

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 February 23, 2010

11 5:00 p.m.

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13
14 REGULAR SESSION

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18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

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

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

4 I ask all to rise and repeat with
5 me the Pledge of Allegiance.

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

8 ACTING PRESIDENT BRESLIN:
9 Today's invocation will be provided by
10 Dr. Hector A. Chiesa, bishop of the Church of
11 God in the Bronx.

12 Bishop.

13 BISHOP CHIESA: Thank you.

14 We pray in two languages today, in
15 the language of Cervantes, in the language of
16 Shakespeare. Let's pray together.

17 [In Spanish.]

18 O God of love, we invoke your
19 presence in this great event where the
20 Honorable Senator John Sampson, the Honorable
21 Senator Ruben Diaz, the State Senate, and the
22 Puerto Rican and Latino Caucus has seen fit to
23 celebrate, for the first time in history, the
24 Dominican Heritage Month.

25 Lord, allow Your presence to

1 saturate this place and bless every
2 legislator. Thank You for your immense love
3 and for all You have been doing for all of us,
4 especially for the 800,000 Dominicans in our
5 Empire State, especially in the City of
6 New York.

7 In this year 2010 I ask, O Lord, to
8 illuminate us so that we can comply with the
9 tasks assigned to us. Allow us to understand
10 that we are your creations and your creatures.
11 Make us in your image, insanguine God. Help
12 us know and fill the needs of our fellow man.
13 Allow us to recognize in our fellow man the
14 divine spark that makes him our brother, his
15 human spark that makes him our friend, his
16 special spark that makes him an individual
17 deserving everyone's respect.

18 Grant us, O God, the ability to
19 satisfy fully each member of our families, to
20 be able to fulfill the citizen's
21 responsibilities of healthy coexistence in our
22 communities and in our state, to comply with
23 our social responsibilities, serving our
24 community efficiently and effectively in our
25 neighborhoods, especially in the City of

1 New York and the South Bronx.

2 O, Almighty God, please allow this
3 sense of recognition toward our Dominican
4 brothers generate cooperation and solidarity.
5 Move us, Lord, to act to human beings in these
6 troubling times with full hearts. Today,
7 Haiti needs us. Tomorrow, it may be us who
8 are needy.

9 O God, help us to increase our
10 faith, love and charity. And bless America,
11 and bless our Senate.

12 Amen.

13 ACTING PRESIDENT BRESLIN: Thank
14 you, Bishop.

15 The reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Monday, February 22, the Senate met pursuant
19 to adjournment. The Journal of Friday,
20 February 19, was read and approved. On
21 motion, Senate adjourned.

22 ACTING PRESIDENT BRESLIN:
23 Without objection, the Journal stands approved
24 as read.

25 Presentation of petitions.

1 Messages from the Assembly.
2 Messages from the Governor.
3 Reports of standing committees.
4 Reports of select committees.
5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, I
10 have two motions.

11 First, on behalf of Senator Ruth
12 Hassell-Thompson, I move to amend Senate Bill
13 Number 4027A by striking out the amendments
14 made on 11/17, 2009, and restoring it to its
15 original print number 4027.

16 ACTING PRESIDENT BRESLIN: So
17 ordered.

18 SENATOR KLEIN: The second, on
19 behalf of Senator Squadron, on page 13 I offer
20 the following amendments to Calendar Number
21 97, Senate Print Number 3775B, and ask that
22 said bill retain its place on Third Reading
23 Calendar.

24 ACTING PRESIDENT BRESLIN: So
25 ordered.

1 Senator Klein.

2 SENATOR KLEIN: Mr. President,
3 will you please recognize Senator Padavan.

4 ACTING PRESIDENT BRESLIN:
5 Senator Padavan.

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

8 On behalf of Senator DeFrancisco, I
9 move that the following bills be discharged
10 from their respective committees and be
11 recommitted with instructions to strike the
12 enacting clause: Senate Bill 1514, 1515,
13 2725, and 2856.

14 ACTING PRESIDENT BRESLIN: So
15 ordered.

16 Senator Klein.

17 SENATOR KLEIN: Mr. President, I
18 believe Senator Sampson has a resolution at
19 the desk. I ask that the resolution be read
20 in its entirety and move for its immediate
21 adoption.

22 ACTING PRESIDENT BRESLIN:
23 Senator Klein, has the resolution been deemed
24 privileged and submitted to the office of the
25 Temporary President?

1 SENATOR KLEIN: Yes, it has,
2 Mr. President.

3 ACTING PRESIDENT BRESLIN: The
4 Secretary will read.

5 THE SECRETARY: By Senator
6 Sampson, legislative resolution calling upon
7 Governor David A. Paterson to immediately
8 abandon his intention to delay the refunding
9 of individual and business income tax
10 overpayments and refund those overpayments
11 with all deliberate speed.

12 "WHEREAS, Governor David A.
13 Paterson announced as recently as February 16,
14 2010, his intention to delay payment of
15 approximately \$500 million in personal income
16 tax refunds owed to New York State taxpayers;
17 and

18 "WHEREAS, The hard economic times
19 in which hardworking individuals and families
20 across the state presently find themselves
21 make it critically important for the state to
22 remit personal income tax refunds as
23 expeditiously as possible in order to meet the
24 dire needs of taxpayers struggling to make
25 necessary purchases and meet their financial

1 obligations; and

2 "WHEREAS, Governor Paterson has
3 also announced his intention to delay payment
4 of approximately \$200 million in business tax
5 refunds; and

6 "WHEREAS, Many small and large
7 businesses depend upon the timely receipt of
8 their tax refunds to support the ongoing
9 economic and marketplace activity driving
10 their loyal and regional economies; and

11 "WHEREAS, The residents, businesses
12 and taxpayers generally in the state have
13 already shared the sacrifices imposed upon
14 them by recent cuts in vital programs; now,
15 therefore, be it

16 "RESOLVED, That this Legislative
17 Body pause in its deliberations to call upon
18 Governor David A. Paterson to immediately
19 abandon his intention to delay the refunding
20 of individual and business income tax
21 overpayments and refund those tax overpayments
22 with all deliberate speed; and be it further

23 "RESOLVED, That a copy of this
24 resolution, suitably engrossed, be transmitted
25 to the Honorable David A. Paterson, Governor

1 of the State of New York."

2 ACTING PRESIDENT BRESLIN:

3 Senator Winner.

4 SENATOR WINNER: Thank you,
5 Mr. President. On the resolution.

6 I would thank Senator Sampson for
7 introducing this resolution and certainly join
8 with him in the desire on a bipartisan basis
9 that we encourage and are successful in
10 getting the Governor to withdraw any intention
11 of delaying the refunds that are due to the
12 hardworking taxpayers of the State of
13 New York.

14 As some of you may know, I think
15 that there is a better way to do this,
16 however -- a way that is much more effective,
17 and a way that is also being sought on a
18 bipartisan basis. And that is to enact
19 legislation that was introduced and ready for
20 action by this Legislature and the Assembly to
21 require that these refunds be processed in a
22 30-day period and have that legislation in
23 place prior to the Governor being able to
24 undertake these actions to deprive the
25 taxpayers of their hardworking dollars.

1 You know, I just think that it is
2 unfortunate that, you know, if you are a
3 taxpayer in this state you certainly, if you
4 want to put your shoe on the other foot, you
5 know what happens to you if you delay your
6 payments to the State of New York. They're
7 certainly all over you with interest and
8 penalties as fast as they possibly can get the
9 notice out.

10 All I'm saying here is that if it's
11 true that they can process these things as
12 fast as they're now indicating that they can,
13 that this legislation that would require those
14 refunds to be made within 30 days is a
15 reasonable approach and something that I would
16 hope we could embrace on a bipartisan basis.

17 I see my good friend from the
18 Assembly, my cosponsor of this legislation, is
19 even in the chamber: Assemblyman Brodsky.
20 And I know Assemblyman Brodsky and I would be
21 glad to work together to make sure that this
22 legislative proposal is enacted into law to
23 protect our taxpayers going down the road who
24 need that money, as this resolution points
25 out, ASAP, not only for their own needs and

1 their bills and as they struggle to make it in
2 this state, but also our economies throughout
3 this state need the infusion of those dollars
4 back as soon as possible.

5 The State of New York should not be
6 able to live off the float of the taxpayers of
7 the State of New York. They should be
8 required to return the money that is duly not
9 theirs as fast as possible. And the
10 legislative proposal under Senate 3985 would
11 do that.

12 And to that end, pursuant to Rule
13 11, Section 3, I have proposed a petition
14 which would seek signatures from the other
15 side of the aisle. All members of this side
16 have duly acknowledged their willingness to
17 join with that. We need 38 members, under our
18 rules, in order to get that bill on the floor.

19 And if we can get any of you over
20 there to be willing to be bipartisan with
21 respect to this issue, sign onto this position
22 petition, we can get this done, and we can
23 have that bill on the floor on Monday and we
24 can make sure that it gets sent down to the
25 Governor as soon as possible to show a real

1 deliberative effort to make sure that we're
2 not delaying these refunds any longer.

3 Thank you.

4 ACTING PRESIDENT BRESLIN: Thank
5 you, Senator Winner.

6 Senator Marcellino.

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

9 I too would like to add my voice to
10 thanking Senator Sampson for putting this
11 resolution on the floor.

12 I do endorse my colleague Senator
13 Winner's concept and his idea of a bill, and I
14 think that's a good idea that we should do
15 that in addition. But I think right now I
16 want to see that the overburdened taxpayers of
17 this state, the people who have paid more
18 money to this state than they are required to
19 pay -- this is a refund. This is not our
20 money, this is not the state's money, this is
21 not the government's money, it's not the
22 Governor's money. It's the people's money.
23 They deserve it back. They deserve it back as
24 quickly as possible and without any delays and
25 without any chicanery.

1 It's got to go back -- this money
2 pays bills. People budget based on their tax
3 refunds. They're waiting for this money at
4 their homes in order to get their refunds and
5 to pay certain bills -- mortgage payments,
6 rent payments, food payments, school payments.
7 Things like that are all due, and this money
8 is used to pay all of those things.

9 So for the Governor to suggest that
10 we should hold this money back -- which as I
11 said earlier is not our money, it's their
12 money. It's the taxpayers' money, it's the
13 people's money, and they should get it back.

14 And once again, Senator Sampson, a
15 good idea, a good resolution. I'm going to
16 vote in favor of it, and I hope everybody else
17 does.

18 And I hope we also support Senator
19 Winner's proposal. It's a good one. Let's
20 make this a law that this cannot ever be done
21 again, that this tax refund should go back to
22 the people as quickly as possible. Because as
23 I said, again, it is not our money, it is the
24 taxpayers' money, and they deserve it back as
25 quickly as possible.

1 Once again, thank you, sir. Thank
2 you, Mr. President.

3 ACTING PRESIDENT BRESLIN: Thank
4 you, Senator Marcellino.

5 Senator Fuschillo.

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

8 Just briefly, let me just thank my
9 colleague Senator Sampson for this resolution.
10 Senator, you've laid the groundwork for a
11 budget this year that can't raise taxes or
12 can't raise fees. And in your resolution you
13 mention refund tax overpayments. That's, as
14 Senator Marcellino said, individuals' money
15 who paid too much in taxes.

16 When the Governor first proposed
17 this, I received so many calls to my office,
18 like many of my colleagues here, from people
19 that were shocked and devastated. They
20 budgeted this money being returned to them.
21 They budget this money to pay their bills, to
22 pay their mortgage and other necessities in
23 everyday life.

24 Senator Winner's bill is important.
25 At a minimum, they should get their refund

1 within 30 days. I proudly signed that
2 petition, and I encourage my colleagues to do
3 it as well.

4 Senator Sampson, we need keep on
5 this mode, we need to keep on this path and
6 this avenue of an understanding that people
7 are taxed too much, they're fee'd too much.
8 I've said it before, that New York State is
9 taxing and feeing them to death. This
10 resolution is a step in the right direction; I
11 proudly support it.

12 Thank you.

13 ACTING PRESIDENT BRESLIN: Thank
14 you, Senator Fuschillo.

15 Are there any other Senators
16 wishing to be heard on the resolution?

17 Senator Larkin.

18 SENATOR LARKIN: Thank you,
19 Mr. President. Thank you, Senator Sampson.
20 And thank you, Senator Winner.

21 You know, when you get to be my
22 age, you look around and see how people spend
23 their money and watch their money. During our
24 vacation -- our vacation? That's not right.
25 During our slushing home for 10 days, I went

1 to shopping centers and I went to malls and I
2 went to the store and train stations, getting
3 accustomed, as I always do. And people,
4 number one was taxes.

5 What in God's name is the Governor
6 thinking about? One lady came to me and said,
7 "You know, we have a nice refund coming, but
8 we have to have that money in for our son to
9 attend Lafayette in the fall." Another one
10 said, "We do this every year so that when all
11 of the credit card bills come in in January,
12 February, we can pay the Christmas gifts to
13 our families and friends."

14 And for the Governor to do this
15 clearly indicates that he isn't in touch with
16 the people of the State of New York. This is
17 a disgrace. Everybody across the country is
18 laughing at us. They're saying, When are you
19 going to take the IOUs next, just like
20 Schwarzenegger in California?

21 So Senator Sampson, again, thank
22 you very much for taking a step. And Senator
23 Winner, you've had this for some time now.
24 Maybe we'll turn around and do your bill.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BRESLIN: Thank
2 you, Senator Larkin.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: I just want
5 to add one thing to the debate, and that is
6 that this is a common-sense resolution. It
7 makes common sense that the people's money
8 should not be held because of government's
9 inability to keep their books in order and to
10 keep the state in the black.

11 It's bad enough that we're
12 overtaxing and overspending. Then we're going
13 to keep the money that we have no right to.
14 So it's common sense.

15 So I will guarantee you that
16 everyone in this chamber will support Senator
17 Sampson's bill. And on Monday, I will be here
18 asking each of those Senators who supported
19 this resolution why they did not sign the
20 petition that Senator Winner has proposed, why
21 they have not done a real solution -- not a
22 window dressing to make a protest, but a real
23 solution, a law that this governor and
24 whatever future governors would be bound by;
25 namely, that the law says you can't do this,

1 you've got to give refunds back in 30 days.

2 So I will vote aye on this
3 resolution.

4 ACTING PRESIDENT BRESLIN: Thank
5 you, Senator DeFrancisco.

6 Senator Ranzenhofer.

7 SENATOR RANZENHOFER: Thank you.

8 Just briefly, I'd just like to join
9 with some of my colleagues in thanking Senator
10 Sampson for this resolution, and obviously
11 thanking Senator Winner, who's had this on the
12 table for some time.

13 This is an important message that
14 we send from this body that the Governor is
15 really off-base with the suggestion of
16 withholding the taxpayers' money. As was said
17 so eloquently by others, this is not the
18 government's money, this is businesses' money,
19 this is personal money which people are
20 entitled to have back.

21 And I'm also looking forward -- as
22 I said, this is really a first step. This is
23 a resolution that's going to be passed today,
24 but I think just as importantly is that we
25 pass this legislation, which my understanding

1 it's been in this body for some time, that we
2 enact it into law so we don't have to deal
3 with this from this governor or any other
4 governor in the future, threatening people
5 across the state that they're not going to
6 have their money back when they normally
7 expect it.

8 Thank you.

9 ACTING PRESIDENT BRESLIN: Thank
10 you, Senator Ranzenhofer.

11 The question is on the resolution.
12 All those in favor please signify by saying
13 aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT BRESLIN:
16 Opposed, nay.

17 (No response.)

18 ACTING PRESIDENT BRESLIN: The
19 resolution is adopted.

20 Senator Klein.

21 SENATOR KLEIN: Mr. President, I
22 believe there's a resolution at the desk by
23 Senator Perkins. I ask that the title of the
24 resolution be read and move for its immediate
25 adoption.

1 ACTING PRESIDENT BRESLIN:
2 Senator Klein, has the resolution been deemed
3 privileged and submitted to the office of the
4 Temporary President?

5 SENATOR KLEIN: Yes, it has,
6 Mr. President.

7 ACTING PRESIDENT BRESLIN: The
8 Secretary will read.

9 THE SECRETARY: By Senator
10 Perkins, legislative resolution commemorating
11 the 142nd birthday of American civil rights
12 activist pioneer William Edward Burghardt
13 Du Bois, and paying tribute to his life and
14 accomplishments.

15 ACTING PRESIDENT BRESLIN:
16 Senator Perkins.

17 SENATOR PERKINS: Thank you very
18 much, Mr. Chairman.

19 I would just first like to just ask
20 my colleagues to join me in signing onto this
21 resolution. I'm going to be brief, because I
22 think most of us know about Dr. W.E.B.
23 Du Bois. And maybe not in all the detail that
24 the resolution outlines, but at least in terms
25 of one of his signature accomplishments that

1 I'm sure most of us are familiar with -- in
2 fact, I'm pretty sure most of us have paid our
3 due to the NAACP. W.E.B. Du Bois was the
4 founder of the NAACP, the National Association
5 for the Advancement of Colored People, the
6 civil rights group that has been responsible
7 for so many advancements in civil rights and
8 civil liberties in our country.

9 So in tribute to him, I would offer
10 you not only the opportunity to sign onto the
11 resolution, but please pay your dues.

12 (Laughter.)

13 SENATOR PERKINS: Thank you so
14 much.

15 ACTING PRESIDENT BRESLIN: Thank
16 you, Senator Perkins.

17 Senator Parker.

18 SENATOR PARKER: Mr. President,
19 on the resolution.

20 W.E.B. Du Bois is a hero of mine.
21 He's somebody who, in the American context,
22 was one of the first American
23 multidisciplinary geniuses, somebody who was a
24 historian, a scholar, an activist, a
25 politician. He is somebody who has made a

1 great contribution not just to
2 African-American history and to the lives of
3 people of African descent here in New York
4 State and in the United States, but also to
5 the American context.

6 He is the father of sociology --
7 not the black father of sociology, the father
8 of sociology. His book The Philadelphia Negro
9 actually was the first sociological study ever
10 done anywhere, and it became the basis from
11 which the whole discipline of sociology
12 emerged. So anybody in here who has a
13 sociology degree, you owe your discipline and
14 what you understand about the methodology of
15 how we in fact collect data around the
16 contexts of families and institutions and
17 culture to what W.E.B. Du Bois created with
18 his book The Philadelphia Negro.

19 And of course his involvement with
20 the Niagara movement that led into the
21 emergence of the NAACP, as Senator Perkins
22 indicated, was critical.

23 And, you know, we take the NAACP
24 for granted, and it's seen, you know, kind of
25 as a mainstream thing at this point. But,

1 Mr. President, let me tell you at the time of
2 the creation of the NAACP, they were the
3 Nation of Islam of their day. They were at
4 the vanguard of really radical thought and
5 really African radical thought in this
6 country.

7 He in fact made a break from the
8 NAACP for a little while because he was
9 actually even more radical than them, because
10 he dared to speak out against lynching.
11 Something that again, you know, we wouldn't
12 hesitate -- well, maybe we would. But I would
13 think that we wouldn't hesitate to speak
14 against it in this context. At that time
15 speaking out against lynching was a radical
16 act.

17 And so, you know, his importance is
18 beyond just being a scholar. And people like
19 to talk about him as the first black Ph.D.
20 from Harvard University, which is certainly
21 important. But beyond just the scholarly work
22 that he has contributed, his activism has
23 really shaped American culture and taken us to
24 a place that even a young boy from Brooklyn
25 can become a state senator.

1 Thank you.

2 ACTING PRESIDENT BRESLIN: Thank
3 you, Senator Parker.

4 Senator Klein, to close.

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

7 I want to thank my colleague
8 Senator Perkins for bringing this resolution
9 before us today. I think it was said very
10 eloquently by my colleague Senator Parker.
11 But I think one of the interesting things that
12 very few realize about W.E.B. Du Bois is all
13 he did for the African-American movement and
14 really moving things a lot quicker.

15 The Philadelphia Negro, when it was
16 written, it was really a milestone. Because
17 he made very eloquent arguments, sociological
18 arguments that the reason why the
19 African-American has not achieved the same as
20 Italian-Americans, Irish-Americans and
21 Polish-Americans is because there is an
22 assimilation process that's here. In other
23 words, when Irish come to this country or
24 Italians come to this country, there's people
25 that are already here that are established in

1 businesses that give them a helping hand. The
2 African-American did not have those benefits.
3 Believe it or not, that was a milestone.

4 And he helped move Booker T.
5 Washington, who was the major leader in those
6 times, in a very radical direction, like
7 Senator Parker said. But it didn't come
8 quickly enough. And I think that's why he
9 truly was such a great man, because he was a
10 radical in his times. But when you read the
11 things he was talking about, it was just
12 common sense.

13 And certainly he was a man ahead of
14 his times. And I join my colleagues today in
15 recognizing the 142nd birthday of this truly
16 great man.

17 ACTING PRESIDENT BRESLIN: Thank
18 you, Senator Klein.

19 The question is on the resolution.
20 All those in favor please signify by saying
21 aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT BRESLIN:
24 Opposed, nay.

25 (No response.)

1 ACTING PRESIDENT BRESLIN: The
2 resolution is adopted.

3 Senator Perkins has indicated he
4 would like to open this resolution up to the
5 entire body for cosponsorship. Anyone not
6 wishing to be on the resolution please signify
7 by coming to the desk.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, I
10 believe Senator Padavan has a question.

11 SENATOR PADAVAN: Yes. I wonder,
12 Mr. President, if we could extend the same
13 courtesy on the previous resolution, by
14 Senator Sampson, that all members would be on
15 it unless they so indicated to the contrary.

16 ACTING PRESIDENT BRESLIN:
17 Senator Sampson.

18 SENATOR SAMPSON: Of course.

19 ACTING PRESIDENT BRESLIN: Yes.
20 The prior resolution, Senator Sampson has
21 indicated all those people in the chamber will
22 be placed on the resolution unless you signify
23 otherwise by coming to the desk.

24 Senator Klein.

25 SENATOR KLEIN: Mr. President, at

1 this time can we adopt the Resolution Calendar
2 in its entirety, with the exception of Senate
3 Resolutions 3670 and 3908.

4 ACTING PRESIDENT BRESLIN: All
5 those in favor of adopting the Resolution
6 Calendar in its entirety, with the exception
7 of Senate Resolutions 3670 and 3908, please
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT BRESLIN:
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT BRESLIN: The
14 Resolution Calendar is adopted.

15 Senator Klein.

16 SENATOR KLEIN: Mr. President, at
17 this time can we please take up Resolution
18 Number 3670, by Senator Diaz. I ask that the
19 resolution be read in its entirety and move
20 for its immediate adoption and allow Senator
21 Diaz to speak on said resolution.

22 ACTING PRESIDENT BRESLIN: The
23 Secretary will read.

24 THE SECRETARY: By Senator Diaz,
25 Legislative Resolution Number 3670,

1 memorializing Governor David A. Paterson to
2 proclaim February 2010 as Dominican Heritage
3 Month in the State of New York.

4 "WHEREAS, It is the sense of this
5 Legislative Body, in keeping with its
6 time-honored traditions, to recognize and pay
7 tribute to those who foster ethnic pride and
8 enhance the profile of cultural diversity
9 which strengthens the fabric of the
10 communities of New York State; and

11 "WHEREAS, The citizens of this
12 great Empire State are proud to recognize and
13 commemorate Dominican heritage at an
14 observance that celebrates the contributions
15 of Dominican-Americans to New York State's
16 unique heritage; and

17 "WHEREAS, Attendant to such
18 concern, and in full accord with its
19 long-standing traditions, this Legislative
20 Body is justly proud to memorialize Governor
21 David A. Paterson to proclaim February 2010 as
22 Dominican Heritage Month in the State of
23 New York; and

24 "WHEREAS, In 1838, one of the
25 country's patriarchs and national founder Juan

1 Pablo Duarte established a secret society
2 called La Trinitaria, which sought the
3 complete independence of Santo Domingo without
4 any foreign intervention. Ramon Matias Mella
5 and Francisco del Rosario Sanchez, despite not
6 being among the founding members of
7 La Trinitaria, were decisive in the fight for
8 independence. They and Juan Pablo Duarte are
9 the three founding fathers of the Dominican
10 Republic; and

11 "WHEREAS, On February 27, 1844, the
12 Trinitarios (Trinitarians) declared the
13 Dominican Republic's independence from Haiti;
14 and

15 "WHEREAS, The following dates and
16 events are of great significance and serve as
17 a distinct awareness of the rich Dominican
18 heritage: Tuesday, January 26, 2010, marks
19 the 197th anniversary of the birth of
20 patriarch Juan Pablo Duarte; Saturday,
21 February 27, 2010, is the 166th anniversary of
22 the independence of the Dominican Republic;
23 and Sunday, July 25, 2010, La Gran Parada
24 Dominicana de el Bronx, Inc., is hosting its
25 21st annual parade celebrating Dominican

1 heritage along with the St. James Patronal
2 Feast Day of Santiago de los Caballeros; and

3 "WHEREAS, Founded by Mr. Felipe
4 Febles and assisted by Mrs. Rosa Ayala,
5 La Gran Parada Dominicana de el Bronx, Inc.,
6 was established following the ideas and paying
7 tribute to the famous founding father Juan
8 Pablo Duarte; and

9 "WHEREAS, A native of La Romana
10 Province, Dominican Republic, Felipe Febles is
11 also executive director of the Grand Dominican
12 Parade of the Bronx and the Dominican Cultural
13 House of the Bronx, New York, Inc. He has
14 been a community leader for over 30 years and
15 is a recipient of numerous civic, educational,
16 and cultural honors; and

17 "WHEREAS, Rosa Ayala is a native of
18 La Vega Province, Dominican Republic, and has
19 been a community leader for over 20 years.
20 She is the co-executive director of the
21 Dominican Cultural House of the Bronx,
22 New York, Inc., and, along with Mr. Febles, is
23 the founder of the My Dominican Heritage
24 Award. She has also received many cultural,
25 civic, and educational awards; and

1 "WHEREAS, This Legislative Body is
2 honored to be joined today by several
3 distinguished dignitaries, including
4 His Excellency Ambassador Roberto B. Saladin,
5 Dominican ambassador to the United States, and
6 Consul General Rafael Evans, consul general of
7 the Dominican Republic in New York; and

8 "WHEREAS, It is duly fitting that
9 all New Yorkers join in these important
10 celebrations of one of our state's most
11 vibrant communities. This much-anticipated
12 observance and its accompanying activities
13 will foster greater appreciation for Dominican
14 culture and serve to promote the spirit of
15 cooperation that is characteristic of all
16 citizens of New York State; now, therefore, be
17 it

18 "RESOLVED, That this Legislative
19 Body pause in its deliberations to memorialize
20 Governor David A. Paterson to proclaim
21 February 2010 as Dominican Heritage Month in
22 the State of New York; and be it further

23 "RESOLVED, That copies of this
24 resolution, suitably engrossed, be transmitted
25 to David A. Paterson, Governor of the State of

1 New York, and to Ambassador Roberto B.
2 Saladin, Ambassador Federico Alberto Cuello
3 Camilo, Consul General Rafael Evans,
4 Mr. Felipe Febles, and Mrs. Rosa Ayala."

5 ACTING PRESIDENT BRESLIN:

6 Senator Diaz.

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

9 Today is a historic day. The
10 previous resolution was talking about
11 achievement. Today we take joy in the
12 achievement that the Hispanic community has
13 made in the United States.

14 Many, many years ago, when we
15 Hispanics didn't even know where this chamber
16 was, there was a guy, a Hispanic guy that
17 opened the door for all of us. And he became
18 the first, the first Hispanic elected New York
19 State Senator, the first person that sat in
20 this chamber, the first Hispanic that put his
21 feet in here.

22 That's many, many years ago. And
23 today, to honor what we're doing, he's here,
24 he came from Washington: Congressman Roberto
25 Garcia. He was the first Hispanic that sat

1 here.

2 (Standing ovation.)

3 SENATOR DIAZ: So today we again
4 make history in this chamber. Today is the
5 first time, Mr. President, the first time in
6 the history of this chamber that we honor and
7 we present a resolution honoring the Dominican
8 Republic. This is history.

9 And thanks to my leader, Senator
10 Sampson, and to my colleagues in the
11 Puerto Rican and Latino Caucus, we are doing
12 this today.

13 The history, Mr. President, of this
14 great country, the Dominican Republic, the
15 history of their struggle and dignified fight
16 for independence, are symbolized in the person
17 of Juan Pablo Duarte, Ramon Matias Mella, and
18 Francisco del Rosario Sanchez, better known as
19 Duarte, Sanchez y Mella.

20 The month of February is important
21 in the history of the Dominican Republic for
22 the following reason. On February 27, 1844,
23 the Trinitarians -- Senator Savino, that is
24 the Trinitarios -- the Trinitarians declared
25 the Dominican Republic's independence from

1 Haiti.

2 The history of this community in
3 the United States of America and their
4 achievements are well known by everyone. They
5 came here with nothing, but they worked hard
6 and educated their people in the land of
7 promise. Today, the Dominican community, they
8 own grocery stores, they are the leaders in
9 the taxi industry, they are doctors, they are
10 lawyers, they are educators, they are police
11 officers and firefighters. They are boxers,
12 baseball players. They are ministers.

13 Raise your hand, all the ministers
14 there. There are ministers all over.

15 They are ministers, they are
16 pastors, they are bishops, they are elected
17 officials, they are community leaders, et
18 cetera, et cetera. In every segment of life
19 in the United States, especially here in
20 New York State, we find the Dominican
21 community.

22 Members of the Dominican community
23 are here today. They have come to join us in
24 this historic occasion. We have the Dominican
25 ambassador, the number-one representative of

1 the Dominican Republic in the whole United
2 States, the Honorable Roberto Saladin, the
3 ambassador in Washington. He has to present
4 his documents to President Obama, because he
5 is the biggest representative of the Dominican
6 community in the nation. And he came from
7 Washington for this occasion.

8 We have the consul general of the
9 Dominican Republic in New York, the Honorable
10 Rafael Evans. We have the founders of the
11 Bronx County Dominican Parade, Mr. Felipe
12 Febles and Rosa Ayala. We have the president
13 of the Dominican in the Exterior Committee,
14 Mr. Maximo Ayala. We have the Apostles
15 Ricardo Reyes and Frank Almonte. We have
16 members of the New York Hispanic Clergy
17 Organization. The balconies are full of them,
18 the two balconies today.

19 And, ladies and gentlemen, we have
20 the president of Radio Vision Cristiana
21 Internationale, the radio station that covers
22 Puerto Rico, the Dominican Republic, the whole
23 state of New York, New Jersey, Connecticut:
24 Dr. Hector A. Chiesa.

25 We have the chaplain of the

1 New York City Police Department, Inspector
2 Luis Serrano.

3 We have many, many other members of
4 the community that have come here today to
5 honor and to participate in this unique and
6 historic event.

7 I would like to express my
8 gratitude to the Senate Leader, the Honorable
9 John Sampson, and the Senate Secretary,
10 Mr. Angelo Aponte, for making this first and
11 historic event in the New York State Senate.

12 I would like to express my
13 appreciation to the members of the New York
14 State Puerto Rican and Latino Caucus, the
15 Honorable Majority Leader Senator Pedro
16 Espada, Senator Martin Malave Dilan, former
17 State Senator Hiram Monserrate, who worked
18 hard with me to put this together, and Senator
19 Jose Marco Serrano.

20 I would like to express my
21 appreciation to Ms. Marlene Cintron, the
22 executive secretary of the New York State
23 Senate Puerto Rican and Latino Caucus, to my
24 staff, and to the Senate staff. They all
25 worked hard.

1 Today I invite all of you at
2 6 o'clock to join us in the Egg. We have a
3 Dominican activity, a ceremony, with Dominican
4 food, we have Dominican music, we have
5 Dominican entertainment. So all of you are
6 invited to join us at 6 o'clock in the Egg.

7 Now, to my amigos, in Spanish. We
8 all due respect to my amigos -- to my
9 English-American amigos, I am Puerto Rican and
10 Hispanic, and for the first time I am going to
11 speak Spanish here. Because [in Spanish] we
12 have people from all over the state here today
13 [in Spanish].

14 (Applause.)

15 SENATOR DIAZ: [In Spanish]. The
16 baseball players. They are the best. They
17 come from my country.

18 [In Spanish]. The Egg. So all of
19 you, my English-speaking colleagues, when you
20 talk about the Egg, the Egg, in Spanish es "el
21 huevo." So I invite all of you to El Huevo at
22 6 o'clock.

23 Senator Sampson, thank you very
24 much. [In Spanish]. Que viva, que viva la
25 Republica Dominicana!

1 (Extended applause.)

2 ACTING PRESIDENT BRESLIN: At
3 this point I would like to invite you, Senator
4 Diaz, to bring the ambassador, Ambassador
5 Roberto Saladin, to the podium for a few
6 words.

7 (Applause.)

8 AMBASSADOR SALADIN:
9 Distinguished Senators, allow me, on behalf of
10 the president of the Dominican Republic,
11 President Leonel Fernandez Reyna, his
12 government, the Dominican people in the
13 island, and the Dominican diaspora here in the
14 U.S. and Puerto Rico, to say from the bottom
15 of my heart, thank you very much to you all.

16 Thank you, Senator Diaz, for this
17 resolution approved today commemorating the
18 Dominican Heritage Month, recognizing the
19 efforts, the fights, the resiliency of the
20 Dominican people that emigrated to this big
21 and generous country.

22 In Dominican Republic, sometimes
23 people used to say that Dominicanos ausentes.
24 It was, it was, as I said -- and I know, my
25 dear fellow Dominicans, why I say that.

1 Because my father lived in New York since
2 1963. My mother was raised for many years in
3 this country, and then back to the Dominican
4 Republic, and then back to the U.S.

5 And I know how Dominicans are
6 really hard fighters to raise their families,
7 to raise their children, and to take really
8 the opportunities open for this generous
9 country.

10 For us in the Dominican Republic,
11 for me especially, I feel really very proud to
12 be here today, to share this opportunity with
13 many friends of the Dominican Republic,
14 especially to our friend in Washington, former
15 Congressman Bob Garcia, that has been for
16 many, many years a good friend of the
17 Dominican community here in New York City and
18 in the Bronx.

19 We will remember this day, Senator
20 Diaz, because not only for the Dominicans who
21 are here today, women and men, for more than
22 800,000 Dominicans that live here in this big
23 city -- because as I said to the Honorable
24 Governor Paterson today, New York is the
25 second largest city of the Dominican Republic.

1 Thank you very much, as I said,
2 from the bottom of my heart, on behalf of the
3 general consul of the Dominican Republic,
4 Rafael Evans, the man in charge, working hard
5 here shoulder by shoulder every day with the
6 Dominicans living in this big city.

7 For us has been a blessing to the
8 opportunities open to the Dominican baseball
9 players. This year, in a decision of the
10 American National League, maybe we will have
11 up to 84 Dominican baseball players. This has
12 been one of the other blessings of the love
13 for the Dominican Republic.

14 In this year that we commemorate
15 the 166th anniversary of our independence,
16 thank you for remembering the founding fathers
17 of our country -- Duarte, Sanchez and Mella.
18 Thank you to you all. God bless you,
19 Dominican Republic, and God bless the United
20 States of America.

21 Thank you very much.

22 (Applause.)

23 ACTING PRESIDENT BRESLIN: Thank
24 you very much, Ambassador Saladin.

25 Senator Adams.

1 SENATOR ADAMS: Thank you,
2 Mr. President.

3 I want to thank Senator Diaz and
4 Senator Sampson for this important day that we
5 celebrate Dominican Republic Independence Day.

6 You know, whenever we have these
7 celebrations and acknowledgments, I always
8 like to pause for a moment and do a period of
9 true reflection. Because we can honor the
10 first senators, we can honor the established
11 baseball players, we can honor the doctors and
12 lawyers and other professional types. But to
13 me, it is -- we need to sometimes pause for a
14 moment and just go back. And don't look at
15 where we are today, because we need a period
16 of reflection.

17 Nothing is more challenging than to
18 come to a country and you can't speak the
19 language. Nothing is more difficult and
20 intimidating than to walk into a grocery store
21 and try to find the right term of just saying
22 a bottle of milk for your baby. Nothing is
23 more frightening than to walk to a token booth
24 and try to identify what is the correct
25 denomination to buy a token. Nothing is more

1 alarming than to rush into a hospital and try
2 to remember those few texts and terminologies
3 that you may have heard as a child and say
4 "How do I get help for my family?"

5 So it's fine to acknowledge the
6 first senators, it's fine to acknowledge the
7 large baseball players, it's fine to
8 acknowledge the basketball players, the actors
9 and actresses. But I want to talk about the
10 real-life players on the field of life called
11 the first parents that came here from the
12 Dominican Republic and carved the way for all
13 of us who said we are the first.

14 And there's a common denomination
15 that not only can I identify with it, but when
16 you talk to the first Italian-Americans and
17 their parents that had to navigate the
18 complexities of New York City and the United
19 States, they can also identify with it. The
20 first Irish. The first any other group from
21 Italian-Americans and Chinese-Americans and
22 Indonesian-Americans.

23 And so what the first man and
24 woman -- before the stores were open, before
25 taking over the livery cab industry -- what

1 they did by coming here and saying we too love
2 America, we too will have a foothold in
3 America, we too are proud in America, and the
4 waving of our flag in no way indicates that we
5 too do not cherish the red, white and blue of
6 America.

7 So I want too take my hat off to
8 the countless number of first arrivals from
9 the Dominican Republic after the freedom from
10 the Haitian revolution. I want to take my hat
11 off to those first men and women who came to
12 America and paved the way and navigated the
13 complexities, the difficulties, the
14 uncertainties and the feeling of being
15 ostracized and forced their way to be included
16 in this thing we call America. They are part
17 of the common denomination that's what's great
18 about every immigrant population.

19 So before we start, from Maine to
20 Florida, from Washington to New York, to talk
21 about closing our borders and restricting
22 those from outside our borders to participate
23 in the American dream, we need to see what the
24 Dominican community has done to the soil of
25 our country. The diversity, the style, the

1 commitment, the dedication fertilize the soil
2 and give us an opportunity to grow the trees
3 of tomorrow that allow us to participate in
4 what's great about this country. The
5 Dominican community has shown that.

6 And I'm proud to say I may be
7 African-American, but today I'm Dominican,
8 baby.

9 (Applause.)

10 ACTING PRESIDENT BRESLIN: Thank
11 you, Senator Adams.

12 Senator Hassell-Thompson.

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

15 I rise to congratulate Senator Diaz
16 on his resolution today and to declare with
17 him that this is a very worthy cause and
18 occasion to do so.

19 Let me say that although 166 years
20 ago the Dominican Republic declared its
21 independence from Haiti, I want to thank
22 personally the Dominican Republic for being
23 the first on the ground to provide assistance
24 to that country when it was shaken by
25 earthquake. Two hundred thirty thousand

1 people were reported dead, and over \$3 million
2 of hard-earned dollars came from the Dominican
3 Republic first to ensure that aid was brought.

4 So I congratulate you, Senator
5 Diaz, today -- but I thank you as the
6 delegation from the Dominican Republic for the
7 work that you have done for the people who
8 once were your people, and you came back,
9 reached across your hand, and brought them
10 back to the bosom of safety. And so for that
11 we are most grateful.

12 And I want to congratulate again
13 Senator Sampson and all of those who have made
14 this possible.

15 Greetings to my former colleague.
16 Senator Garcia, we missed at the you at the
17 last Senate dinner. Please be present this
18 year; I'm going to be the new president. I
19 look forward to seeing you.

20 And certainly to you,
21 Mr. President, I certainly will be signing
22 onto this resolution today with tremendous
23 pride. Thank you.

24 (Applause.)

25 ACTING PRESIDENT BRESLIN: Thank

1 you, Senator Hassell-Thompson.

2 Senator Espada.

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

5 And in the great tradition of this
6 chamber, I also rise to pay tribute to La
7 Republica Dominicana, to all the Dominicans
8 that make up the great proportion of Hispanics
9 in the 33rd Senate district that I'm
10 privileged to represent.

11 Senator Diaz, thank you so very,
12 very much. Whether it's going to Puerto Rico
13 to deal with issues of parity and justice in
14 Puerto Rico, Haiti, Santo Domingo, we thank
15 you so much for your leadership.

16 We thank you for acknowledging the
17 great service of our first senator. As I came
18 from Puerto Rico, we got to know what politics
19 was about because of the service of Robert
20 Garcia, Congressman Garcia, Senator Garcia, a
21 true mentor and leader in our community.

22 I do want to hone in on the spirit
23 of the message that Senator Eric Adams hit on.
24 And that is as this nation struggles with
25 immigration policy, as we struggle to define

1 who belongs, who doesn't belong, who can
2 contribute, who can't contribute, who can't be
3 part of the fabric of America, this is what we
4 need to remember here today.

5 We need to remember this
6 experience. We need to hone in on what's
7 happening in our local economies as we totally
8 transform the Washington Heights, the South
9 Bronx, the West Bronx and communities all
10 throughout the Northeast. We need to hone in
11 on this message absolutely, because this is
12 the spirit that will get us out of the
13 economic doldrums that we're in.

14 This is the spirit of America. It
15 looks a little different, yes. It may not
16 speak the English language first and foremost,
17 but it is as passionate about being American
18 as any, any other group that's ever been
19 privileged to be called American.

20 And the challenge that they have --
21 which I did not have, Senator Diaz. I did not
22 have because I was born an American citizen --
23 to witness, to witness the challenge of that
24 duality, of being back home, of sending money
25 back home, of dealing with truly being a

1 foreigner in a new nation and acclimating
2 yourself totally -- starting your own business
3 from scratch, learning a new culture, going
4 into school systems that don't even recognize
5 who you are -- this is truly heroic,
6 herculean.

7 And definitely this month and every
8 month we should remember this example.
9 Because this is the challenge of the
10 21st century to America: Are we going to deal
11 with the 12 million people -- be they
12 Dominican, Peruvian, Mexicanos -- all
13 throughout the United States of America that
14 are here, that want to be here, that want to
15 contribute?

16 And so this message resonates
17 beyond Dominican Heritage Month, the 166th
18 anniversary of the Dominican Republic's
19 independence from Haiti. This really, truly
20 is the American future that we're looking on.

21 [In Spanish]. Thank you very much.

22 (Applause.)

23 ACTING PRESIDENT BRESLIN: Thank
24 you, Senator Espada.

25 Senator Serrano.

1 SENATOR SERRANO: Thank you,
2 Mr. President.

3 I want to echo the sentiments of my
4 colleagues here and thank Senator Diaz for
5 bringing this resolution here to the floor and
6 having so many pioneers in the Dominican
7 community here with us in this chamber here.

8 I strongly agree with everything
9 that's been said. The Dominican community is
10 a very robust community in New York City and
11 throughout this state. Not anyone to be held
12 back by obstacles. As Senator Espada
13 mentioned, issues in immigration and very
14 unfair, in my belief, immigration policies
15 under federal government have made it very
16 difficult for new immigrants to gain a
17 foothold here in the United States, people who
18 really love this country and people who want
19 to work hard.

20 But when you look at pretty much
21 all sectors in public life or in private
22 business, the Dominican community has
23 excelled, not being held back by the obstacles
24 that are placed before them. And I think it's
25 a lesson that everyone could learn, that the

1 American dream can be achieved despite strong
2 odds. And that a community can thrive and
3 enrich us in so many ways, because the
4 Dominican community also teaches us to
5 celebrate life, and I think that that's
6 something that should not be discounted here
7 today.

8 So I congratulate all of my
9 colleagues here and Senator Diaz once again
10 for supporting and making this day a reality.

11 Thank you.

12 (Applause.)

13 ACTING PRESIDENT BRESLIN: Thank
14 you, Senator Serrano.

15 Senator Padavan.

16 SENATOR PADAVAN: Senator Garcia
17 [sic], thank you very much. You really know
18 how to throw a party; in this case, a
19 celebration, and a very, very excellent one.

20 Ambassador, we're delighted to have
21 you with us, particularly joined by my former
22 colleague Senator Garcia. He and I spent a
23 lot of quality time here on the floor of this
24 Senate for many years. It's great to see him
25 back here.

1 You know, Senator Garcia, you
2 pointed out the many areas of -- Senator Diaz.
3 Didn't I say Diaz? Well, see, I got you
4 confused already -- the many areas in which
5 Dominicans have excelled and contributed to
6 our society throughout the state, and
7 certainly in New York City and in my borough
8 of Queens and in my district. And you're
9 absolutely right. The last month or so, I
10 attended two events that highlight the very
11 issue and very point you were making.

12 One of them was a swearing in of a
13 woman to the Supreme Court by the name of
14 Diccia Pineda, Dominican. Came to this
15 country, could not speak English at all, went
16 to law school, raised a family, and became a
17 Supreme Court judge. A constituent of mine,
18 and I was certainly delighted to be there.

19 Several weeks ago I attended an art
20 show of beautiful work done by a very
21 accomplished Dominican artist in Whitestone,
22 Queens. Every year she has a show. This year
23 it was particularly significant because the
24 proceeds were to go to Haiti, and so many of
25 us showed up there to contribute as best we

1 could.

2 But throughout the borough and
3 throughout my district and throughout the City
4 of New York, what you said, and you said it
5 extremely well, the Dominican community has
6 excelled in every area that they have sought
7 to participate. And it's to their credit, and
8 we benefit by it, we all do. And we all join
9 with you in this expression of pride and
10 accomplishment. And you've made this city a
11 better place because of your presence.

12 Thank you, Senator.

13 (Applause.)

14 ACTING PRESIDENT BRESLIN: Thank
15 you, Senator Padavan.

16 Senator Parker.

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

19 Let me add my voice to those today
20 who are singing the praises of the people of
21 the Dominican Republic. Let me say
22 congratulations. As the chair of the Senate
23 Task Force on New Americans, I have worked
24 very closely with members of the Dominican
25 community.

1 Let me welcome you, let me welcome
2 our former colleague Senator Garcia, and
3 really just say that this is a time for
4 celebration. And as Senator Adams says, we
5 must reflect, but it's important for us to
6 remember and celebrate accomplishments.
7 Because the road has been hard and long, and
8 you've toiled for such a long time in the
9 vineyards. But now is a new day.

10 And now, when all things become
11 possible, we look forward to a time when the
12 Dominican Republic will continue to be a
13 shining star for not just the people of the
14 Caribbean Basin but for the entire world --
15 first in how they acted in Haiti, but in also
16 the day-to-day accomplishments that we have
17 interacted with people in our communities.
18 And that is from, you know, celebrity
19 athletes, you know, to businesspeople, to our
20 neighbors and our friends.

21 And so to you all, we say
22 congratulations and thank you so much for what
23 you've done for all of us and the people of
24 this great state.

25 (Applause.)

1 ACTING PRESIDENT BRESLIN: Thank
2 you, Senator Parker.

3 Senator Perkins.

4 SENATOR PERKINS: Thank you,
5 Mr. Chairman. On the resolution.

6 [In Spanish.]

7 (Applause.)

8 SENATOR PERKINS: Muchas gracias,
9 Senator Diaz and Senator Sampson, for the
10 opportunity you have given us to recognize the
11 great contributions of the Dominican
12 community.

13 You know, I used to represent the
14 largest Dominican community in the State of
15 New York. And I was very privileged in that
16 period because I got the opportunity to
17 witness their industriousness in so many
18 different ways: Los bodegueros, the folks
19 that own the corner stores that were run by
20 the Dominicans that without them, many of us
21 could not get our daily groceries because of
22 the lack of A&Ps and other kinds of
23 supermarkets in our neighborhoods. The gypsy
24 cabs that would be the only ones available
25 because the Yellow Cabs boycotted our

1 neighborhoods.

2 But most interesting about these
3 Dominicans is this. When it came to politics,
4 when it came to politics, they were number
5 one.

6 I had the opportunity to witness
7 their fervor and their organizing when it
8 comes to electoral politics in two ways.
9 First, whenever there was an election in the
10 Dominican Republic, it began in Washington
11 Heights.

12 (Laughter.)

13 SENATOR PERKINS: There were more
14 votes coming out of Washington Heights for
15 presidente in the Dominican Republic than in
16 the Dominican Republic, because they organized
17 caravans as if you thought the election was
18 taking place in the neighborhood, that the
19 vote was going to be for a candidate in the
20 neighborhood.

21 So they were very committed not
22 only to the neighborhood in Washington
23 Heights, but also to the continuation of
24 what's going on in their community.

25 But even more interesting than that

1 was when we used to have school board
2 elections in New York City -- before mayoral
3 control, when parents and others were allowed
4 to participate in making the decisions as to
5 who would run their local schools. Some of
6 you outside of New York City still have that
7 opportunity. We, unfortunately, are stuck
8 with mayoral control and charter schools. I'm
9 sorry, I got off the subject.

10 (Laughter; applause.)

11 SENATOR PERKINS: But if you ever
12 had the opportunity to witness a school board
13 election in District 6, which is in Washington
14 Heights, you would see such an awesome
15 turnout. And these folks were not citizens
16 yet, they were only given the opportunity to
17 vote as parent voters.

18 And I happened to have the
19 opportunity to witness those elections as they
20 took place, and the largest turnout for those
21 school board elections came out of Washington
22 Heights and the Dominican community. And thus
23 we got the first elected Dominican, Guillermo
24 Linares, to the City Council. And now, of
25 course, we have several others -- Adriano

1 Espaillat, who is in the Assembly.

2 And the list goes on and on in
3 terms of how, as they became more registered
4 to vote and they got more politically
5 involved, they've become a very, very
6 significant political force, political entity
7 in New York City politics and I would daresay
8 state politics.

9 So my hat's off to you for what you
10 have done to bring them to our chamber to be
11 acknowledged. My hat's off to you for your
12 commitment to the political process, the
13 democratic political process -- which is what
14 we are all about in this chamber -- and for
15 the successes that you have had that have
16 contributed so greatly to our city and to our
17 state. It was not just an election for the
18 people of Washington Heights.

19 Now, I know, Senator Diaz, there's
20 more Dominicans in the Bronx than there is in
21 Upper Manhattan. I understand, I accept that.
22 I've been to your parade, okay, up there too.
23 But nevertheless, it began in the northern
24 part of my district known as Washington
25 Heights -- sometimes known as Upper Harlem.

1 Thank you so much.

2 Congratulations.

3 (Appause.)

4 ACTING PRESIDENT BRESLIN: Thank
5 you, Senator Perkins.

6 Senator Stewart-Cousins.

7 SENATOR STEWART-COUSINS: Yes, I
8 just wanted to join in this celebration and
9 thank the Dominican community for bringing so
10 much joy and so much celebration to our
11 chambers.

12 I also wanted to express, from
13 Westchester County, the pride and the joy that
14 we have in having a growing and robust
15 Dominican community. And I want to say in my
16 hometown of Yonkers we are proud to add to the
17 history of the Dominican community, because we
18 have for the first time elected a Dominican
19 city councilperson by the name of Wilson
20 Terrero.

21 Que viva Republica Dominicana!
22 Thank you.

23 (Appause.)

24 ACTING PRESIDENT BRESLIN: Thank
25 you, Senator Stewart-Cousins.

1 Senator Schneiderman.

2 SENATOR SCHNEIDERMAN: Thank you,
3 Mr. President. [In Spanish.]

4 I'm very, very pleased that my
5 colleagues here get a chance to see the spirit
6 of the Dominican Republic and experience the
7 joy of being a part of a Dominican community,
8 because I have my colleagues on the other side
9 of the aisle to thank for my beautiful
10 experience in the Dominican community.

11 But [in Spanish].

12 (Applause.)

13 SENATOR SCHNEIDERMAN: [In
14 Spanish.] I'm just explaining I didn't know
15 much about the Dominican Republic when you
16 guys sent me into Upper Manhattan.

17 But the Dominican community is very
18 generous, and generous at a level people here
19 in the United States very seldom appreciate.
20 I'll tell you one thing I learned when I was
21 drawn into this district and got to know the
22 Dominicans. Studying the history of the
23 Jewish people, the only country in the world
24 that said we will take all the Jews trying to
25 get out of Germany and Central Europe when the

1 Nazis took over was the Republica Dominicana.

2 (Applause.)

3 SENATOR SCHNEIDERMAN: And to
4 this day, in the community of Sosua, you can
5 see the museum and the synagogue there.

6 This is a community that welcomes,
7 this is a community that embraces, this is a
8 community -- el espiritu Dominicana es
9 increible. Corazon Dominicano es grande. [In
10 Spanish.] Viva la Republicano Dominicana!

11 (Applause.)

12 ACTING PRESIDENT BRESLIN: Viva
13 la Schneiderman.

14 Thank you, Senator Schneiderman.

15 Senator Stavisky.

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

18 I too was going to mention the fact
19 that the Dominican Republic was welcoming to
20 people as a refuge from terror and from
21 terrible, terrible destruction. And that is
22 something that you will never forget.

23 I do want to welcome, though, I
24 want to welcome back my friend Senator Garcia
25 whom I have known for so many years. And in

1 fact he attended a high school -- which no
2 longer exists, but a high school where I had
3 my first teaching job. It was called Haaren
4 High School. It was on 59th Street and
5 Tenth Avenue. I taught there in the sixties.

6 And, Senator Garcia, welcome home.

7 And, secondly, I think it's
8 appropriate that we celebrate the birthday,
9 the 142nd birthday of W.E.B. Du Bois, because
10 today is a day of welcoming people. We are a
11 nation of immigrants, and I am so proud to
12 represent so many people from the Dominican
13 Republic. I used to represent Jackson Heights
14 and parts of Queens. With redistricting, my
15 lines changed.

16 But you make us proud, and we
17 welcome you to Albany. And we extend all of
18 the congratulations. But especially let me
19 welcome home my friend Congressman Garcia.

20 (Applause.)

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

23 ACTING PRESIDENT BRESLIN: We
24 would also acknowledge the Honorable Hector
25 Ramirez, who is here, who's the executive

1 board member from the 86th Assembly District
2 leader.

3 The question is on the resolution
4 All those in favor please signify by saying
5 aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT BRESLIN:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT BRESLIN: The
11 resolution is adopted.

12 (Applause.)

13 ACTING PRESIDENT BRESLIN:
14 Senator Klein.

15 SENATOR PADAVAN: Mr. President.

16 ACTING PRESIDENT BRESLIN: Oh,
17 Senator Padavan, excuse me.

18 SENATOR PADAVAN: Yes, thank you
19 very, very much, Mr. President.

20 At this juncture I ask that a
21 quorum call be held, each voice vote in toto
22 be read, each name, and the bell be rung.

23 ACTING PRESIDENT BRESLIN: The
24 Secretary will conduct a quorum call.

25 The Secretary will read.

1 THE SECRETARY: Senator Adams.
2 SENATOR ADAMS: Aye.
3 ACTING PRESIDENT BRESLIN:
4 Senator Addabbo.
5 SENATOR ADDABBO: Aye.
6 THE SECRETARY: Senator Alesi.
7 SENATOR ALESI: Here.
8 THE SECRETARY: Senator
9 Aubertine.
10 SENATOR AUBERTINE: Here.
11 THE SECRETARY: Senator Bonacic.
12 SENATOR BONACIC: Here.
13 THE SECRETARY: Senator Breslin.
14 SENATOR BRESLIN: Here.
15 THE SECRETARY: Senator
16 DeFrancisco.
17 SENATOR DeFRANCISCO: Here.
18 THE SECRETARY: Senator Diaz.
19 (No response.)
20 THE SECRETARY: Senator Dilan.
21 SENATOR DILAN: Here.
22 THE SECRETARY: Senator Duane.
23 (No response.)
24 THE SECRETARY: Senator Espada.
25 SENATOR ESPADA: Present.

1 THE SECRETARY: Senator Farley.
2 SENATOR FARLEY: Here.
3 THE SECRETARY: Senator Flanagan.
4 SENATOR FLANAGAN: Here.
5 THE SECRETARY: Senator Foley.
6 SENATOR FOLEY: Present.
7 THE SECRETARY: Senator
8 Fuschillo.
9 SENATOR FUSCHILLO: Present.
10 THE SECRETARY: Senator Golden.
11 SENATOR GOLDEN: Here.
12 THE SECRETARY: Senator Griffo.
13 SENATOR GRIFFO: Here.
14 THE SECRETARY: Senator Hannon,
15 excused.
16 Senator Hassell-Thompson.
17 SENATOR HASSELL-THOMPSON: Here.
18 THE SECRETARY: Senator Huntley.
19 SENATOR HUNTLEY: Here.
20 THE SECRETARY: Senator C.
21 Johnson.
22 SENATOR CRAIG JOHNSON: Here.
23 THE SECRETARY: Senator O.
24 Johnson.
25 SENATOR OWEN JOHNSON: Here.

1 THE SECRETARY: Senator Klein.
2 SENATOR KLEIN: Present.
3 THE SECRETARY: Senator
4 L. Krueger.
5 SENATOR LIZ KRUEGER: Here.
6 THE SECRETARY: Senator C.
7 Kruger.
8 SENATOR CARL KRUGER: Here.
9 THE SECRETARY: Senator Lanza.
10 SENATOR LANZA: Here.
11 THE SECRETARY: Senator Larkin.
12 SENATOR LARKIN: Here.
13 THE SECRETARY: Senator LaValle.
14 SENATOR LaVALLE: Here.
15 THE SECRETARY: Senator Leibell.
16 SENATOR LEIBELL: Here.
17 THE SECRETARY: Senator Libous.
18 (No response.)
19 THE SECRETARY: Senator Little.
20 SENATOR LITTLE: Here.
21 THE SECRETARY: Senator
22 Marcellino.
23 SENATOR MARCELLINO: Here.
24 THE SECRETARY: Senator Maziarz.
25 SENATOR MAZIARZ: Here.

1 THE SECRETARY: Senator McDonald.

2 SENATOR McDONALD: Here.

3 THE SECRETARY: Senator

4 Montgomery.

5 SENATOR MONTGOMERY: Here.

6 THE SECRETARY: Senator Morahan,

7 excused.

8 Senator Nozzolio.

9 SENATOR NOZZOLIO: Present.

10 ACTING PRESIDENT BRESLIN:

11 Senator Padavan, a quorum is present.

12 SENATOR PADAVAN: I asked for all

13 names to be read, Mr. President.

14 ACTING PRESIDENT BRESLIN: There
15 is nothing in the rules that requires that all
16 be read. There's a quorum present. We will
17 move on.

18 Senator Klein.

19 SENATOR KLEIN: Mr. President, if
20 we can return to the order of reports of
21 standing committees, I believe there is a
22 report of the Finance Committee at the desk.

23 ACTING PRESIDENT BRESLIN:

24 Returning to the order of reports of standing
25 committees, there is a report of the Finance

1 Committee at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator C.

4 Kruger, from the Committee on Finance, reports
5 the following nominations.

6 As a member of the New York State
7 Racing and Wagering Board, Charles J. Diamond,
8 of Watervliet.

9 ACTING PRESIDENT BRESLIN:
10 Senator Kruger.

11 SENATOR CARL KRUGER: Please move
12 the nomination.

13 ACTING PRESIDENT BRESLIN: The
14 question is on the motion to confirm the
15 nomination of Charles J. Diamond to the
16 New York State Racing and Wagering Board. All
17 those in favor please signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT BRESLIN:
20 Opposed, nay.

21 (Response of "Nay.")

22 SENATOR WINNER: Show of hands.

23 SENATOR PADAVAN: Slow roll call,
24 please.

25 ACTING PRESIDENT BRESLIN: A slow

1 roll call is only appropriate on the final
2 passage of a bill.

3 SENATOR PADAVAN: Five of us will
4 stand up to ensure that fact.

5 Now a slow roll call.

6 ACTING PRESIDENT BRESLIN: With
7 the five standing up, you're allowed a written
8 vote, but not a slow roll call.

9 All those in favor please signify
10 by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BRESLIN:
13 Opposed, nay.

14 (Response of "Nay.")

15 ACTING PRESIDENT BRESLIN: The
16 nomination is confirmed.

17 Congratulations, Mr. Diamond.

18 (Applause.)

19 ACTING PRESIDENT BRESLIN: Mr.
20 Diamond is joined in the gallery by his wife,
21 Giovina; by his children, Bridget and Rob; and
22 by his brother John and his sister Barbara;
23 and by his long-time employer, Congressman
24 Michael McNulty.

25 Congratulations, Charles.

1 (Applause.)

2 SENATOR PADAVAN: Mr. President.

3 ACTING PRESIDENT BRESLIN: Yes,
4 Senator Padavan.

5 SENATOR PADAVAN: A point of
6 information.

7 Since there was no show of hands,
8 how was the written vote recorded?

9 ACTING PRESIDENT BRESLIN: We can
10 record that now.

11 SENATOR PADAVAN: Thank you very
12 much. Show of hands.

13 ACTING PRESIDENT BRESLIN: All
14 those in favor of the nomination please
15 signify by raising their hand.

16 The Secretary will announce the
17 results.

18 THE SECRETARY: Ayes, 31. Nays,
19 27.

20 (Applause.)

21 ACTING PRESIDENT BRESLIN: The
22 nomination is confirmed.

23 Senator Padavan, why do you rise?

24 SENATOR PADAVAN: Mr. President,
25 31 votes does not either pass a bill or

1 confirm a nominee; 32 votes does.

2 ACTING PRESIDENT BRESLIN:

3 Authority, please, Senator Padavan?

4 SENATOR PADAVAN: Now, if you
5 recorded 31 votes, then this nominee was not
6 confirmed.

7 ACTING PRESIDENT BRESLIN:

8 Senator Padavan, I've asked you to recite your
9 authority.

10 SENATOR PADAVAN: I can recite
11 it, perhaps not from memory, but if you read
12 the rules it says very clearly that an act of
13 this body is by a majority of its members, who
14 are recorded at 32 at this juncture.

15 Now, you reported 31. I think
16 that's a fact we all acknowledge.

17 ACTING PRESIDENT BRESLIN:

18 Senator Padavan, the votes required for the
19 confirmation of a gubernatorial nomination is
20 not outlined in the Senate rules.

21 According to Mason's Legislative
22 Manual, Section 510, subsection 2, in the
23 absence of an express rule the default
24 requirement is a majority of those Senators
25 present and voting.

1 Therefore, your point of order is
2 not in order.

3 SENATOR PADAVAN: Mr. President,
4 I challenge the ruling of the chair.

5 ACTING PRESIDENT BRESLIN: All
6 those in favor of challenging the ruling of
7 the chair raise your hand.

8 The Secretary will announce the
9 results.

10 SENATOR SALAND: Mr. President,
11 point of order, please.

12 ACTING PRESIDENT BRESLIN: Please
13 await the tabulation.

14 The Secretary will announce the
15 results.

16 SENATOR SALAND: Before you start
17 the vote, point of order, if you would.

18 ACTING PRESIDENT BRESLIN: We're
19 disposing of the first point of order, Senator
20 Saland. Could you please wait?

21 SENATOR SALAND: Okay. Thank
22 you, sir.

23 THE SECRETARY: Ayes, 27. Nays,
24 31.

25 ACTING PRESIDENT BRESLIN: The

1 ruling of the chair is confirmed.

2 The Secretary will continue to
3 read, with the exception of Senator Saland.

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

6 Mr. President, the purpose of my
7 point of order is to determine whether the
8 ruling of the chair was that the motion that
9 you currently deem passed was a substantive
10 motion or a procedural motion.

11 ACTING PRESIDENT BRESLIN: It
12 simply stated the factual component of it is
13 the motion was on the confirmation of a
14 gubernatorial appointment.

15 SENATOR SALAND: Mr. President,
16 if I may continue, I believe you said -- you
17 cited Mason's as the default in the absence of
18 anything relevant or governing in our rules.

19 And I think our rules make a
20 distinction -- I don't have it in front of
21 me -- between what is required by way of a
22 majority vote or a quorum vote, depending upon
23 whether the vote is deemed substantive or
24 procedural and whether, in this advice and
25 consent capacity, this is deemed a substantive

1 vote or a procedural vote.

2 And I'm merely asking whether you
3 have deemed this to be a substantive or a
4 procedural vote.

5 ACTING PRESIDENT BRESLIN:
6 Senator Saland, the chair has not made that
7 determination. The determination is not
8 relevant to this.

9 This is solely on a gubernatorial
10 appointment. The gubernatorial appointment
11 has been approved.

12 SENATOR SALAND: I would really,
13 merely for purposes of the record, state that
14 what's relevant here is whether it's
15 substantive or procedural before you can
16 default to Mason's.

17 ACTING PRESIDENT BRESLIN: What
18 is your specific point of order?

19 SENATOR SALAND: My specific
20 point of order is before you can default to a
21 Mason's, the determination has to be -- you've
22 made a determination that in fact there's
23 nothing controlling in our rules. And by your
24 saying nothing is controlling in our rules,
25 you're failing to recognize a distinction in

1 the rules between substantive and procedural.

2 ACTING PRESIDENT BRESLIN: I
3 would say that that's asked and answered. The
4 nomination is confirmed.

5 Let's move on. The Secretary will
6 read.

7 THE SECRETARY: As a member of
8 the State Board of Parole, Elisabeth Gotbaum,
9 of New York City.

10 SENATOR CARL KRUGER: On the
11 nomination, please move it.

12 ACTING PRESIDENT BRESLIN:
13 Senator Hassell-Thompson, on the nomination.

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

16 I rise to thank the Governor for
17 the appointment of Elisabeth "Betsy" Gotbaum.

18 She came before the committee and,
19 prior to her presentation to us, she has a
20 long history of public service that would make
21 her duly fit for this position, and for this I
22 am here to present her name in nomination.

23 Thank you, Mr. President.

24 ACTING PRESIDENT BRESLIN:
25 Senator Huntley.

1 SENATOR HUNTLEY: Thank you,
2 Mr. President.

3 I rise to congratulate Betsy, who I
4 have known for many, many years, have worked
5 in many different capacities with her. And I
6 also send regards to her family.

7 And I have to say she's an
8 excellent choice, and I thank the Governor for
9 making such a great, great choice.

10 Thank you.

11 ACTING PRESIDENT BRESLIN:
12 Senator Schneiderman.

13 SENATOR SCHNEIDERMAN: Thank you,
14 Mr. President. I also rise in support of this
15 nominee.

16 Ms. Gotbaum is a great New Yorker.
17 She's been in public service for many years,
18 going back to working on the staff of a
19 Republican mayor, John Lindsay.

20 She is really one of those people
21 who embodies the ethic of giving back to the
22 community. Her work as parks commissioner,
23 her work for the New York Police Foundation,
24 her work in saving the New York Historical
25 Society -- she's just a great New Yorker.

1 She will make a great addition to
2 the government. I look forward to working
3 with her in the area of criminal justice. The
4 State of New York and all of us are lucky to
5 have her continued willingness to serve.

6 I strongly urge everyone to vote in
7 support of this nominee, Mr. President.

8 ACTING PRESIDENT BRESLIN: Thank
9 you, Senator Schneiderman.

10 Senator Adams, on the nomination.

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

13 I too rise and I really appreciate
14 just the lifetime of service of Ms. Gotbaum.

15 And I remember during the Sean Bell
16 shooting and the hearings we held, the long
17 hearings throughout the entire city, and just
18 your commitment, you came early, you stayed
19 throughout the entire hearings, you heard the
20 concerns of all the various communities, and
21 you continued just to repeatedly show what's
22 best about the greatest race alive, and that's
23 the human race.

24 And I'm glad that you are a friend
25 and you will continue to contribute to the

1 great State of New York.

2 ACTING PRESIDENT BRESLIN: Thank
3 you, Senator Adams.

4 Senator Stavisky.

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

7 I too am proud to call Betsy
8 Gotbaum a friend. She brings a wonderful
9 breadth of experience to state government --
10 first, commissioner of the Parks and
11 Recreation Department, New York Historical
12 Society, public advocate -- you name it, Betsy
13 Gotbaum has been there, she's done it.

14 And I think it's exciting that she
15 is bringing this experience to state
16 government. And there is no doubt that she's
17 embarking on a new career, but at the same
18 time there are so many people here who have so
19 much respect for Betsy Gotbaum and for Victor,
20 her husband.

21 And we just congratulate her on her
22 nomination.

23 Thank you, Mr. President.

24 ACTING PRESIDENT BRESLIN: Thank
25 you, Senator Stavisky.

1 Senator Oppenheimer.

2 SENATOR OPPENHEIMER: Very
3 briefly, those of us who have had the pleasure
4 of knowing Betsy through many years know that
5 she is a perfect person for this, because
6 she's creative, innovative, thoughtful. And
7 also it should be mentioned that she's
8 generous and kind.

9 And I think the combination of
10 intellect and compassion will serve her very
11 well in this job. And each time she takes on
12 a new job, she does it with great enthusiasm.

13 And so we're very happy that you
14 are still willing to keep trying again and
15 again to fulfill the role that you see for
16 yourself, which is really being a person of
17 the community, a person there to help others.

18 Thanks, Betsy.

19 ACTING PRESIDENT BRESLIN: Thank
20 you, Senator Oppenheimer.

21 Senator Duane.

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

24 I too rise in strong support of
25 Betsy Gotbaum's nomination. From Betsy's

1 really amazing work as the New York City parks
2 commissioner during very, very difficult
3 economic times, where she was able to make
4 improvements to parks and to make do with
5 less, but make sure that parks were available
6 for New Yorkers to use -- the job she did
7 during those difficult times was really
8 amazing.

9 And also her work to preserve all
10 of the very important parts of New York's
11 history, with her work at the Historical
12 Society. Again, during very, very difficult
13 times for that institution, she worked very
14 hard to make sure that that institution was
15 able not just to survive but to set it up so
16 that it could thrive.

17 And I think the other important
18 thing is that Betsy Gotbaum's life has not
19 been without adversity, without tragedy. And
20 she already brought sort of institutionally
21 smarts and compassion to every job that she
22 did, but I also think that her life
23 experience, her most recent life experience
24 also will serve her well in a new job, and I
25 know she'll use that life experience in her

1 new position.

2 So I think that the Governor has
3 really made an excellent choice, and I
4 strongly recommend a yes vote on this
5 nomination, Mr. President.

6 ACTING PRESIDENT BRESLIN:
7 Senator Savino.

8 SENATOR SAVINO: Thank you,
9 Mr. President. I'll be very brief on behalf
10 my friend Betsy Gotbaum.

11 And you've heard many of the people
12 here today call her friend, and she is. She's
13 a friend not just to us personally, but she's
14 been a friend to the City of New York. And
15 I'm going to commend the Governor and
16 congratulate him on his appointment.

17 You know, generally when people
18 come in to be interviewed by whatever the
19 particular committee is for whatever the
20 particular position is, we get a resume or a
21 little curriculum vitae. But Betsy Gotbaum's
22 life work has been so rich and so varied that
23 she had to send in her biography. And what is
24 a biography it is. You all have it; you can
25 read it.

1 And interestingly, like a lot of
2 women of her generation, she doesn't hide
3 behind the powerful man that she was married
4 to. He's right on the bottom of the last
5 page -- just as a footnote, she's married to
6 Victor Gotbaum.

7 Both Betsy and Victor have been
8 real friends of the City of New York in so
9 many ways. All of you know their history.

10 And I will tell you, I'm not sure
11 why Betsy wants to continue working. I
12 thought she was going to start to enjoy
13 retirement. But I'm glad you're not.

14 Congratulations to you, to Victor
15 and your entire family.

16 Thank you.

17 ACTING PRESIDENT BRESLIN: The
18 question is on the nomination. All those in
19 favor please signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT BRESLIN:
22 Opposed, nay.

23 (Response of "Nay.")

24 SENATOR PADAVAN: Slow roll call,
25 Mr. President, if we may.

1 ACTING PRESIDENT BRESLIN: Do
2 five Senators rise to request that recording?

3 All those in favor of the
4 nomination please signify by raising their
5 hand.

6 The Secretary will announce the
7 results.

8 THE SECRETARY: Ayes, 31. Nays,
9 27.

10 ACTING PRESIDENT BRESLIN: The
11 nomination is hereby confirmed.

12 SENATOR PADAVAN: Point of order,
13 Mr. President.

14 Once again, if I may -- and I'll be
15 very brief -- your determination that this
16 confirmation took place by 31 votes is
17 contrary to what has happened in this Senate
18 for as long as I have been here, and that's
19 38 years. Namely, that a majority, one more
20 than half of the numbers of the Senators, must
21 confirm.

22 That has not taken place. Your
23 deference to Mason's, as pointed out by
24 Senator Saland, indicated that this was a
25 procedural matter, which I believe it is not.

1 It is a substantive matter. Advice and
2 consent is a substantive matter. To say
3 otherwise demeans not only the process but
4 also the nominees and the power of the
5 Governor.

6 ACTING PRESIDENT BRESLIN:

7 Senator Padavan, this is a gubernatorial
8 appointment. There's nothing in the rules to
9 outline it. We go to Mason's. And I would
10 rest back with what I previously ruled.

11 The point of order therefore is out
12 of order.

13 SENATOR PADAVAN: Appeal the
14 ruling of the chair.

15 ACTING PRESIDENT BRESLIN: All
16 those in favor of overruling the chair please
17 raise their hands.

18 The Secretary will announce the
19 results.

20 THE SECRETARY: Ayes, 26. Nays,
21 31.

22 ACTING PRESIDENT BRESLIN: The
23 ruling of the chair is affirmed.

24 The motion carries. The nomination
25 of Elisabeth F. Gotbaum is hereby confirmed.

1 Congratulations, Ms. Gotbaum.

2 (Appause.)

3 ACTING PRESIDENT BRESLIN:

4 Senator Klein.

5 SENATOR KLEIN: Mr. President,
6 can we please return to motions and
7 resolutions and please take up resolution
8 Number 3908, by Senator Aubertine. I move
9 that the title of the resolution be read and
10 move for its immediate adoption.

11 ACTING PRESIDENT BRESLIN: The
12 Secretary will read.

13 THE SECRETARY: By Senator
14 Aubertine, Legislative Resolution Number 3908,
15 memorializing Governor David A. Paterson to
16 proclaim February 20 through 27, 2010, as
17 Future Farmers of America Week in the State of
18 New York.

19 ACTING PRESIDENT BRESLIN: The
20 question is on the resolution. All those in
21 favor please signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT BRESLIN:

24 Opposed, nay.

25 (No response.)

1 ACTING PRESIDENT BRESLIN: The
2 resolution is adopted.

3 Senator Klein.

4 SENATOR KLEIN: Mr. President,
5 can we now go back and finish the standing
6 committees.

7 I believe there's a report of the
8 Finance Committee. Can we continue with the
9 report of the Finance Committee.

10 ACTING PRESIDENT BRESLIN: Yes.
11 The Secretary will read.

12 THE SECRETARY: Senator Kruger,
13 from the Committee on Finance, reports the
14 following nominations.

15 As a members of the Finger Lakes
16 State Park, Recreation and Historic
17 Preservation Commission, Robert K. Bergan, of
18 Auburn.

19 As a member of the Palisades
20 Interstate Park Commission, Keith Cornell, of
21 Valley Cottage.

22 As a member of the State Park,
23 Recreation and Historic Preservation
24 Commission for the City of New York, Michael
25 Tannen, of New York City.

1 As members of the Advisory Council
2 on Agriculture, Joy D. Crist, of Walden;
3 Cheryl K. Horton, of Philadelphia; and Daniel
4 J. McGarr, of King Ferry.

5 As a member of the Capital District
6 Transportation Authority, Lisa A. Ballout, of
7 Clifton Park.

8 As a member of the Central New York
9 Regional Transportation Authority, Robert F.
10 Cuculich, of Liverpool.

11 As a member of the Republic Airport
12 Commission, Stella M. Barbera, of Lindenhurst.

13 As a member of the Thousand Islands
14 State Park, Recreation and Historic
15 Preservation Commission, Joseph Chavoustie, of
16 Cape Vincent.

17 As director of the New York
18 Convention Center Operating Corporation,
19 Jeffrey Scruggs, of New York City.

20 And as commissioners of the State
21 Insurance Fund, Eileen Frank, of New York
22 City, and Robert H. Hurlbut, of Honeoye Falls.

23 ACTING PRESIDENT BRESLIN:
24 Senator Kruger.

25 SENATOR CARL KRUGER: Please move

1 all the nominations.

2 ACTING PRESIDENT BRESLIN: Are
3 there any Senators wishing to be heard on the
4 nominations?

5 The question is then on the
6 confirmation of the nominations. All those in
7 favor please signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT BRESLIN:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT BRESLIN: The
13 motion carries. The nominations are
14 confirmed.

15 Senator Klein.

16 SENATOR KLEIN: Mr. President, is
17 there any further business at the desk?

18 ACTING PRESIDENT BRESLIN:
19 Senator Klein, the desk is clear.

20 SENATOR KLEIN: There being none,
21 I move we adjourn until tomorrow, Wednesday,
22 February 24th, at 2:00 p.m.

23 ACTING PRESIDENT BRESLIN: There
24 being no further business to come before the
25 Senate, on motion, the Senate stands adjourned

1 until Wednesday, February 24th, at 2:00 p.m.

2 (Whereupon, at 6:48 p.m., the
3 Senate adjourned.)

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