NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 9, 2005

11:20 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

May I ask everyone present to please rise and join me in the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT MEIER: In the absence of clergy, may we each bow our heads in a moment of silence.

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 8, the Senate met pursuant to adjournment. The Journal of Monday, February 7, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe I have a privileged resolution at the desk. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the privileged resolution.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 356, congratulating the Saratoga Springs High School Girls Cross Country Team on its outstanding 2004 season.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of

the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, It is the sense of this Legislative Body to acknowledge the prominent athletes and teams of this great Empire State who distinguish themselves through outstanding performances and exemplary athletic achievements; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate the Saratoga Springs High School 'Blue Streaks' Girls Cross Country Team on its outstanding 2004 season; and

"WHEREAS, The athletic talent displayed by the Saratoga Springs High School Girls Cross Country Team is due in great part to the efforts of the husband and wife coaching duo of Coaches Art and Linda Kranick, skilled and inspirational tutors, respected

for their ability to develop potential into excellence; and

"WHEREAS, The Saratoga Springs High School Girls Cross Country Team was ranked number one in the nation throughout the season by The Harrier, the 10th time in the last 12 years that it has been awarded that distinction; and

"WHEREAS, The Saratoga Springs High School Girls Cross Country Team cruised through the Suburban Council season, becoming the first squad to ever go through the league schedule placing its best five runners in the top five spots in every race; and

"WHEREAS, On October 1, 2004, the Saratoga Springs High School Girls Cross Country Team captured the first of several big invitational wins at the Great American Cross Country Festival in North Carolina; and

"WHEREAS, Following a victory in the Suburban Council Championships, the Saratoga Springs High School Girls Cross Country Team captured the Section II meet the following week; and

"WHEREAS, At the New York State

Public High School Athletic Association Championships at Chenango Valley State Park in Binghamton, New York, the Saratoga Springs High School Girls Cross Country Team won its fourth straight title and 12th overall, with all five of its runners finishing in the top ten; and

"WHEREAS, On November 21, 2004, at the 31st Annual New York State Federation Cross Country Championships, a meet that the Blue Streaks had won 14 of the last 15 years, the Saratoga Springs High School Girls Cross Country Team placed five runners in the top 10 once again and won handily; and

"WHEREAS, The following week, at Van Cortlandt Park in the Bronx, the Saratoga Springs High School Girls Cross Country Team qualified four runners for the 26th Annual Foot Locker National Championships in San Diego; and

"WHEREAS, This marked the first time in the 26 years of the prestigious race that one school can boast four runners going to the national meet. No girls' team had ever sent more than two, and only two boys' teams

had sent three qualifiers; and

"WHEREAS, On December 5, 2004, in Portland, Oregon, the Saratoga Springs High School Girls Cross Country Team, competing as the Kinetic Running Club, easily outdistanced the field to capture the inaugural Nike Team Nationals, the first national championship ever held for a team sport in the United States; and

"WHEREAS, The Blue Streaks were led by spectacular junior Nicole Blood, who set a course record at the Saratoga State Park when she won the Suburban Council Championship, was victorious in the Section II meet, captured the New York State Public High School Athletic Association Championships for the second straight year and third time in four years, set the meet record while winning the New York State Federation Cross Country Championship for the third straight year, finished first in the Northeast Regional to qualify for the Foot Locker National Championships for the third straight year, and finished in third place at the Nike Team Nationals; and

"WHEREAS, Another stellar performer

for the Saratoga Springs High School Girls Cross Country Team during the 2004 season was junior Lindsey Ferguson. She qualified for her second straight Foot Locker National Championships by finishing fifth in the Northeast Regional at Van Cortlandt Park, finished second at the Suburban Council and Section II Championship meets, third at the New York State Public High School Athletic Association Championships, eighth at the New York State Federation meet, and seventh at the Nike Team Nationals; and

"WHEREAS, In addition, the Saratoga Springs High School Girls Cross Country Team had two freshmen stand out during the 2004 season, both qualifying for the Foot Locker National Championships: Hannah Davidson finished fourth at the Suburban Council, third at the Section II, fifth at the New York State Public High School Athletic Association, third at the New York State Federation Championships, and sixth at the Nike Team Nationals; Caitlin Lane finished third at the Suburban Council, fourth at the Section II, eighth at the New York State Public High

School Athletic Association, and ninth at the New York State Federation Championships; and

"WHEREAS, For their efforts, Coaches Art and Linda Kranick received the 2003-2004 National High School Girls Cross Country Coaches of the Year Award from the National High School Coaches Association; and

"WHEREAS, Science teachers at Maple Avenue Middle School, Art and Linda Kranick have been coaching the Saratoga Springs High School Girls Cross Country Team for 18 years and have always done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Since Art and Linda Kranick took over as the Saratoga Springs High School Girls Cross Country Team coaches, every runner that has been through the program has gone on to college, many of them with scholarships, and received a degree; and

"WHEREAS, The hallmarks of the Saratoga Springs High School Girls Cross Country Team, from the opening meet of the season to participation in the championship, were a sisterhood of athletic ability, of good

sportsmanship, of honor and of scholarship, demonstrating that these runners are second to none; and

"WHEREAS, The Saratoga Springs High School Girls Cross Country Team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, Athletically and academically, the Blue Streaks have proven themselves to be an unbeatable combination of talents, reflecting favorably on Saratoga Springs High School; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coaches Art and Linda Kranick and their outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of Saratoga Springs High School; and

"WHEREAS, It is the sense of this Legislative Body that when athletic teams which distinguish themselves through their exceptional performance, attaining

unprecedented success and the highest level of personal achievement, are brought to our attention, they should be celebrated and recognized by all the citizens of the great State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Saratoga Springs High School Girls Cross Country Team, its members -- Hannah Davidson, Caitlin Lane, Karyn Delay, Alysha McElroy, Melissa Trauscht, Ashley Campbell, Lindsey Ferguson, Nicole Blood, and Cameron Vahanian -- Assistant Coach Don Kearns, and Coaches Art and Linda Kranick on their outstanding 2004 season; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Saratoga Springs High School Girls Cross Country Team, Assistant Coach Don Kearns, and Coaches Art and Linda Kranick."

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues.

ACTING PRESIDENT MEIER: Can we have some order in the chamber. The Majority Leader has the floor.

Senator Bruno.

SENATOR BRUNO: Senator Onorato, the president is calling for a little order in the chamber.

We are honoring and respecting some very outstanding young ladies who have joined us here in the chamber. And I believe I owe these young ladies an explanation.

What you witnessed today was historic. You've just witnessed a senator being seated, having gone through the longest election process in the history of New York. And that was concluded late yesterday afternoon, and Senator Spano has taken his seat after accepting the oath of office and being sworn in.

So we apologize. We usually -- I don't apologize. I'm as happy as I can be.

(Laughter.)

SENATOR BRUNO: But the people in the chamber were in the chamber before session because of this historic occasion. And some

people other than legislators, who are support, are on the floor, and others are the legislators in their seats.

But this resolution, colleagues, describes and personifies national champions in cross country running.

Now, running competitively, for any of you that have ever done it, is pretty hard. Lots of training. And when you're out there and that last quarter mile, that last half mile when people are kicking by you and you're reaching down, boy, it takes stamina, endurance, training, character, perseverance, guts.

Cross country? Cross country is long. Longer than this historic Senate race.

(Laughter.)

SENATOR BRUNO: It's over hill, over dale, across streams.

And now you imagine, if you're running five miles, eight miles, 10 miles, whatever you're running in a cross country race, with people who are as trained as you are, and then you've got that last quarter mile or half mile, how does it feel? You have

to have something special.

Ladies, you have something special. You have what you have in terms of what makes you run. You have the academic skills that you have demonstrated. You have the team spirit. You have the support of parents and friends. You have Art and Linda Kranick that are up there, your coaches, who help you do all the things that you do so well.

The resolution you heard is passed just like a law of the state. That resolution is numbered. That will become a record here in the state. Twenty years, fifty years from now, that number can be called up with this title, and your children and your grandchildren can read what you just heard and chronicle your outstanding achievements.

They're national champions. I am proud that they're in Saratoga, my district. Senator Farley, very envious, because he represents Wilton.

Any of the young people from Wilton? One?

So Senator Farley, please put him on the resolution.

Anyone else that would like to join in recognizing these truly outstanding young ladies that I'm proud of, we're proud of, and everyone in this community and this state are proud of you.

You keep up the good work, and God bless you all.

Thank you, Mr. President.

(Standing ovation.)

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

Senator Bruno, thank you.

Incidentally, I do represent a little portion of the City of Saratoga Springs also, the western part. I don't know -- I do have one Wilton student up there, but also part of the city.

So let me just offer my congratulations to you athletes that are -- have really won national recognition.

And I'd like to also pay tribute because, you know, this is very special for our Majority Leader, Senator Bruno. Because I

recall when he was a young man of 60 years of age -- Joe, pay attention -- you won the Turkey Trot, I believe.

(Laughter.)

SENATOR BRUNO: Thank you. 39.54 10k.

SENATOR FARLEY: There you go.

(Applause.)

SENATOR FARLEY: And he has been a runner all his life. And I know that that's so very significant to him.

I offer you my congratulations. We're very, very proud of you. It's just another example of how great things are happening in Saratoga County and, in particular, in Saratoga Springs.

We're very, very proud of this incredible recognition as national winners. My best wishes to you all.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is unanimously adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there are two resolutions at the desk by Senator Seward. I would ask that the titles be read and move for their immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Seward, Legislative Resolution Number 419, commending Cub Scout Pack 66, Sherburne, New York, upon the occasion of its celebration of the 75th Anniversary of Cub Scouting.

And by Senator Seward, Legislative Resolution Number 420, commending John O. Stevens for his contributions to wildlife conservation in Otsego County as he is honored at a party to be held on February 12, 2005.

ACTING PRESIDENT MEIER: The question is on the resolutions. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolutions are adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if I could move to adopt the Resolution Calendar in its entirety.

ACTING PRESIDENT MEIER: All those in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please recognize Senator Golden.

ACTING PRESIDENT MEIER: Senator Golden.

SENATOR GOLDEN: I'd like to open up the calendar for those that would want to

join on on the resolutions.

Resolution Number --

ACTING PRESIDENT MEIER: Resolution 361, Senator?

SENATOR GOLDEN: 361, that's correct, sir.

ACTING PRESIDENT MEIER: All right. Anyone who would like to join in cosponsoring Resolution 361 can signify by notifying the desk.

Senator Skelos.

SENATOR SKELOS: Would you recognize Senator Sabini, please.

ACTING PRESIDENT MEIER: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President.

I just wanted to alert my colleagues to Resolution 359, which I did not know was going to be on the calendar just today, which I cosponsored with Senator Fuschillo, to commemorate the heroic actions of Lieutenant Soviero, Louis Soviero.

You know, we heard a lot about people who fought for freedom overseas, and we

admire that and we have a free country because of that effort. But there are those here in the homeland that perform acts of heroism as well that we all know, in rescue companies and police forces.

And Lieutenant Soviero made front-page news in New York City a couple of weeks ago, if you remember, when he single-handedly caught two people who jumped out of a burning building -- without equipment -- out of the second floor of a building, two children, in a burning building in Corona, in Queens County.

And when interviewed on TV after he had done this in bone-chilling conditions, wind chills below zero, he just said, "That's my job," and was frankly surprised that people were impressed with it.

So in his going to work that day, little did he know that he would be single-handedly saving two children from, at best, broken bones from jumping out of a window, but in effect performing a heroic rescue from a fire that killed human beings otherwise.

So I wanted to note that for the record, and thank Senator Fuschillo, who's constituent Lieutenant Soviero is, for cosponsoring it with me.

Thank you.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 35, by Senator LaValle, Senate Print 95, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 36, by Senator Trunzo, Senate Print 147, an act to amend the General Municipal Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 38, by Senator Larkin, Senate Print 854, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the calendar.

SENATOR SKELOS: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: There is no business at the desk, Senator.

SENATOR SKELOS: On behalf of Senator Bruno, I'd like to hand up the following notice of leadership change and committee assignments and ask that they be filed at the desk.

ACTING PRESIDENT MEIER: The notices are received and will be filed in the Journal.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until Monday, February 14th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Monday, February 14th, at 3:00 p.m.

Intervening days will be legislative days.

(Whereupon, at 11:44 a.m., the Senate adjourned.)