

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 2, 2010

11 3:53 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: In the  
9 absence of clergy, may we bow our heads for a  
10 moment of silence.

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

13 ACTING PRESIDENT BRESLIN: The  
14 reading of the Journal.

15 The Secretary will read.

16 THE SECRETARY: In Senate,  
17 Monday, March 1, the Senate met pursuant to  
18 adjournment. The Journal of Sunday,  
19 February 28, was read and approved. On  
20 motion, Senate adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.

2 Reports of standing committees.

3 Senator Klein.

4 SENATOR KLEIN: Mr. President, I  
5 believe there's a report of the Finance  
6 Committee at the desk.

7 ACTING PRESIDENT BRESLIN: There  
8 is a report of the Finance Committee.

9 The Secretary will read.

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

13 As a member of the Battery Park  
14 City Authority, William C. Thompson, Jr., of  
15 New York City.

16 As a member of the New York State  
17 Bridge Authority, Roger P. Higgins, of  
18 New Hamburg.

19 As a member of the Buffalo and Fort  
20 Erie Public Bridge Authority, Philip J.  
21 Tantiello, of Elma.

22 As a member of the  
23 Rochester-Genesee Regional Transportation  
24 Authority, Frank Vitagliano, Jr., of  
25 Silver Springs.

1                   As a member of the Board of  
2           Trustees of the City University of New York,  
3           Valerie Lancaster-Beal, of New York City.

4                   As a member of the Board of  
5           Trustees of the State University of New York,  
6           Ronald Ehrenberg, of Ithaca.

7                   As members of the Correction  
8           Medical Review Board, Allison Bishop, of  
9           Freeport; Marjorie A. Blieka, of Laurel  
10          Hollow; and Bruce Howard David, M.D., of  
11          New York City.

12                  As members of the Small Business  
13          Advisory Board, Stanley Grayson, of New York  
14          City; William J. Grinker, of Brooklyn; and  
15          Carey F. Staller, of Old Field.

16                  As members of the State Banking  
17          Board, Wilbur Klatsky, of Shoreham; Peter  
18          Nicholas Kourides, of Rye; and Florian  
19          Strassberger, of West Harrison.

20                  As members of the Empire State  
21          Plaza Art Commission, Cynthia B. Altman, of  
22          Scarborough; Jonathan Dale Farkas, of New York  
23          City; Louis Grachos, of Buffalo; Elizabeth  
24          Kujawski, of New York City; Christine Miles,  
25          of Albany; and Deborah Ronnen, of Rochester.

1                   As a member of the Stewart Airport  
2                   Commission, Christopher A. White, of  
3                   New Paltz.

4                   And as members of the Citizens  
5                   Policy and Complaint Review Council, John  
6                   Theodore Hilscher, of Hannacroix, and Thomas  
7                   K. Cross, LaGrangeville.

8                   ACTING PRESIDENT BRESLIN:  
9                   Senator Kruger.

10                  SENATOR CARL KRUGER:     Thank you,  
11                  Mr. President. Will you please move those  
12                  nominations.

13                  ACTING PRESIDENT BRESLIN:     The  
14                  question is on the nominations. All those in  
15                  favor please signify by saying aye.

16                  (Response of "Aye.")

17                  ACTING PRESIDENT BRESLIN:  
18                  Opposed, nay.

19                  (No response.)

20                  ACTING PRESIDENT BRESLIN:     The  
21                  motion carries. The nominations are  
22                  confirmed.

23                  Returning to the order of business,  
24                  reports of select committees.

25                  Communications and reports from

1 state officers.

2 Motions and resolutions.

3 Senator Klein.

4 SENATOR KLEIN: Mr. President, I  
5 believe Senator Sampson has a resolution at  
6 the desk. I ask that the resolution be read  
7 in its entirety and move for its immediate  
8 adoption. And I believe Senator Diaz wants to  
9 speak on this resolution.

10 ACTING PRESIDENT BRESLIN:  
11 Senator Klein, has this resolution been deemed  
12 privileged and submitted by the office of the  
13 Temporary President?

14 SENATOR KLEIN: Yes, it has,  
15 Mr. President.

16 ACTING PRESIDENT BRESLIN: The  
17 Secretary will read.

18 THE SECRETARY: By Senator  
19 Sampson, legislative resolution expressing  
20 sincerest heartfelt condolences to the victims  
21 of the devastating magnitude 8.8 earthquake  
22 and tsunami which hit Chile on February 27,  
23 2010.

24 "WHEREAS, On February 27, 2010, a  
25 magnitude 8.8 earthquake struck the coast of

1 Chile. This horrific natural disaster has  
2 taken the lives of at least 700 people and has  
3 displaced more than 2 million Chileans; and

4 "WHEREAS, The Chilean earthquake  
5 was followed by more than 76 aftershocks  
6 greater than 4.9 magnitude and by a tsunami  
7 that struck the coast of Chile and some of  
8 Chile's Pacific island communities, causing  
9 loss of life and property damage; and

10 "WHEREAS, This devastating  
11 earthquake and tsunami are estimated to have  
12 caused as much as \$30 billion in damage to  
13 Chile's economy, more than half of which is  
14 from the State of Santiago, which contains  
15 Chile's capital, Santiago; and

16 "WHEREAS, New York State and  
17 particularly New York City are home to a large  
18 and thriving community of Chileans. And this  
19 Legislative Body joins those communities in  
20 solidarity during this time of sorrow; and

21 "WHEREAS, The Chilean community of  
22 the State of New York maintains close ties  
23 with family and friends in their native land  
24 and are concerned about their health, safety,  
25 and quality of life; and

1                   "WHEREAS, This natural catastrophe  
2           was 500 times more powerful than the  
3           devastating Haitian earthquake of January 12,  
4           2010, but by great good fortune, the loss of  
5           life is thankfully much less; and

6                   "WHEREAS, The United States has  
7           prepositioned resources to assist Chile if, or  
8           when, it asks for international assistance;  
9           and

10                  "WHEREAS, This Legislative Body  
11           recognizes the epic devastation that has been  
12           and continues to be caused by the natural  
13           disaster that hit Chile, and particularly the  
14           City of Concepcion and the Province of  
15           Santiago, and the far-reaching loss of life  
16           and damage that has been sustained by the  
17           victims of this tragedy throughout the country  
18           of Chile; and

19                  "WHEREAS, On behalf of the people  
20           of the State of New York, the members of this  
21           Legislative Body offer their deepest  
22           condolences to the families and loved ones of  
23           those who were killed or injured, and pledge  
24           their heartfelt support through this time of  
25           grief, sorrow, and rebuilding; and



1                   "WHEREAS, Above all else, the  
2           generous people of the State of New York, as  
3           represented by this Legislative Body, will be  
4           steadfast in their solidarity with the victims  
5           of this tragedy until stability returns to  
6           their country and hope is restored to their  
7           lives; now, therefore, be it

8                   "RESOLVED, That this Legislative  
9           Body pause in its deliberations to express  
10          sincerest heartfelt condolences to the victims  
11          of the devastating earthquake and tsunami that  
12          hit the country of Chile, and to encourage  
13          New York's citizens, nonprofit humanitarian  
14          organizations, the state and governmental  
15          subdivisions to render humanitarian aid to our  
16          neighbors in Chile; and be it further

17                   "RESOLVED, That copies of this  
18          resolution, suitably engrossed, be transmitted  
19          to the Chilean Consul-General in New York  
20          City; the Chilean President, the Honorable  
21          Michelle Bachelet; and the Chilean  
22          President-Elect, Sebastian Pinera."

23                   ACTING PRESIDENT BRESLIN:  
24          Senator Diaz.

25                   SENATOR DIAZ:       Thank you,

1 Mr. President.

2 Mr. President, as you know, Haiti  
3 some time ago, a few months ago, was  
4 devastated by a hurricane {sic}. And the love  
5 and the humanitarian action of the people of  
6 the State of New York and this body was great.  
7 I remember that I conducted a marathon in the  
8 Bronx, and even our Governor, Governor David  
9 Paterson, showed over there to help me  
10 publicly ask for help.

11 So we all know that the people of  
12 the State of New York and the members of this  
13 body, when there is -- when we have been  
14 needed, we have been there.

15 Now, on February 27th, Chile was  
16 devastated. A hurricane {sic} of a magnitude  
17 of 8.8 -- that was a biggie. And I just want  
18 to ask, to all of you -- to thank you first,  
19 all of you, for your help, for your prayers,  
20 for all the things that you do when times like  
21 this come. And that the same way we have done  
22 it for every other country and every other  
23 city, now Chile and the Chilean people are in  
24 desperate need.

25 So, ladies and gentlemen, I thank

1       you one more time. And I thank you,  
2       Mr. President. And I am just asking, I'm  
3       trying to encourage the people of New York,  
4       the not-for-profit humanitarian organizations,  
5       the state, and governmental agencies to render  
6       whatever humanitarian help we could do for  
7       Chile and for the Chilean people.

8               There is many, many, many Chilean  
9       people living in the State of New York. And  
10      this body has always, has always been there  
11      for the needy people.

12             So thank you for this opportunity.  
13      And one more time, I thank you all, ladies and  
14      gentlemen, and I ask you to join me in this  
15      resolution and to be part of it, and to help  
16      and to pray, to pray for the people of Chile  
17      that are going through difficult times.

18             Thank you, Mr. President.

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

21             The question is then on the  
22      resolution. All those in favor please signify  
23      by saying aye.

24             (Response of "Aye.")

25             ACTING PRESIDENT BRESLIN:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT BRESLIN: The  
4 resolution is adopted.

5 Senator Sampson has indicated that  
6 he would like to open this resolution up to  
7 the entire body for cosponsorship. Any  
8 Senator wishing not to be on the resolution  
9 please signify that fact by coming to the  
10 desk.

11 Senator Klein.

12 SENATOR KLEIN: Mr. President, I  
13 believe Senator Sampson has another resolution  
14 at the desk. I ask that the title of the  
15 resolution be read and move for its immediate  
16 adoption.

17 ACTING PRESIDENT BRESLIN:  
18 Senator Klein, has this resolution been deemed  
19 privileged and submitted by the office of the  
20 Temporary President?

21 SENATOR KLEIN: Yes, it has,  
22 Mr. President.

23 ACTING PRESIDENT BRESLIN: The  
24 Secretary will read.

25 THE SECRETARY: By Senator

1 Sampson, Legislative Resolution Number 4040,  
2 memorializing Governor David A. Paterson to  
3 proclaim March 6, 2010, as Lymphedema  
4 Awareness Day in the State of New York.

5 ACTING PRESIDENT BRESLIN: The  
6 question is on the resolution. 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 resolution is adopted.

14 Senators Sampson and Adams have  
15 indicated that they would like to open this  
16 resolution up to the entire body for  
17 cosponsorship. Any Senator wishing to not be  
18 on the resolution please inform the desk.

19 Senator Klein.

20 SENATOR KLEIN: Mr. President, I  
21 believe Senator Stavisky has a resolution at  
22 the desk. I ask that the title of the  
23 resolution be read and move for its immediate  
24 adoption.

25 ACTING PRESIDENT BRESLIN:

1 Senator Klein, has this resolution been deemed  
2 privileged and submitted to the office of the  
3 Temporary President?

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

6 ACTING PRESIDENT BRESLIN: The  
7 Secretary will read.

8 THE SECRETARY: By Senator  
9 Stavisky, Concurrent Resolution of the Senate  
10 and Assembly providing for the election of six  
11 Regents of the University of the State of  
12 New York.

13 ACTING PRESIDENT BRESLIN: The  
14 Secretary will call the roll on the concurrent  
15 resolution.

16 SENATOR LIBOUS: Mr. President,  
17 will you please recognize Senator Larkin.

18 ACTING PRESIDENT BRESLIN: Excuse  
19 me. Senator Larkin.

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

22 You know, to be appointed to this  
23 position is very, very important to all the  
24 members of our state. It's also important  
25 that they, in their capacity as this appointed

1 official, that they positively respond to the  
2 constituents.

3 Now, in my district, the Hudson  
4 Valley, Mr. Phillips met with us and the  
5 Chancellor, and she assured us that not only  
6 would things change but they would be at the  
7 next meeting of the whole Hudson Valley, seven  
8 counties. It came and it went, and we got  
9 nothing from Mr. Phillips.

10 Mr. Phillips has never showed up at  
11 one of our meetings, our annual or quarterly,  
12 never has responded to correspondence I sent  
13 to him. And so I'm offended that they want to  
14 reappoint somebody who just cast aside seven  
15 counties in the Hudson Valley.

16 This is a serious appointment.  
17 This is a very responsible appointment. But  
18 there's no positive response of what the  
19 people of the Hudson Valley need. The  
20 commitments that were made by the Chancellor,  
21 when she said "We will be there, we will  
22 answer you, and we will do this, this,  
23 this" -- fine. Talk is cheap. People in the  
24 Hudson Valley are asking a lot of questions:  
25 What do you do with Congress? What are you

1       doing with the state? But there was nobody  
2       there to respond.

3               So in all good conscience, if we're  
4       putting all of them on the same ballot, I have  
5       to vote no. Why? Because we've been let  
6       down. We've had someone who was appointed,  
7       now wants to be reelected, and he hasn't  
8       fulfilled his obligations.

9               And everybody said, "We will. We  
10      understand that we weren't there, but we'll  
11      make it." Mr. President and my colleagues,  
12      how do you vote for someone who doesn't  
13      fulfill his responsibilities? I say no.

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

16              Senator Maziarz.

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

19              A little bit of the opposite end of  
20      the spectrum of my good colleague Senator  
21      Larkin.

22              I rise to speak in favor of one of  
23      these appointments, Bob Bennett from Western  
24      New York, a former chancellor of the Board of  
25      Regents.



1                   Bob Bennett is extremely positive  
2                   for the Western New York community. Whenever  
3                   you want to meet with Regent Bennett, invite  
4                   him into the schools, he's always been  
5                   extremely accommodating in just returning  
6                   phone calls, willing to meet with individual  
7                   constituents, entire school districts. He  
8                   visits schools throughout Western New York.

9                   I don't think there's any request  
10                  that I have ever made of Regent Bob Bennett  
11                  that he has not responded to in most  
12                  instances, when he could, in a very favorable  
13                  and positive way.

14                 So, Mr. President, we have to vote  
15                 on all of these individuals together, and I  
16                 just want to put in a very positive word for  
17                 Robert Bennett from Erie County for his  
18                 reappointment as a Regent to the State  
19                 Education Department.

20                 Thank you, Mr. President.

21                 ACTING PRESIDENT BRESLIN:     Thank  
22                 you, Senator Maziarz.

23                 Senator Marcellino.

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

1 I also rise in a positive vein,  
2 although I do recognize my learned colleague  
3 Senator Larkin's comments and I do appreciate  
4 his point of view. If you have someone who  
5 has said that they will do certain things and  
6 then don't fulfill their obligations, I agree  
7 you want to speak up and, in his case, vote  
8 against.

9 I, on the other hand, have a  
10 Regent, Roger Tilles, who is from Nassau  
11 County and has been just the opposite -- been  
12 attentive, been outgoing, willing to meet with  
13 every school group and PTA and school board  
14 that you could name, has been around the  
15 district, been around the state, thoroughly  
16 enjoys his job and I think does it with honor  
17 and with credibility.

18 He, I believe, is the only Regent  
19 with children in the school systems, actually  
20 has children in the public schools. So I  
21 think that's a grounds alone to keep him  
22 there, because it brings the perspective of a  
23 parent to the situation and to the Board of  
24 Regents.

25 Roger is a very capable fellow, and

1 I know him for a long period of time. He's  
2 honorable, he's capable. His family have been  
3 well-known. He used to be the president of  
4 Long Island University, so he is known for his  
5 attention to educational matters both at the  
6 secondary, elementary, and the upper levels.

7 He is an excellent Regent, has  
8 acquitted himself well and I know will acquit  
9 himself in the future very well. He is an  
10 excellent appointment, and I'm proud to  
11 support him.

12 Thank you, Mr. President.

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

15 Senator Ranzenhofer.

16 SENATOR RANZENHOFER: Thank you,  
17 Mr. Chairman.

18 I'd also like to rise in support of  
19 one of Regents, Robert Bennett, who is a  
20 resident of my district.

21 I've only been in the Senate here  
22 for a short time, but in the 13 months that  
23 I've been working with Mr. Bennett, he is very  
24 attentive to the needs of the district. We  
25 had a meeting just a couple of weeks ago where

1 he didn't have to attend, but not only did he  
2 attend but he was one of the leaders at the  
3 forum.

4 He is known throughout Western  
5 New York for his leadership, for his  
6 expertise. He has been a Regent for a number  
7 of years and just has a reputation that is  
8 beyond reproach, will continue, in my  
9 judgment, to do an excellent job representing  
10 the State of New York.

11 Thank you.

12 ACTING PRESIDENT BRESLIN: Thank  
13 you, Senator Ranzenhofer.

14 Senator LaValle.

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

17 I think it has been a long time  
18 since this house has passed a concurrent  
19 resolution to deal with the election of the  
20 members of the Board of Regents. I think  
21 Warren Anderson was the majority leader the  
22 last time that this was accomplished.

23 I want to speak on the reelection  
24 of Roger Tilles, who has spent a good part of  
25 his life, both in the State of Michigan and

1 here in the State of New York, dealing with  
2 education issues.

3 Roger has distinguished himself in  
4 many ways. One, I believe we in the Tenth  
5 Judicial District are very, very fortunate to  
6 have such a hardworking and dedicated Regent.

7 A lot of people in the State of  
8 New York do not know that there is a Board of  
9 Regents and that they have, in their judicial  
10 district, a Regent. We, on Long Island, I  
11 think a high percentage of people know of the  
12 work of Roger Tilles. Whenever there's a  
13 meeting, a gathering on education issues,  
14 Roger is there, articulates on the board point  
15 of view for the people in the Tenth Judicial  
16 District.

17 He is a smart guy who brings a lot  
18 of class to the Board of Regents, and we are  
19 indeed fortunate to, by concurrent resolution,  
20 reelect Roger Tilles.

21 Thank you.

22 ACTING PRESIDENT BRESLIN: Thank  
23 you, Senator LaValle.

24 Senator Little.

25 SENATOR LITTLE: Thank you,

1 Mr. President.

2 I rise in support of Regent James  
3 Dawson, who is from the town of Peru and has  
4 been a member of the Board of Regents -- I  
5 believe this will be his fourth term, at least  
6 his third term, if not his fourth term, in  
7 office.

8 And in that time, despite the fact  
9 that his Regents school district I believe  
10 covers 170 school districts or something and  
11 is one of the largest in the state, he visits  
12 each of those schools every year and has  
13 certainly been available to anyone who wanted  
14 to talk to him about issues that were  
15 important to their school.

16 So I appreciate his attentiveness,  
17 and I also appreciate his experience in the  
18 elementary and secondary schools as well as he  
19 has served as a professor at SUNY Plattsburgh  
20 in their geology department and certainly  
21 knows the issues at our SUNY system as well.

22 So I thank him for his work in the  
23 past, and I am proud and pleased to stand in  
24 support of him for another term on the Board  
25 of Regents.

1 Thank you.

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

4 Senator Stewart-Cousins.

5 SENATOR STEWART-COUSINS: Yes,  
6 thank you, Mr. President.

7 I rise to, I'm sorry to say,  
8 disagree with my good friend and colleague  
9 Senator Larkin with regard to my constituent  
10 and trustee Harry Phillips.

11 He has been extraordinary in terms  
12 of being available. I was surprised,  
13 actually, to hear what has happened. And I  
14 can only say is that whether it is a community  
15 meeting about what's going on in the present  
16 or the future, the focus on technology, the  
17 focus on creating opportunities, the focus on  
18 keeping ahead of the curve has always been  
19 what has underscored what Trustee Phillips has  
20 brought to the Regents.

21 So I certainly wholeheartedly  
22 endorse his reappointment and certainly will  
23 work with Senator Larkin to make sure that he  
24 has the great experience that I've had with  
25 Regent Harry Phillips.

1                   ACTING PRESIDENT BRESLIN:     Thank  
2     you, Senator Stewart-Cousins.

3                   Senator Stavisky, to close.

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

6                   This is a unique situation where  
7     Regents can be chosen either through a joint  
8     session or by concurrent resolution. And I'm  
9     delighted that we have chosen this pathway  
10    this year, because it makes it almost more  
11    personal.

12                  We have six Regents being  
13    reappointed today. And if you think about it,  
14    they bring a sense of concern for young  
15    people, a spirit of volunteering. They don't  
16    get paid, they get reimbursed for actual  
17    expenses. This is an unpaid position, a  
18    position that goes back, incidentally, to the  
19    days of Alexander Hamilton, who served as a  
20    Regent of the State of New York.

21                  The history is a long and glorious  
22    one. They have a caring attitude toward young  
23    people. But for the most part, they are  
24    available to meet with their constituencies.  
25    And I will absolutely call Regent Phillips to



1 find out what the problem is, because I am  
2 sure that he is as concerned as everybody else  
3 about the future of young people.

4 But think about the variety of the  
5 people who we are confirming here today. We  
6 have the president, for example, Karen Brooks  
7 Hopkins, who heads the Brooklyn Academy of  
8 Music, BAM. James Dawson is a geologist.  
9 Robert Bennett was the CEO of a large  
10 not-for-profit. Harry Phillips, an insurance  
11 broker.

12 Roger Tilles, a lawyer and an  
13 investment banker. And let me add one other  
14 job that he held; he worked for the Michigan  
15 Legislature. So he understands the role of  
16 the Legislature and the individual  
17 legislators. He's an attorney who worked I  
18 believe for the speaker of the Michigan State  
19 House.

20 And we have Dr. Lester Young, who  
21 lives in my district, a respected -- retired,  
22 but respected educator. He was a community  
23 school district superintendent who rose  
24 through the ranks to become a leading educator  
25 in New York State.

1                   So I am delighted to support all  
2                   six of the nominees. I think they bring  
3                   dignity and grace and dedication to the  
4                   office.

5                   And all you have to do is go across  
6                   the street to the State Education Department,  
7                   attend one of their meetings, and everything  
8                   is so seeped in history that you watch the  
9                   deliberations and you realize this is a  
10                  history that goes back to the founding of our  
11                  nation. And I'm just delighted that today  
12                  we're going to continue that tradition as we  
13                  confirm, in a concurrent resolution, these six  
14                  individuals.

15                  So thank you, Mr. President, and I  
16                  move the nominations.

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

19                  The Secretary will call the roll on  
20                  the concurrent resolution.

21                  (The Secretary called the roll.)

22                  THE SECRETARY:     Ayes, 59. Nays,  
23                  1.

24                  ACTING PRESIDENT BRESLIN:     The  
25                  resolution is adopted.

1 Senator Klein.

2 SENATOR KLEIN: Mr. President, at  
3 this time I move that we pass the Resolution  
4 Calendar in its entirety, with the exception  
5 of Senate Resolutions 3646, 4062, 4067, and  
6 4086.

7 ACTING PRESIDENT BRESLIN: All  
8 those in favor of adopting the Resolution  
9 Calendar in its entirety, with the exception  
10 of Senate Resolutions 3646, 4062, 4067 and  
11 4086, please signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT BRESLIN:  
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT BRESLIN: The  
17 Resolution Calendar is adopted.

18 Senator Klein.

19 SENATOR KLEIN: Mr. President, at  
20 this time I move we take up Senate Resolution  
21 Number 4086, by Senator Sampson. I ask that  
22 the title of the resolution be read and move  
23 for its immediate adoption.

24 ACTING PRESIDENT BRESLIN: The  
25 Secretary will read.

1                   THE SECRETARY:     By Senators  
2     Sampson and Adams, legislative resolution  
3     honoring New York Police Department Inspector  
4     Timothy Pearson upon the occasion of his  
5     selection as Person of the Year by the  
6     Guardians Association of the New York City  
7     Police Department on March 5, 2010.

8                   ACTING PRESIDENT BRESLIN:     Are  
9     there any Senators wishing to be heard on the  
10    resolution?

11                  The question is then on the  
12    resolution. All those in favor please signify  
13    by saying 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, at  
22    this time I move we take up my resolution,  
23    Senate Resolution 4062. I ask that the title  
24    of the resolution be read and move for its  
25    immediate adoption.

1                   ACTING PRESIDENT BRESLIN:     The  
2     Secretary will read.

3                   THE SECRETARY:     By Senator Klein,  
4     Legislative Resolution Number 4062,  
5     commemorating the 40th Anniversary of the  
6     New York State Consumer Protection Board.

7                   ACTING PRESIDENT BRESLIN:  
8     Senator Klein.

9                   SENATOR KLEIN:     Thank you very,  
10    much, Mr. President.

11                   I'm proud to sponsor this  
12    resolution honoring the 40th anniversary of  
13    the New York State Consumer Protection Board.  
14    Since 1970, the New York State Consumer  
15    Protection Board has worked very diligently to  
16    protect, educate, and represent the consumers  
17    of our state.

18                   I know firsthand. One of the  
19    pieces of legislation that I'm very proud of  
20    that I worked very, very closely with the  
21    Consumer Protection Board is New York State's  
22    "Do Not Call" List. I sponsored the bill in  
23    the Assembly at the time; Senator Chuck  
24    Fuschillo sponsored the bill in this house.  
25    And it's proved to be a very, very effective

1 tool in curbing all of those unwanted  
2 telemarketing calls. As a matter of fact, the  
3 state law in New York was so successful that  
4 it really proved to be a model for national  
5 legislation which is now in effect.

6 Again, they have done such a great  
7 job over their 40 years, the Consumer  
8 Protection Board, in calling attention to a  
9 whole range of issues -- predatory lending,  
10 identity theft, personal privacy issues --  
11 that I'm proud to recognize them on their 40th  
12 anniversary.

13 Also, I want to recognize a special  
14 guest we have with us in the chamber today,  
15 Mindy Bockstein, who is the chairperson and  
16 executive director of the New York State  
17 Consumer Protection Board. I know Mindy has  
18 been, over the years, a dedicated public  
19 servant. I remember when she worked for Dan  
20 Feldman as his counsel in the State Assembly.  
21 And she's still serving our great state in her  
22 new capacity.

23 I thank you, Mindy.

24 And I thank you, Mr. President.

25 ACTING PRESIDENT BRESLIN: The

1 question is then on the resolution. All those  
2 in favor please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT BRESLIN:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT BRESLIN:

8 Senator Oppenheimer, on the resolution.

9 SENATOR OPPENHEIMER: On the  
10 resolution, please.

11 Harry Phillips has been our Regent  
12 in Westchester County. And I was listening to  
13 Senator Larkin, and there may have been some  
14 disagreements there as far as perhaps him not  
15 being as available up there. But I can only  
16 say there is no one more available in my  
17 county. And whenever I call upon him, he is  
18 always available.

19 And his expertise in the area of  
20 computer science and his wish to see every  
21 child in the State of New York educated  
22 completely in the computer and, you know, the  
23 world that is going to be facing them in the  
24 future. And he wants every child to be  
25 totally computer literate.

1                   So I feel he's an important member  
2                   of the Regents. And his particular expertise  
3                   I think is something that we have to certainly  
4                   focus our attention on in coming years. So  
5                   I'm very happy to support Harry Phillips.

6                   ACTING PRESIDENT BRESLIN:  
7                   Senator Oppenheimer, your comments will be  
8                   incorporated by reference to the concurrent  
9                   resolution on the Regents.

10                  Now we are back to Resolution 4062.  
11                  All those in favor please signify by saying  
12                  aye.

13                  (Response of "Aye.")

14                  ACTING PRESIDENT BRESLIN:  
15                  Opposed, nay.

16                  (No response.)

17                  ACTING PRESIDENT BRESLIN:       The  
18                  resolution is adopted.

19                  Senator Klein.

20                  SENATOR KLEIN:       Mr. President, I  
21                  have one brief announcement.

22                  We were unable to do it yesterday  
23                  because we didn't know it at the time, but I  
24                  want to congratulate one of our colleagues  
25                  from Buffalo and Niagara. Yesterday was his



1 40th birthday. Senator Antoine Thompson,  
2 everyone.

3 (Applause.)

4 SENATOR KLEIN: Also,  
5 Mr. President, at this time if you can  
6 recognize Senator Andrea Stewart-Cousins, I  
7 believe she has some special guests she'd like  
8 to introduce.

9 ACTING PRESIDENT BRESLIN:  
10 Senator Andrea Stewart-Cousins.

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

13 I am just rising to recognize the  
14 young people from Roosevelt High School of  
15 Yonkers, New York, who are here with their  
16 teacher, Mr. Frank Leonetti. The three  
17 students -- Maneka Phiri, Dominique Seabrooks,  
18 Shanice Martin -- are part of a Skills USA  
19 program.

20 Roosevelt has been outstanding in  
21 participating in Skills USA and has brought  
22 their message of teen dating violence and how  
23 we must not ever, ever, ever think that we  
24 should be exposed to dating violence to their  
25 peers.

1           The Skills USA team has gone from  
2       Roosevelt across the country and has come in  
3       second last year. I think these young ladies  
4       will do it again and maybe even come in first.

5           But what's most important is that  
6       they're starting at a very young age to be  
7       advocates and to make sure that their peers  
8       understand that it is never acceptable to be  
9       abused, even -- certainly -- not in the name  
10      of love. So I wanted to congratulate them.

11          They're also here supporting a bill  
12      that Senator Maziarz is sponsoring, and I'm a  
13      cosponsor, with many of my colleagues, and  
14      that's Senate Bill 2537, which asks that  
15      information about dating violence be included  
16      in the curriculum.

17          They understand that the economics  
18      of our time might not allow for a complete  
19      curriculum change, and they are now working to  
20      create policy that will just be part of what  
21      happens when kids go to school from 7 to 12 to  
22      know that they are very precious and need  
23      never be subjected to violence.

24          So I did want to recognize these  
25      three young ladies and their teacher and thank

1       them for taking the word about teen violence  
2       and teen dating to their peers. Thank you so  
3       much for your advocacy.

4                ACTING PRESIDENT BRESLIN:       Thank  
5       you, Senator Stewart-Cousins.

6                And congratulations.

7                (Applause.)

8                ACTING PRESIDENT BRESLIN:  
9       Senator Klein.

10               SENATOR KLEIN:       Mr. President, at  
11       this time I move we take up Senate Resolution  
12       Number 4067, by Senator Thompson. I ask that  
13       the title of the resolution be read and move  
14       for its immediate adoption.

15               ACTING PRESIDENT BRESLIN:       The  
16       Secretary will read.

17               THE SECRETARY:       By Senator  
18       Thompson, Legislative Resolution Number 4067,  
19       memorializing Governor David A. Paterson to  
20       proclaim March 2, 2010, as Minority/Women  
21       Business Enterprise Awareness Day in the State  
22       of New York.

23               ACTING PRESIDENT BRESLIN:  
24       Senator Thompson.

25               SENATOR THOMPSON:       Thank you,

1 Mr. President. I am very humbled to be here  
2 today to have the opportunity to speak on a  
3 very important resolution. Today is Minority  
4 and Women Business Enterprise Awareness Day in  
5 the State Capitol. And we have businesspeople  
6 here from all over the state, from the state  
7 line, from one end of the state to the other  
8 end of the state, from Buffalo all the way to  
9 Long Island.

10 And these businesspeople, both men  
11 and women, from every walk of life are in the  
12 State Capitol pushing hard for expansion of  
13 economic opportunities for minority- and  
14 women-owned business enterprise development in  
15 this state.

16 And so I'm really happy about  
17 today. This has been a long time coming.  
18 Many women-owned businesses and minority-owned  
19 businesses have struggled for years to have  
20 their fair share to access, to the procurement  
21 market -- but not only as contractors and  
22 construction firms but also as architects and  
23 engineers, investment companies. And so I'm  
24 really thrilled about this opportunity.

25 Last year we were able to work

1       together to make sure that we passed more than  
2       four pieces of legislation through this  
3       Senate. In one year last year we were able to  
4       do that to help minority- and women-owned  
5       businesses throughout this state.

6               But we still have a lot of work to  
7       do. And so today businesspeople came from  
8       throughout the state saying that they want to  
9       take advantage of the opportunities that this  
10      state has to offer. And I say to them thank  
11      you.

12             And to my colleagues who have  
13      worked hard -- my colleague Senator Andrea  
14      Stewart-Cousins, who is the cochair of the  
15      MWBE Task Force in the Senate, also my  
16      colleague Ruth Hassell-Thompson, who also has  
17      been fighting this fight -- in addition to so  
18      many people in this chamber who fought so hard  
19      for so many years.

20             We have a big job this year.  
21      People want to reform Article 15A, we want to  
22      give it some more teeth, we want to expand the  
23      road to opportunity, we want to make sure that  
24      we increase the level of participation for  
25      qualified minority- and women-owned

1 businesses.

2 I can tell you, in closing, that  
3 this is a tremendous day. And when I look at  
4 the women builders group and I look at the  
5 various construction and investment firm  
6 business owners that are here today, I know  
7 that we are on the right track. And this is  
8 the third wave of the civil rights movement in  
9 the United States of America, and it has  
10 landed in Albany. And I'm telling you, I am  
11 so happy to see it.

12 Thank you, and God bless.

13 ACTING PRESIDENT BRESLIN: Thank  
14 you, Senator.

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

18 (Response of "Aye.")

19 ACTING PRESIDENT BRESLIN:  
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT BRESLIN: The  
23 resolution is adopted.

24 Senator Thompson has indicated that  
25 he would like to open this resolution up to

1 the entire body for cosponsorship. Any  
2 Senator wishing to not be on the resolution  
3 please inform the desk.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President,  
6 can we please take up Senate Resolution 3646,  
7 by Senator Larkin. I ask that the title of  
8 the resolution be read and move for its  
9 immediate adoption.

10 ACTING PRESIDENT BRESLIN: The  
11 Secretary will read.

12 THE SECRETARY: By Senator  
13 Larkin, Legislative Resolution Number 3646,  
14 commemorating the 45th Anniversary of the  
15 Selma-to-Montgomery March for Voting Rights  
16 that began on Sunday, March 7, 1965.

17 ACTING PRESIDENT BRESLIN:  
18 Senator Larkin.

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

21 You know, it just seems like  
22 yesterday when this march took place.  
23 Mr. Costa had a full head of hair. I figure  
24 I'd get somebody woke up.

25 You know, I look back on that march

1       and with thinking about what happened, you  
2       know, we talk about the 7th, we talk about the  
3       21st when it started. But, you know, the 14th  
4       of March, 1965, a chief of police by the name  
5       of Bull Connor had a bullhorn and had hoses on  
6       a bridge. And as the marchers came to the  
7       bridge, they blew them off with the hoses, and  
8       everything was gone.

9               About three days later, in  
10       Washington, the Army Chief of Staff called a  
11       meeting of quite a few people and said, "We're  
12       going back." And, specifically: "Bill  
13       Larkin, you're going back tomorrow. And  
14       you'll meet with the governor and all others,  
15       and then we'll plan how this procession," as  
16       he called it, would start.

17              I had the fortune of going to see a  
18       full colonel in the National Guard of Alabama,  
19       told him what my mission was, that I needed to  
20       see the governor of the State of Alabama and  
21       present him.

22              Mr. Wallace took the proclamation  
23       from the President of the United States and he  
24       said, "Here, throw it in the fire. We won't  
25       do anything."



1 Well, at midnight I went back and I  
2 said, "Here are your orders, and you're  
3 activated." And the governor was very shrewd  
4 and -- arrogant is a better word, because he  
5 said "I wouldn't activate these troops for  
6 anything." But his rationale that he tried to  
7 make public was the fact that by Alabama not  
8 activating the troops, the United States  
9 government would pay for all of the troops  
10 from Alabama and every place else.

11 We brought units in from the State  
12 of Washington, at that time one of the largest  
13 communications centers ever. We brought  
14 people in from Stewart, 24th Division, 101st  
15 Airborne, the 11th Air Assault from Benning,  
16 Military Intelligence, and Military Police  
17 battalions.

18 You know, when we met with Bull  
19 Connor, he was very nice and he looked at me  
20 and he said, "You know, Major, go back there  
21 to Montgomery, to Maxwell Field. We got a lot  
22 of you over there. This is my town."

23 And, you know, there's things in  
24 your life you remember and you like to say. I  
25 said: "Yes. But, Mr. Connor, step out of

1 line and we'll put you in jail and charge you  
2 with inciting a riot."

3 Well, we marched, and for five days  
4 we never saw or heard of Connor. Did the  
5 march go smooth? Yes. But one of my  
6 grandchildren said, "Did you ever meet  
7 Dr. King and speak to him?" I said yes, for  
8 about ten short minutes. I dealt with  
9 Dr. Abernathy, who was a very sharp  
10 individual, knew the march, how they were  
11 going to do, looked over the plans that we  
12 worked on for the previous week, and  
13 everything moved.

14 You know, the sad part about it was  
15 that on the 25th, when we completed it, the  
16 marchers were going back to Selma, some  
17 marchers were venturing off the sides of the  
18 road, and what happened? A lady from the  
19 United Auto Workers, Detroit, Michigan --  
20 Viola Liuzzo -- was killed. Sad. But other  
21 than that, the march went along as we planned.

22 As a matter of fact, for somebody's  
23 information, one of the marchers in the first  
24 row that day was our Governor's father, Basil  
25 Paterson.

1                   But it's 45 years. Today, sad to  
2 say, that of those who were on the  
3 organization task force, I am the only one  
4 still living.

5                   This really was a great event in  
6 the fact that President Johnson couldn't get  
7 the votes so that we would have the Civil  
8 Rights Voting Act in 1965. He had to go back  
9 to the Republicans, led by Senator Nolan from  
10 California, and Nolan gave him the votes in  
11 order to pass that bill.

12                  Sad to say, a former vice president  
13 of the United States' father sat on his hands,  
14 from Tennessee, and didn't support us. But  
15 right after this, Nolan gave President Johnson  
16 the votes, and the Civil Rights Voting Act  
17 took place.

18                  So when you all talk about how bad  
19 we Republicans are, something like this  
20 probably would have never happened, at least  
21 at that time.

22                         Thank you very much, Mr. President.

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

25                         The question is then on the

1 resolution. All those in favor please signify  
2 by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT BRESLIN:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT BRESLIN: The  
8 resolution is adopted.

9 Senator Larkin has indicated that  
10 he would like to open up the resolution for  
11 cosponsorship by the entire house. Any  
12 Senator not wishing to be on the resolution  
13 please notify the desk.

14 Senator Klein.

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

17 ACTING PRESIDENT BRESLIN:

18 Senator Klein, the desk is clear.

19 SENATOR KLEIN: There being none,  
20 Mr. President, I move we adjourn until  
21 Wednesday, March 3rd, at 11:00 a.m.

22 ACTING PRESIDENT BRESLIN: There  
23 being no further business to come before the  
24 Senate, on motion, the Senate stands adjourned  
25 until Wednesday, March 3rd, at 11:00 a.m.

1                   (Whereupon, at 4:44 p.m., the  
2       Senate adjourned.)  
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