moaning about this one does that and this one

does that -- what have we done about saying we must start teaching our young people? Someone says, well, you got to get their grandma and grandpa.

Grandma and grandpa. I'm grandpa. I'm 88 years old next week. I'm worried about those young kids. If we don't get these kids on the right road today, they'll be in the same boat and attitude of many of our older people today. They've lived in a vacuum about it. And what we should be doing now is saying, what can we do to make life honest, real, people looking to talk to one another?

I invite every one of you to come to my district. We call it the Newburgh United. Saturday of this week that just passed, 68 young kids -- black, Caucasian, Hispanic and others -- were playing chess, inner city kids, 68 young kids played chess. Somebody said, "I would never have thought I'd see this." Why? Because we interacted adults with children. That is what Dr. King said. He had a dream about what we would do and what we can do.

In 1968, he listened to people to tell him to go to Tennessee, and he was shot.

What have we done besides a lot of people hollering, a lot of hot air, and we're going to do this, we're going to do that? They do what they think is best for them.

That was not what Dr. King was all about. It was about us. We, the United States of America, our young people, our middles, seniors.

Ladies and gentlemen, you want to see something happen? Go back in your district and do it. Come down to my district and I'll show you what we did, it cost me a dollar. I bought that armory. I give it away, though. And I didn't get a -- Hannon's over there, didn't give me the dollar, either.

But I'm telling you, when you see all these kids go together, we have 70 percent of this armory is academic, 30 percent is jock. And when you want to see the girls play soccer, Andrea, Saturday morning you got to come.

Remember, I'm not standing here to hear myself. I remember what was said. I remember what the debriefing was. And General Sullivan said if we don't abide by what he was dictating to us, we will repeat. And we have

repeated. We have Missouri, we have Chicago, we have Carolinas. We'd better start waking up and think that we are as responsible as those that cause the issues.

Ladies and gentlemen, I thank you. But I'm asking you, when we come back next year -- with the help of God, Diane -- we'll be able to say this is what we did, we put together, we had them working. Whether it's in our high schools and ROTC, whether it's in scouting or whatever it might be. Put up or shut up is what the proper English is.

Ladies and gentlemen, thank you for listening.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Larkin.

Senator Hassell-Thompson.

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

I rise to add my voice to that of the leadership here and thank Senator Stewart-Cousins for presenting this resolution this morning. And you know, I'm always tempted to call her Andrea, so I stumbled over that part.

But today she is the leader of the Democratic Conference, and so she is entitled to that due. And as she very clearly states, that she nor I would be given the due if it were not for the work of Dr. King.

I won't be long today, but I always have to stand with her and others who acknowledge the fact of how far we have come. We have come as a nation and as a world because of Dr. King. We want to believe that he only brought freedom to black people, but he also brought freedom to people whose minds needed to be free. Free of the hate, injustices that they had perpetrated against their fellow human beings.

All of us know Dr. King as an extraordinary orator, certainly as a vociferous writer, and his understanding of the human spirit. But very few people understand that the thing that I revere most about him was his transformational leadership. And he was not just about how do we find homeless shelters, but how do we get to the root of homelessness. It wasn't about just feeding the hungry, but what is it that this country needs to do to ensure that there is no hunger. As one of the wealthiest

countries in the world, it is outrageous that in our streets every day how hungry our people are.

And so if we want to really aspire to be like Dr. King, the four characteristics of transformational leadership are individualized influence, idealized influence, inspirational motivation, intellectual stimulation, and individualized consideration.

Now, those are hard things to do. Because we sit here and we sometimes forget that the reason that we've been elected to serve gets distorted, because we think it becomes about us. But we have to remember every welfare mother who struggles to feed her children and who is not trying to scam the system but trying to ensure that the American dream happens for her children and for her family.

So today, for those of us who speak and those of us who think about Dr. King, let's not idealize him, but let us idealize the dreams. Let us be real about what it is that we have the power to do in these chambers, and not stand up on this day and talk about how wonderful he is and then next week vote against those principles for which he gave his life.

Thank you, Mr. President, for the opportunity to speak on Dr. Martin Luther King, Jr.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hassell-Thompson.

Senator Comrie.

SENATOR COMRIE: Thank you, Mr. President.

I rise to support Leader Cousins' resolution, her remarks on recognizing our national hero the Reverend Dr. Martin Luther King.

To acknowledge his life and legacy as one of America's greatest historical figures still holds merit today. As a member of this esteemed body along with my colleagues, I want to pay homage to a man whose accomplishments were plentiful, that impacted government, cultural attitudes, economic inequality, labor rights and so many other facets of life.

Dr. King's commitment to treating others with the kindness and respect that we all so richly deserve are the essence of what the civil rights movement embodied. As public servants, we all strive to continue his legacy of

bringing equality, resources and opportunities to everyone regardless of race, gender, creed, party affiliation, orientation or religion. That was his dream, as it should be ours. And we must continue to work diligently every day to make it a reality.

As I am privileged to be the New York State Senator for the 14th District in Queens, I represent a constituency that reflects the diversity that is our state. We live side by side, continuing to share in each other's struggles and triumphs.

In celebration of the national holiday and all of the things that have been happening in a day of action, I decided to do a generational opportunity by hosting a youth poetry event where we also had people from every generation that came and shared with the young people their struggles, their issues, and how they evolved so that we could all understand and impart to young people what they needed to know to understand the power and the beauty of Dr. King's life and legacy.

It was a powerful day of sharing between the seasoned, the young, and the

maturing. It was a day to give voice to our youth but not to forget the voices of the shoulders that they stand on. The speakers shared moving words on social justice, gun violence, income disparity, historical references and issues of the day, but the overall thing that resonated was about hope. Hope that our children will be able to have careers that will allow them to live in the neighborhoods they grow up in without the fears that are so prevalent today. Hope that our elders will be able to have the means to live out their golden years in comfort and ease and with all of the support that we should give them as legislators. Hope that we as members of the only race that matters, the human race, can continue to work together to make our city and state a place that is welcoming for all.

The constant struggle in life is finding the balance between the thoughts and ideas, the challenging realities that we all share, that we need to implement them fairly and equitably. We need to wrestle against the principalities and not each other. Dr. Martin Luther King understood this. His role in life was to convince others to understand it. His was

not a glorious journey, but rather one fraught with danger and sacrifice. And yet he ran the race with his eyes forever on the prize.

It is the duty of everyone that I encounter, it's the duty of everyone in this chamber, it's the duty of everyone that we know to try to take up that baton in some form and continue to move it forward. It was his dream, and now it falls to us to continue and to lead through our words and actions.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Comrie.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I am very grateful to our leader, Senator Stewart-Cousins, for introducing this, and I associate myself with her comments, as well as Senator Larkin. I thank him for his report of his relationship with Dr. Martin Luther King.

And my experience this particular celebration, Monday, I had an opportunity to meet with a group of young people. These were young leaders who were organized by the Bed-Stuy YMCA.

And they observed the holiday, over a hundred of them, by spending a day in an elementary school in my district on a mission cleaning up classrooms and fixing up classrooms in an elementary school for children that they did not know. And it was just so exciting to see how pleased they were with themselves for having done something by extending themselves on behalf of other people.

I asked them what did Martin Luther King mean to them, and the one answer that kept coming from different ones in the group was Martin Luther King made it possible for us to all work together. So they were very proud of the fact that in their group they had youngsters of different ethnic and racial groups and that they were there working together. And that was sort of the legacy that Dr. King left for them.

I asked them who were their heroes in addition to Dr. Martin Luther King, and they -- it was interesting, they talked about people that they knew, people who inspired them. They talked about their parents. They talked about their counselors and their teachers and people that they thought really expressed love

for them.

So I was struck by the fact that here are these young people who certainly do not have the stories that people like us have. That we knew Dr. King, we were living during his time and part of the struggle. They did not really know the full story. But the legacy that he did leave was that those young people watch what we do and remember and appreciate what they see and those of us who touch them. So even though they don't necessarily know us individually by name, they do understand that there is a value in what we do for them, and that's what inspires them. And that becomes our legacy to them.

So I join my colleagues who express a need for us to leave a legacy for young people that makes a difference in their lives, because that's what they actually remember. That makes us heroes for them and to them.

And for me, Martin Luther King, I hope the full story eventually gets told and that young people understand fully all of the different aspects of our lives that were touched by Martin Luther King's activities and his organizing and his struggle. Even as a very

young person, he was a leader for us and for me personally and all of those of us, especially people of color in this room, both us here and the young people who are behind us, the fact that Martin Luther King struggled and walked in pathways of danger and people shed their blood so that we had a right to vote. Before he did that, there were many, many, many people in this nation who really were barred from being able to vote. That was a huge legacy that Dr. Martin Luther King left for us.

And for that, he is certainly my hero. And even though young people will not necessarily know him, please know that your opportunity to be here and to be in many other places was because of the work of Dr. Martin Luther King.

So, Mr. President, I rise today to say that certainly Dr. King is my hero, he is the hero of so many of us, but he changed America in a very fundamental way, and that is why I am so grateful to him today.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Montgomery.

Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

Once again, as we do every year, we stand to remember the legacy, the contributions of Martin Luther King through this resolution that has been traditionally presented by our Democratic leader and is embraced by this body.

And it is almost fitting that it is done at the beginning of the year. A light calendar we have today, not many bills. We do have one important nomination to address. And so we stand here every year at the beginning of the year, and we exchange pleasantries and we say nice things to each other and we speak about our own personal experiences with the King legacy.

But yet, you know, Martin Luther King was a guy that went against the grain. You know, he made people feel very uncomfortable. He challenged the status quo. He wasn't well liked in his time. You know, he went against what most people wanted to impose in our nation.

And so we have an opportunity as we move forward this session to live up to his legacy. Every single time we're in session,

every single day we come to this chamber we have the opportunity to remember and stand by the legacy of Martin Luther King.

And, you know, he was killed defending sanitation workers and their salaries. So let's pass the minimum wage this session. Let's remember his legacy and let's make sure that New Yorkers are able to earn $15 an hour. We want to remember Dr. King? Let's not do it with our words, let's do it with our deeds. Let's pass the minimum wage this session if we really want to remember him and if we really want to uphold his legacy. Far beyond this exchange of pleasantries, let's do things that really embody the man and what he stood for.

So he was killed defending sanitation workers and their salaries, so let's pass a dignified minimum wage bill for New Yorkers. Let's address the issue of homelessness. He was, in addition to a leader, a reverend, a pastor, so homelessness and the plight of the poor -- he had the Poor People's Campaign. It was very important to him. Let's address in this budget that we're going to adopt this year the issue of homelessness and housing,

fair housing for people, working-class people and poor people across our state.

Let's make sure that we fund education adequately. I am sure that that's something that Martin Luther King stood for.

Let's reform -- he wrote letters from the Birmingham jail. He was jailed many times because he made people uncomfortable. And so let's reform the criminal justice -- we really want to remember Dr. King this session? Let's reform criminal justice in New York State. That's the way that we should remember him. And then we can remember what he said, that our lives begin to end the day we become silent about things that really matter.

Thank you, Mr. President. I support this resolution.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

As I was listening to my colleagues, I was -- to paraphrase what Dr. King said, he said "I can sit at the lunch counter but I can't afford the price of the hamburger." And I think

many accomplishments have been made, but there are so many more in the area of equal justice that have not been accomplished, whether it be paid family leave or the minimum wage or any of these issues. And that's the best way we can honor Dr. King.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I too want to first of all thank our Democratic leader for bringing this important resolution to the floor, this just after this all-important holiday in each of our communities across the state, across our nation, in memory of this significant figure who we should pay tribute to as a state, we should pay tribute to as a nation. And we do.

But I think it's important, as some of my colleagues have already mentioned, that we do so not just in words but in action. You know, when we're talking about the life and the legacy of the iconic figure in our nation's history -- what he did, how he put himself on the line to

help other people. He gave us in this state legislature and in our nation a roadmap to the future, bringing people together.

You know, Dr. King was an individual who was always helping others. He was never looking for personal acclaim for himself. And so we have a duty in his memory to live out his legacy that stood for peace, that stood for equality, that stood for fairness and justice.

When families and individuals are working 40 hours a week and they can't make ends meet and they're living in poverty because the minimum wage is too low, it's clear we have more work to do. It's clear that the legacy of Dr. King is yet to be realized here in New York State.

When too many children in our communities are living in poverty and are going to school hungry every day, it's clear we have more work to do.

When the justice system is disproportionately incarcerating people of color, it is true that we have more work to do in this state. We need to be an example for the rest of the nation.

And in memory of the legacy and the life and the leadership of Dr. King, I am honored to stand here on this Senate floor in his remembrance.

Thank you, Mr. President.

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 DeFrancisco.

SENATOR DeFRANCISCO: Senator Stewart-Cousins has graciously offered the resolution for cosponsorship. And all those -- we will assume everyone is going to be a cosponsor, but if you don't want to be, just please notify the desk.

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we return to reports of standing committees.

ACTING PRESIDENT GRIFFO: We will return to reports of standing committees.

SENATOR DeFRANCISCO: And you have a report of the Judiciary Committee.

ACTING PRESIDENT GRIFFO: There is a report of the Judiciary Committee before the desk, and the Secretary will read.

THE SECRETARY: Senator Bonacic, from the Committee on Judiciary, reports the following nomination: Janet DiFiore, as Chief Judge of the New York State Court of Appeals.

SENATOR DeFRANCISCO: Please recognize Senator Bonacic.

ACTING PRESIDENT GRIFFO: Senator Bonacic on the resolution.

SENATOR BONACIC: Thank you, Mr. President.

Today is an historic day. Yesterday the Judiciary Committee met and considered the nomination of Janet DiFiore to serve as judge of the Court of Appeals for a term commencing January 21, 2016, and expiring January 20, 2020.

Ms. DiFiore is in the gallery today.

She's a resident of Bronxville, New York, in Senator Latimer's district.

Pursuant to the provisions of Section 2 of Article 6 of the Constitution and the provisions of Section 68 of the Judiciary Law, the Judiciary Committee has reported the nomination to the floor with unanimous approval.

And joining Mrs. DiFiore today is her husband, Dennis, her sons, Joseph and Michael, and her daughter, Alexandra Murphy. And we welcome them all today.

And I would be remiss if I didn't mention the nominee's love of her life, her granddaughter, Charlotte Murphy.

Just to give you a brief profile of Janet DiFiore, she has extensive experience in criminal law, having served for 10 years as an assistant DA, was a Westchester County judge for four years, served as a Supreme Court judge for three years, working as the supervising judge of the criminal courts for the Ninth Judicial District, and since 2006 has served as the district attorney of Westchester County.

So from that brief resume you can see that this nominee is well versed and very

experienced in criminal law. And for those that may not realize it, many of the cases that are now coming before the Court of Appeals are issues dealing with criminal law.

In addition, she served on gubernatorial commissions, including the chair of the Joint Commission on Public Ethics and the Commission of Juvenile Justice.

Based on the committee's review of the candidate, I think Governor Cuomo has nominated a very impressive judicial nominee who has expressed commitment to judicial independence and is eager to bring a fresh approach as the leader of the third branch of government.

She was reported to the floor by the Senate Judiciary Committee, as I've expressed, without opposition. And I urge you all to join me in confirming Janet DiFiore to the position of our highest legal officer in the State of New York, the Chief Judge of the Court of Appeals.

Thank you. I now ask you, Mr. President, to recognize Senator Latimer.

ACTING PRESIDENT GRIFFO: Senator Latimer.

(No response.)

ACTING PRESIDENT GRIFFO: We'll move on to Senator DeFrancisco.

SENATOR DeFRANCISCO: I'll fill in for Senator Latimer. No, he's close by, I know.

I wanted to rise and congratulate the Governor on the nomination as well. Over the years, we've passed on many nominations for the highest court of the state. Some are qualified, some are well qualified, and some have all the attributes that you would need for the leading judge in the State of New York. And I think this appointment is of this last category.

She's had an incredibly broad experience in the law, from being a judge that presided over civil and criminal cases to being a top prosecutor in one of the largest counties in the state. So she's seen all sides of issues, civil and criminal.

Her accomplishments include being president of the State Prosecutors Association and being involved in all kinds of different innovative projects while she was Westchester County district attorney.

She obviously has the demeanor,

having been a judge and having been under the pressures of being a top prosecutor, to handle all types of issues and all types of disputes that may come before the highest court of the state.

But I think one of the things that jumped out at me most on the resume and on the discussion yesterday in the Judiciary Committee was her, on her own motion, moving to dismiss a case against someone who was wrongfully convicted and served, I believe, 17 years in jail. You don't see too many prosecutors doing that. Prosecutor offices are usually concentrating on the convictions and listing all of the convictions and all the work they did to put people behind bars. But on a request from the Innocence Project, she reviewed the file, made sure that their claims were correct, and did justice to an individual who had been wronged.

So I'm very proud and happy to support this nominee. Her character is obviously of the highest, and her abilities are obviously of the highest.

And one last thing. When these bad things happen and the highest judge in the State

of New York sees them happening, there's got to be a remedy when there's a wrongful conviction against the person if there was wrongdoing by who procured the conviction. And we're working on that, and I would hope that she would keep that in mind as she goes forward on the next phase of an extremely successful career.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

The chair will call upon the leaders and then refer to the members.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

This is certainly a monumental day, as Senator Bonacic pointed out, because we're about to appoint someone who is unbelievably qualified, Janet DiFiore, for Chief Judge of the Court of Appeals.

You know, I think all of us at some point, as attorneys, when we graduate from law school or are in law school, kind of dream of becoming a judge. Most of us, I guess, would never even begin to dream of rising to the level

of Chief Judge of the Court of Appeals. But someone like Janet was sort of made for that position.

As was said before, there's no one who has the type of background, the diverse background of always seeking justice -- whether she was a Westchester County judge, the administrative judge of the criminal part in Supreme Court, and of course as district attorney.

I had the privilege of working with Janet when I represented her in the Village of Bronxville, and also in her capacity as a district attorney.

One thing I can always say -- and I know she's going to carry on these amazing traits as chief judge -- she is hands-on. She gets it. She understands. She's not someone who stands on ceremony, she gets her hands dirty. She works. She understands the community and of course now understands the residents of the State of New York.

I had the privilege of working on a program with her where we actually got funding for the first in the nation of a high-technology

bureau tracking program, where we were able to do a computer forensic lab in Westchester County. We were able to develop criminal investigations, actually analyze all types of data and be able to convict sexual predators who preyed on young people online. This was the first time this was ever done.

But these are the types of things that Janet DiFiore has always been famous for -- understanding what needs to be done, understanding what it means to be a law enforcement official and also what it means to understand our criminal justice system. She is someone who I believe is going to be, I think, one of the great chief judges of the Court of Appeals.

I want to congratulate Governor Cuomo because it's very, very difficult, there was a lot of outstanding candidates. But at the same time, there's no one who has that well-rounded experience, there's no one who has that type of judicial temperament than Janet DiFiore.

I can say one thing. When we confirm her nomination today and she rises to the

position of Chief Judge of the Court of Appeals, I can say, for everyone in New York State, justice will be done.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

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

I rise to congratulate our new chief judge, Janet DiFiore.

We were in my office yesterday just sort of reflecting on the paths that we'd taken that led us to this moment. We reflected on the fact that we're both from very humble beginnings and would never have dreamt that our paths would wind up in this place at this time for this reason.

You heard what she did when she was elected district attorney in Westchester. And the interesting thing is again, we were both elected the same year. And when you're first elected, people are always looking at who was there before and what would you do. And without a pause, the very first year she did what most people -- as Senator DeFrancisco said, she did

what most people would not have done. She listened, she went back, she examined and she found that there was an opportunity to free an innocent New Yorker who had been already, since his youth, teenage years, imprisoned almost 20 years.

And not only did she do that, but went ahead to find the real killer and to make sure that justice was served. What an incredible thing to do when you first begin your career in that position.

That led her to become the co-chair, with the late Justice Ted Jones, of the Justice Reform Task Force. She was appointed by Judge Lippman. And in that role she took on the cause of, again, how is our justice system working.

She is a proponent of videotaping confessions and interrogations. She's a proponent of grand jury reform. She's talking about opening up the process. She understands where we have to go in order to live up to this justice for all. She's worked, as Senator Klein indicated, on streamlining, sharing of law enforcement intelligence across agencies.

But what I like most about her is that she's never forgotten where she came from. And we've had some difficult cases, as my colleagues in Westchester will talk about. You know, just like everywhere else, we've had difficulties. But she's never closed her door. She's always listened, she's always heard, and regardless of whether you liked the end or not, she was always willing to stand up and say this is where we're at, this is what the law dictated, this is how we got to that conclusion.

Our state has been blessed, frankly, with some phenomenal chief justices. Obviously Justice Lippman and then your mentor, Judge Kaye. And we memorialized her just last week.

Any time, as you know, you follow giants, you have to pause and think what am I going to do. But because of who you are and what you've already done and the spirit and the integrity and the intelligence and the down-to-earthness of who you are, I know that you will continue and build on the legacy of those phenomenal chief justices.

Congratulations.

ACTING PRESIDENT GRIFFO: Senator

Latimer.

SENATOR LATIMER: Thank you, Mr. President.

Many of my colleagues in this room, certainly those on the Judiciary Committee, have had distinguished careers in the law. That was not my personal career path. I spent my time working for major corporations in marketing. And so I guess I followed more Don Draper than Perry Mason.

But I had the opportunity in my corporate career to hire any number of people -- and unfortunately fire any number of people. But in the hiring process, there is three basic tools that you use to evaluate the candidate in front of you: You have a resume, you interview the candidate, and you check their references. And with those three basic tools you make a decision about whether a person before you is able to do the job that you have available for them to do.

Putting aside any other past experiences -- which I will reference before I sit down -- when you look at the candidacy of Judge DiFiore for this position, you make a checklist of what matters for a person in a

position like this. Number one, do they have the legal skills necessary to do this job?

Judge DiFiore has both civil and criminal experience that's essential to understanding the kind of cases that might find their way to the Court of Appeals. Her background at St. John's Law School and the diversity of the types of law she's practiced as an assistant village counsel for the Village of Bronxville, serving as an intern in the Mount Vernon City Court, gives her the broad breadth of legal skills that she needs to have in order to deal with this position.

The second question is does she have the administrative experience. Because this position is not merely about your legal skills, it's about your ability to run a significantly large entity at the very top of that entity. And she has shown, both as an assistant district attorney in Westchester County, by being responsible as chief of the narcotics bureau, her time as district attorney, running a sizable prosecutorial department in this state rival to any of the other major counties or the major boroughs of New York City. She's been president

of the District Attorneys Association. She's been co-chair of the New York State Justice Task Force. And importantly, she was supervising judge of the Ninth Judicial District criminal courts, which gives her exactly the kind of administrative record married to the legal experience in this position.

And then the third question is does she have judicial temperament. Because we know many people who are talented but they may not necessarily have the mindset of being a judge and also understanding how that separate and distinct branch of government works.

Yesterday in the Judiciary Committee there were some very insightful questions asked by my colleagues. And in some cases there was an effort for Judge DiFiore to comment about an idea or not. And I think she picked very carefully between answers that would reflect a philosophy of how she would administer the court system versus those that would ask her to take a position on a policy issue that rightfully belongs to the Legislature or should come, might come in a case before her for which she should refrain.

And watching that judicial temperament on display yesterday, married to those other things, even as a nonlawyer you know that you've got the right candidate for this position. As my colleague Senator Klein said, Governor Cuomo has given us an excellent candidate.

I might also say that I do have the opportunity to say that I was in high school with Judge DiFiore. I was ahead her in high school by age. And I'm sorry to even think she looks like she was 10 years after me in high school.

But I also had the opportunity for a brief period of time, when we both worked for the City of Mount Vernon in our youth, when I worked in the planning department and she was an intern for a very well respected city judge, Irving Kendall. Of all the people that are proud today -- her mother and father, the people of her home community in Bronxville, of her original hometown in Mount Vernon -- of all the people that have known her in her various positions, the one person that I wish was sitting in the gallery today is Judge Irving Kendall. Ruth Thompson knows this gentleman, some of us who remember

what a judge he was. And he would sit there and remember the summer intern that he had rise to the top judicial position in New York State.

There is in Mount Vernon High School, which I'm a graduate of, a Hall of Fame of great graduates. I have not done anything worthy of being in that Hall of Fame, but Judge DiFiore has. She's made us all proud to say where we're from and, more importantly, where we'll be going.

I appreciate the opportunity to speak on her behalf, and I'm very happy to vote for her in this opportunity.

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

I want to start off by saying that this is probably one of the Governor's best nominees to bring before this Senate and probably one of the most crucial positions in government, to head another branch of government, another branch of government.

Yesterday was a terrific day for the Judiciary Committee, headed by our chairman,

Senator Bonacic. And the feeling, you could feel a really good feeling at the committee. There were some very tough questions, and every member I believe had one thought -- because the record is spotless. The record is terrific -- and that is the question of maintaining independence. That was the sentinel issue that every committee member had.

And, you know, the nominee was -- and you could feel it. And we deal with a lot of people, and you know you could be fooled. But the sincerity and how she articulated, I left the committee meeting feeling very good that she will be a very independent chief judge, a chief judge that will bring enormous energy -- she talked about that repeatedly in her opening remarks to the committee.

The other thing is that there are some people that want, in various positions, people that are ideologically in a particular place. I think Janet DiFiore went out of her way to say, over and over again, that every case will be decided on its own merits.

That's what we want. That's what we want. We want someone that will bring fairness.

Now, we hear that all the time. I left there believing that this chief judge will be fair and get the court to evaluate every case on its merits. I don't think we could ask for any more than that.

Disposition. I can't say it enough times that you really had a good feeling, the answers. She answered some difficult questions, and others she gave appropriate answers: "You know, when I get there I'll have to make that evaluation. I don't know enough about it at this time." I think that's what you want. And some of us should do that also, rather than fly by the seat of our pants and then end up on the shoals, on the rocks someplace.

I had a very, very good feeling on this chief judge. And I think at the end -- and I'm sorry, I had to leave the committee meeting because I had a chair conference yesterday -- my question was when we fast forward, what is going to be your story, how are we going to write your story? And I think it's going to show energy, fairness. I think you are going to get all of the judges and justices focused and be part of a system that everyone -- everyone, including

themselves -- will be proud of.

Senator Latimer, I just wanted to make a note for the record that while certainly you are Janet DiFiore's home senator, you share her with me and the First Senate District, and I am so proud of that.

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

The other day I received a phone call from Florida, from Judge Jan Plumadore, extolling the virtues of our candidate and very -- I have a lot of respect for him and what he had to say about Janet DiFiore. And it was very moving.

I checked her resume, and it's spectacular. You know, back when I was in law school there were less women lawyers than any other major profession. Today the majority of law students are women. And it is truly remarkable at that time there was only one woman in my class, and that was Judge Judy Sheindlin, who went on to become financially successful, to say the least.

(Laughter.)

SENATOR FARLEY: But you know, as we look at this candidate, only the second woman to chair our highest court in this state, her resume is spectacular. And I think you're going to see a unanimous confirmation, and rightfully so.

We're very proud of you. You have reached the pinnacle of your profession. And I wish you the very best in your tenure. Good luck, and God bless.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

I rise as the ranking member of Judiciary and had hoped that I would be so much further forward on the list than this so that most of the things I wanted to talk about would not have been discussed. But the beauty of my relationship with our new justice-to-be is very personal, so I can have the opportunity that many of you in this chamber cannot.

I've known Janet DiFiore for a very long time, through each of her career paths

except the internship year. But certainly the thing that makes our relationship unique, we talked about the independence. And even as a long-time friend, when I came to her to talk about some of the issues that I would like to see her take a position on, she stopped me cold. And we had some very different ideas about how we're going to get there.

So -- and I say that because it's very honest in our relationship. We have fought some battles because we've been on different sides, not of the ideology, of what we should be doing, but more importantly on how we should get there.

But what I have enjoyed in that relationship, even after she said "I don't think so," she went back and researched it. And as I look at some of the programs that she has put in place in the County of Westchester, I know that she rethought some of those initial decisions.

And that's where the fairness comes in. That's where the importance of having someone like her on the bench becomes critically important. Because even though law, the rule of law -- which my counsel always tries to help me

to put first and foremost in my job here -- is important, having compassion, understanding, and knowing all the facts is also equally as important as the law.

And so one of the things that I have found in every instance with her is that she has gone back and examined and listened to what I said and examined it more carefully. And the positions that she has chosen to take have not changed significantly, but rather she has helped to alter how we get to the results that we both needed to reach.

And so for those reasons I certainly was very pleased -- first of all, when I saw the Governor's list, I made a bet with my staff that she was going to be number one. And we had all kinds of pools going in our office, and I won that pool.

And I was very pleased yesterday that unanimously, for all the questions and the probing that my colleagues did, unanimously we agreed that she was the best choice for the head of this awesome responsibility as well as this awesome -- and it's not an agency. The judiciary is its own branch of government. And she's going

to be representing that branch of government for the State of New York.

And her decisions and those of the other judges will either change the course of the lives of the people of the State of New York or it won't. I suspect that it will, significantly, from Day One. Knowing her, she is a mover and a shaker. And she knows how to move obstacles out of her way.

And I want to thank her and her family for the many years of service that she has given not only to the County of Westchester but to the people of this state. And I just appreciate the fact that she chooses to want to do this. Because it's not an easy position.

And Grandma, you're not going to spend as much time with Charlotte as you would like to, and I know what that means to you. But as that granddaughter, she needs to have a little bit of space, because you're going to spoil her tremendously, as rightfully you should.

So thank you, all of my colleagues who have probed with me to be sure that we're making the right choice. And we've all come to the decision that we have picked, along with the

Governor, an extraordinary opportunity to be first in the State of New York to bring justice to the people who depend upon us.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Murphy.

SENATOR MURPHY: Thank you, Mr. President.

I rise to congratulate Ms. DiFiore; her husband, Dennis; her kids, Joseph, Michael, Alexandra. It is truly a monumental day in New York State -- and for your family. Don't forget that.

You know, as we celebrate the official beginning of the women's equality laws that take effect this week, I can't think of a better way to honor this than by appointing the second woman in New York State history to New York's chief judge.

Ms. DiFiore spent a decade as an assistant district attorney in her lifelong home of Westchester County, where we reside; four years as the Westchester County Court judge; two years as a Supreme Court justice, after which she ran for and won the office of Westchester County

district attorney, the office she has held since 2006.

As a court judge, Ms. DiFiore helped develop juvenile delinquency programs, domestic violence and drug treatment problem-solving courts. She was appointed in 1999 by then Chief Justice Kaye to the Commission on Drugs and the Courts. And as district attorney, she took leadership roles in youth issues and public ethics.

Also as district attorney she helped build a countywide law enforcement intelligence center as well as multidisciplinary teams to investigate elder abuse and child fatalities.

Ms. DiFiore's experience and fair administration of justice will allow her to continue to well serve the people of New York State.

Congratulations, and I wish you the best, from one Westchester resident to another, the new New York State Court of Appeals judge, Ms. Janet DiFiore.

ACTING PRESIDENT GRIFFO: Senator Hannon.

SENATOR HANNON: One of the things

I'm struck by this confirmation process is how elaborate and how long it is. And I don't want to make it too much longer.

But it started with all of the bar associations, who immediately after the nomination by the Governor, interviewed Ms. DiFiore, and it has continued. Yesterday's committee hearing was very extensive, and I'm not so sure people were aware of all of the materials that Chairman Bonacic had provided us.

And I had two inquiries. One was of the job. This is a tough administrative job with immediate payback -- or not payback -- in regard to how well the courts are being run. But I'm confident that as district attorney, Janet DiFiore has that administrative experience, and that's fine.

The other part that I was worried about was the judicial philosophy, the judicial voice. New York's Court of Appeals has been known as a great common law court, has been a leading court in the nation, really requires the thoughtful application of law, doctrine, moving trends in society.

And I was delighted to see that the

hard work that you had put in in regard to giving speeches throughout the region, in providing information in regard to the Judicial Task Force of New York State, of coauthoring information and articles on human trafficking, speaking on domestic violence, elder abuse -- all of which is part of the policy and makeup of what will start to become your daily experience, either in assigning cases or in writing those decisions.

So that's a tough thing to do. But those decisions will be the things that live on well beyond all of the day-to-day administrative tasks that you have to face.

So I commend the Governor for a great appointment. I commend Janet DiFiore for all the hard work. And we look forward to more of your hard work to produce for the people of New York State.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Breslin.

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

I first might mention I think we've seen more collegiality on this floor for one

candidate than I can remember in the recent past. And it's a tribute to Judge DiFiore.

I quickly passed the stage of she's very bright, very hardworking, she's not philosophically oriented. And both sides have a hard time pinning it down, is she philosophically oriented. She's oriented to the job before her.

But I was most impressed with her ability to get into the weeds. And, as Senator Hannon mentioned, the things that she did aside from deciding cases or running a DA's office or supervising the court system, was her involvement in making this the best state for the administration of justice, the fair and equal administration of justice. And I think it's coincidental that we've just honored Martin Luther King, but it falls into that same quest for fair and equal justice.

And when we think of the court system now and we think about our treatment of young people in the court system, which is now under review with the possibility of new laws happening shortly, when we think about our bail system, when we think about indigent legal services and the fair application throughout the

62 counties, those are the issues that I believe that the new chief judge will not -- will not become a strong participant in that discussion. Because of her background, she has never not become the president of the District Attorneys Association or the cochair of another group or being named by the Governor to serve on another committee. This is someone who will be, in a nonphilosophical sense, very proactive.

And I believe we are witnessing a day that we will all remember as legislators and all be extremely proud of. We have chosen the right person to lead our court system in the State of New York.

Congratulations, Judge DiFiore.

ACTING PRESIDENT GRIFFO: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I rise first to congratulate Governor Cuomo on his wonderful selection and Judge DiFiore on her confirmation today.

You know, yesterday I spoke in the Judiciary Committee and I reminded her that of the many responsibilities that she's about to

undertake, there is none more daunting than the fact that she's about to take on the administration of an agency, a massive agency with tens of thousands of employees, that has been deprived and starved for far too long.

I fear she's going to find a court system that has been deprived of resources, courts that are forced to close at 4 p.m. every day because they can't afford overtime, courts where we don't have enough judges, where we don't have enough court officers, courts where we have outstanding collective bargaining agreements, courts where we have real demands and less resources all the time.

So this is an incredible responsibility. We stand with you to help you achieve some of those things. I hope that you're going to continue the tradition that was started by Judge Judith Kaye, that of modernizing our court system. I hope that you're going to also be committed to what she called the "people's court," the family court. And I know your background, Judge. You are going to do that. Our family court is so critically important to some people.

And finally, I'm going to be a little parochial. I spoke yesterday about the fact that about nine years ago Senator Lanza and myself, along with other members of the Assembly, passed legislation establishing for the first time that Richmond County would be its own judicial district, separating us from Brooklyn. And nine years ago, we did that, and nine years later we still have not been made whole.

We only have three judges, we'd like to give them back to Brooklyn. We need seven more. We don't have a community court in Staten Island, we don't have a drug court, we still have not really been made whole.

So we look forward to working with you in every aspect of your new responsibilities and hope that you will continue the work of Judge Kaye, modernizing our court system so that we can, as you put it yesterday, see to the speedy and fair administration of justice. That is your mission.

Congratulations.

ACTING PRESIDENT GRIFFO: Senator Carlucci.

SENATOR RITCHIE: Thank you,

Mr. President.

It's an honor and a privilege to rise in support of Governor Cuomo's nomination for our next chief justice.

Janet DiFiore has served with grace the people of Westchester County throughout her entire tenure as a public servant. And as a Senator representing Westchester County, it's been a great privilege to serve as a partner in government with Janet DiFiore, serving the people of Westchester County.

And now it's very gratifying to see Janet DiFiore -- that experience, the work ethic, the proactiveness that we've all heard today on the floor -- going to work and serving the entire State of New York.

So with that, Mr. President, it's a great honor to be casting my support in favor of Janet DiFiore as our next chief justice of the Court of Appeals for New York State.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Panepinto.

SENATOR PANEPINTO: Yes, I rise on behalf of Janet DiFiore.

I don't know Judge DiFiore, but I know from her resume that she is a judge who lawyers will appreciate. She was a practitioner on a civil and criminal level, an ADA and a DA. And as somebody that practices in those courts, you know, we love judges that were also practitioners.

But I also rise -- and I can't believe that I'm the first one to say this -- it's a matter of ethnic pride. I went and looked on the website. This is the first Italian-American who we're making the chief judge of the Court of Appeals. So from my ethnicity, I'm very proud to congratulate Judge DiFiore, and I'm sure that her family is very proud, and I'm going to be casting my vote in the affirmative.

ACTING PRESIDENT GRIFFO: To close, Senator Boyle.

SENATOR BOYLE: Thank you, Mr. President.

I too would like to congratulate the Governor on a tremendous choice for chief judge of the Court of Appeals. Although we have never met, I have been a big fan of Janet DiFiore for years, following the case of Jeffrey Deskovic,

that was discussed earlier, spending many years in jail. You had the courage to make a decision that your predecessor did not, to give this young man the proper retrial that he deserved.

I believe, as I said yesterday in the Judiciary Committee, that we have a crisis of confidence in our judicial and prosecutorial community. We see it in communities of color, we see it all across New York State. For those of you who have not seen Making A Murderer on Netflix, although it didn't happen in New York State, I should say you should all watch it. In Suffolk County, my home county, we recently had our former chief of police arrested by the FBI.

This is an area that we're going to be looking at and we cannot have New Yorkers lacking confidence in their judicial system, in their prosecutorial system. I know that in your position as chief judge you can do a great job in many other areas, but this is one area that I ask you to focus on, to restore the confidence of New Yorkers in our system.

Congratulations in advance to you and your family.

ACTING PRESIDENT GRIFFO: Thank you

all.

We want to again welcome the family of our chief judge nominee to the chamber today. Thank you. It's an honor to have all of you with us.

The question now before the house is on the nomination of Janet DiFiore as Chief Judge of the New York State Court of Appeals. All in favor signify by saying aye.

(Response of "Aye.")

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

SENATOR AVELLA: Thank you, Mr. President.

I rise and wish to be recorded as abstaining from the vote on the nominee. I was the lead plaintiff in a case Avella versus the City of New York, which was won at the Appellate Division. However, the other side is appealing to the Court of Appeals. And since this nominee will hear this case, I think it's appropriate to abstain on the vote.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Without objection, hearing no objection, in accordance

with Rule 10, your request is accepted, and the Secretary shall so record.

Any negatives?

(No response.)

ACTING PRESIDENT GRIFFO: Therefore, Janet DiFiore is hereby confirmed by this New York State Senate as Chief Judge of the New York State Court of Appeals.

Congratulations and good luck.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, can we now take up Resolution 3360, by Senator Kennedy, read it in its entirety, and recognize Senator Kennedy. Thank you.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3360, by Senator Kennedy, mourning the death of Joy W. McDuffie, distinguished citizen, business owner, and devoted member of her community.

"WHEREAS, It is the custom of this Legislative Body to pay tribute to citizens of

the Empire State whose lifework and civic endeavor served to enhance the quality of life in their communities and the great State of New York; and

"WHEREAS, Joy Wiley McDuffie, a lifelong resident of Buffalo, New York, died on Saturday, November 21, 2015, at the age of 59; and

"WHEREAS, The daughter of Izine Mullins Brice and Curtis Laster, Joy W. McDuffie was born on January 20, 1956, and was the third of 12 siblings; and

"WHEREAS, After graduating from Holy Angels Academy in 1972, Joy W. McDuffie earned an associate's degree in accounting at Erie Community College, a bachelor's degree in business administration from Medaille College, and a master's degree in urban and regional planning from the University at Buffalo; and

"WHEREAS, Joy W. McDuffie began her illustrious career as a business analyst and supervisor at Union Carbide's Linde Division; in 1991, she opened her own business, Club Joy, which she operated for more than 15 years; and

"WHEREAS, This esteemed

businesswoman also became the owner of Kensington Development Corporation of Western New York, a company which specializes in the purchase and restoration of homes in the community; and

"WHEREAS, In 2008, Joy W. McDuffie joined the Western New York Law Center, where she was a geographic information systems analyst and Director of the mortgage default program assisting homeowners facing foreclosure; and

"WHEREAS, A dedicated member of the Buffalo community, Joy W. McDuffie served as a leader in the Good Neighbor Planning Alliance, and as a member of the Joint Schools Construction Board; she also headed the Buffalo School District's Dropout Prevention Committee and was a board member of Preservation Buffalo Niagara; and

"WHEREAS, The recipient of numerous honors for her outstanding service, Joy W. McDuffie was honored with a local 2010 Women's History Month Award and the Second-Half Champions Award; and

"WHEREAS, Joy W. McDuffie is survived by her parents, Izine Mullins Brice and Curtis Laster; two sons, Jamar and Rashied;

seven sisters, Judith, Tearah, Lisa, Karen, Kizzie, Tanya and Tammy; and two brothers, Orvin and Mark Anthony; as well as six grandchildren; and

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

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Joy W. McDuffie, distinguished citizen, business owner and devoted member of her community; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Joy W. McDuffie."

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I rise today to mourn the passing of a lifelong resident of Buffalo, an exemplary

member of our community and a loving mother, Joy Wiley McDuffie, who passed on November 21, 2015, at the young age of 59. Though it was far too soon, she accomplished more and helped more people than most of us could wish for in our entire lifetimes.

And before I begin, I want to note the presence of her two sons, Rashied and Jamar McDuffie, and a cousin, Mia Wilkes, who came from Buffalo today to join us in the chamber as we honor her remarkable life and celebrate her legacy.

Ms. McDuffie was born on January 20, 1956, the third of 12 siblings. Throughout her life, Joy never strayed too far from the community that she loved. After receiving her associate's, bachelor's and master's degrees from multiple Buffalo-area colleges, Ms. McDuffie demonstrated her passion to give back through the jobs she worked and businesses she owned. In 1991, she opened up Club Joy, a place where anyone in the community could come together as neighbors and share good times and company. Everyone was welcome at Club Joy. For 15 years, Club Joy was a fixture in our community. And to

this day, people still miss the camaraderie that was felt when being in Club Joy.

But Ms. McDuffie wasn't done. Sensing a need for better housing in our community, she started the Kensington Development Corporation of Western New York, a company that specializes in the purchase and restoration of homes in the community. They find homes that need a little extra love and put the necessary work in to make the homes like new again, improving the neighborhood in the process.

In 2008, a time of recession and a difficult housing market, she also joined the Western New York Law Center as director of the mortgage default program, helping vulnerable homeowners facing foreclosure, with the goal of keeping families in their homes.

Joy McDuffie had the education, the experience, and most importantly the caring heart that was needed in order to help these struggling homeowners in Buffalo and Western New York. For many people, such fulfilling careers would be personally satisfying enough, but not Joy McDuffie. In her spare time she volunteered in many Buffalo-area organizations, including as

chair of the Buffalo School District's dropout prevention committee, helping identify ways to keep young people in school through to graduation.

But the real accomplishment in Ms. McDuffie's life are her two sons that join us here today, Rashied and Jamar. Rashied is an assistant corporation counsel for the City of Buffalo and president of the Minority Bar Association, doing amazing things protecting the legal interests of the people of Buffalo and Western New York, and a great community asset and a tremendous leader.

Jamar is the owner and CEO of his own contracting firm, continuing his mother's desire to see the community improved.

We know Ms. McDuffie is and was very proud of the great things her sons are doing and would be so happy that they carry on her belief in the importance of giving back to our community. Rashied and Jamar, your mother is undoubtedly, undoubtedly looking over us, watching out for us, and here with us today.

I'm honored to ask this body to remember the wonderful life of Joy Wiley McDuffie

and to recognize her family here today.

And with that, Mr. President, I'd like to open this resolution up for consideration and cosponsorship. Thank you.

ACTING PRESIDENT GRIFFO: We welcome the family to the chamber. We extend our condolences on your loss.

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.

It is open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, there's another resolution by Senator Kennedy at the desk, Number 3361. Read the title only, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3361, by Senator Kennedy,

honoring Major Steven A. Nigrelli upon the occasion of being named Commander of New York State Police Troop A.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Today it's my distinct pleasure to rise and honor a fellow kid from South Buffalo and a friend, Major Steven A. Nigrelli, on the occasion of being named commander of New York State Police Troop A, which covers much of Western New York and includes over 400 civilian and sworn personnel under his command.

Major Nigrelli isn't here today, but for good reason. Tonight in Buffalo is his promotion party, so he's getting ready to be rightfully honored by our local community.

You know, originally Major Nigrelli wasn't going to be a police officer. He studied business at Buffalo State and interned in financial forecasting with a utility company. But Major Nigrelli comes from a proud line of police officers, and one Christmas Eve party changed everything. Surrounded by many relatives

in law enforcement, it convinced him that being a police officer and being in law enforcement was the right thing to do for the community that he loves so much.

Major Nigrelli is a 25-year veteran of the State Police, starting as a uniformed trooper in Central New York before being assigned to the Community Narcotics Enforcement Team in 1994. The narcotics team wasn't easy, with Major Nigrelli working undercover on the streets of Buffalo during the height of the crack cocaine epidemic in the '90s. His hard work paid off, as Major Nigrelli was later promoted to sergeant and investigator of Troop A's Bureau of Criminal Investigation, before being named captain at Group A in 2012.

At the Bureau of Criminal Investigation Major Nigrelli never shied away from complicated cases, tackling each issue head-on like only someone from our neighborhood could. Major Nigrelli was the scene commander for the investigation of the crash of Continental Flight 3407 in Clarence. He was involved with the manhunt for Ralph "Bucky" Phillips and served on the task force that finally caught the bike

path rapist who had terrorized Erie County for two decades.

In fact, on his first day as major at Troop A, Major Nigrelli helped announce the arrests of four men who had committed more than 30 burglaries in Western New York. That is how you start a new job off right.

Even with all this work, Major Nigrelli still finds time to volunteer with both the New York State and International Special Olympics.

I'd like to recognize Major Nigrelli's family, who have supported him throughout everything he's done. To his wife Lenore and his two sons, Taylor and Toran, we also thank them for allowing the people of New York to be protected each day by such an exemplary person.

Finally I want to recognize Major Nigrelli's family, especially his mother and his late father, Joe, who served in the Buffalo Police Department, as well as his brothers Mike and Peter. Mike is a retired captain in the State Police, and his brother Peter is a current Buffalo police officer. The family has quite a

tradition of law enforcement in Western New York, and we owe them a tremendous debt of gratitude for serving our community and putting their lives on the line every single day to keep us safe.

Congratulations on your appointment, Major. I know that you're going to continue to do great work for the people of South Buffalo, Buffalo, and all of Western New York and New York State.

Thank you very much, Mr. President. And I'd like to open this resolution up for cosponsorship.

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.

It is open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I believe

there's another resolution at the desk, Resolution 3313, by Senator Seward. Can we read the title only and then recognize Senator Seward.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3313, by Senator Seward, mourning the death of David Bowie, English singer, songwriter, multi-instrumentalist, record producer, and actor for more than five decades.

ACTING PRESIDENT GRIFFO: Senator Seward.

Can I have some order in the chamber, please.

SENATOR SEWARD: Thank you, Mr. President.

You know, there are certain artists that come along who inspire, influence and shape generations, and certainly David Bowie would fit into that category over five decades in his career.

An extremely talented, multidimensional performer, David Bowie was a true innovator. He had the ability to change his persona depending on what music he happened to be

performing. And he continued to record, releasing his final album just two days prior to his death on January 10th.

You know, David Bowie was from the United Kingdom, and he certainly could choose to live and to work anywhere in the world. But he had strong New York connections, an apartment in New York City. And he also came to know the beauty of the Catskill Mountains, as so many people do, and was a homeowner in a portion of my district near picturesque Shokan in the Town of Olive, Ulster County.

He did some recording there, and I would like to think that the natural beauty that surrounded him in the Catskills enhanced his creativity.

There are so many great moments in his career. Everyone has a favorite David Bowie song. But one that stands out to me was his performance of the song "Heroes" at the Concert for New York City following the September 11th attacks. It was a truly uplifting moment for everyone. It helped to honor our men and women in uniform and put the spotlight on them at a time that they truly needed a morale boost.

You know, the tributes to David Bowie have been nonstop since his passing, and deservedly so. And I believe it's tremendously appropriate that the New York State Senate, because of his New York connections, that we add our collective voices to those tributes. And I'm delighted that a copy of this resolution will be forwarded to the family of David Bowie.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Seward.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President.

In addition to his home in Senator Seward's district, he also had a home in my district in Lower Manhattan, on Lafayette Street.

And I appreciate very much Senator Seward bringing this resolution to the floor and honoring his constituent and my part-time constituent and someone who I think we're very proud to have had as a New Yorker, one of those many, many millions of New Yorkers who emigrate here and choose New York as home, coming from the rest of the world, and one of the great strengths

of our country, the famous and the anonymous.

I have to admit that my first knowledge of David Bowie came through the timeless lyrics of a certain Robert Van Winkle, better known as Vanilla Ice, who sampled the great David Bowie/Queen song "Under Pressure" for his 1990 hit, hopefully forgotten by most, "Ice Ice Baby."

It was only a little bit later -- I was 10 then. It was only a little bit later that I realized that that hook in "Under Pressure" was just the tip of the iceberg for a musical genius and a man who sent a message throughout his career, both to music fans and well beyond into society, that you need to be yourself, you need to be proud of that, and you need to stand up for that.

In "Rebel Rebel" he sang: "You've got your mother in a whirl, she's not sure if you're a boy or a girl." Touches on issues that are still controversial and important today.

As Senator Seward talked about "Heroes" as a great song that he sang after September 11th: "I, I will be king/And you, you will be queen/Though nothing will drive them

away/We can be heroes just for one day/We can be us just for one day." Sending the message to children, young adults everywhere that they need to be comfortable with who they are even if they are a little odd, as David Bowie was.

In fact, he experienced that and sang about it in "Changes." "Just gonna have to be a different man/Time may change me/But I can't trace time." Especially bittersweet here as we remember him.

And of course "Ground Control to Major Tom," "Space Oddity." "Though I'm past/100,000 miles/I'm feeling very still/And I think my spaceship knows which way to go/Tell my wife I love her very much, she knows/Ground control to Major Tom/Your circuit's dead, there's something wrong/Can you hear me, Major Tom?/Can you .../Here I am floating/Around my tin can/Far above the moon/Planet Earth is blue/And there's nothing I can do."

We remember David Bowie or, as I would like to leave it, Ziggy, playing guitar.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Boyle.

SENATOR BRESLIN: Thank you, Mr. President.

I'd like to commend my colleague Senator Seward for this resolution and to say that I was a David Bowie fan for a long time, but I actually got a chance to meet David and Iman, his wife, and had a conversation for the better part of an hour.

I was in a green room in New York City when I was a Congressional staff person and a makeup artist came in and said, "Does Iman have a last name?" And I said, "Well, I know she's married to David Bowie. I don't think she goes by Bowie." And she goes, "Because she's going to be a here in a couple of minutes." And I'm thinking, Oh, a supermodel's going to walk in. And she walks in with her husband, David.

And in my mind I'm thinking David Bowie's going to come in as Ziggy Stardust or one of his crazy characters. He was the consummate gentleman. The nicest couple I've ever met. They asked me can I explain American politics to them. They recently had bought the house in New York, in Manhattan, and they said they wanted to learn more about the American system of

government and the New York system of government, given the fact they had a new home here.

It was amazing to me that -- I've had constituents who literally live their entire life in New York and could care less about government, and David Bowie and his wife were really interested in learning about this system of government so they could participate.

He was a great musician, he was a great New Yorker, and we miss him.

Thank you, Mr. President.

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 DeFrancisco.

SENATOR DeFRANCISCO: And I hope it's open to all the other members. And that being the case, if you do not want to be on, please notify the desk.

ACTING PRESIDENT GRIFFO: So noted.

SENATOR DeFRANCISCO: And in honor of David Bowie, I would hope that Senator Seward and Senator Squadron next week will come in with dyed hair and makeup and a new outfit so that we can remember him continuously through our sessions.

(Laughter.)

SENATOR DeFRANCISCO: The next resolution is sponsored by Senator Stavisky, and it's Number 3273. I'd ask that the title be read and you recognize Senator Stavisky.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3273, by Senator Stavisky, congratulating Coach Ron Naclerio upon the occasion of celebrating his 723rd career victory and setting a new PASL record for most career wins as Head Coach of the Benjamin N. Cardozo High School Boys Basketball Team.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

As the clerk read the title of the

resolution, on December 1st, last month, Cardozo won the 723rd victory for Coach Ron Naclerio. And in the 112-year history of the PSAL, the governing body for New York City sports, he became the winningest coach in history.

The most interesting quote about him is when he said "I don't coach basketball, I change people's lives."

He is a player's coach. I have been there on a number of occasions. We're very proud of Benjamin Cardozo High School.

And let me just say that the coach started his streak in 1981, and that season he went one victory and 21 defeats. He has changed the whole program around. He has four players who played in the NBA.

And we are delighted to congratulate the coach and hope that he continues for his 800th victory. And I thank you, Mr. President.

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 DeFrancisco.

SENATOR DeFRANCISCO: And Senator Stavisky has opened this resolution up for all members. And if you do not want to be on it, please notify the desk.

ACTING PRESIDENT GRIFFO: So noted, so instructed.

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

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

SENATOR DeFRANCISCO: There being none, we would like to adjourn until Monday, January 25th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Monday, January 25th, at 3:00 p.m., intervening days being legislative days.

Senate is adjourned.

(Whereupon, at 1:08 p.m., the Senate adjourned.)