NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 6, 2006

3:08 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: In the absence of clergy, may we bow our heads in a moment of silence, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, February 5, the Senate met pursuant to adjournment. The Journal of Saturday, February 4, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Governor.

Messages from the Assembly.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Seward.

SENATOR SEWARD: Yes, Madam President. On behalf of Senator Padavan, on page 14 I offer the following amendments to Calendar Number 47, Senate Print Number 5979, and ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator Seward.

SENATOR SEWARD: Madam President, on behalf of Senator Morahan, on page 15 I offer the following amendments to Calendar Number 71, Senate Print Number 6333, and ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and that bill will retain its

place on the Third Reading Calendar.

Senator Seward.

SENATOR SEWARD: Yes. And finally, on behalf of Senator Marcellino, Madam President, on page 17 I offer the following amendments to Calendar Number 92, Senate Print Number 632, and ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and that bill will also retain its place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a Resolution 3408, by Senator Farley, at the desk. Could we have it read in its entirety.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Farley, Legislative Resolution Number 3408, congratulating the Fonda-Fultonville Cross Country Team upon the occasion of winning the Class C New York State championship.

"WHEREAS, The State of New York

takes great pride in acknowledging the outstanding achievements of its high school athletic teams; and

"WHEREAS, The Fonda-Fultonville Cross Country Team won the Class C New York State championship in Queensbury on November 12, 2005. The combined team score of 55 points was 12 points better than the runner-up team; and

"WHEREAS, The third-place finish by Jeremy McAllister, with a time of 16:18.7, and the fourth-place finish by John Moore, with a time of 16:25.7, led the team as they captured the titled; and

"WHEREAS, Other team members whose impressive performances throughout the season were tremendous assets to the team are Jeffrey Dufel, Edward Givis, Jr., Blake Dwyer, Joseph Geniti, and Brian Palumbo; and

"WHEREAS, This cross-country team, led by Head Coach Mark Therrien and Coach Mike Benton, is the first team from the Fonda-Fultonville Central School District to ever win a state championship; and

"WHEREAS, Their extraordinary

success this season and the teamwork and sportsmanship exhibited by team members are a wonderful inspiration to teams across New York State; and

"WHEREAS, The State of New York is proud to congratulate this group of extraordinary young men; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Fonda-Fultonville Cross Country Team upon the occasion of winning the Class C New York State Championship; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Coach Therrien and the members of the Fonda-Fultonville Cross Country team."

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President. Thank you, Senator Skelos.

We're honored today to have this team and its coaches and principal up in our gallery, and Coaches Mark Therrien and Mike Benton. This is a very first time that this little community of Fonda-Fultonville, the

school, has ever been a state champion.

We have a number of teams that come in here, but it's particularly an honor to have Fonda-Fultonville because they have been -- for three consecutive years, they've competed in the state championship and have really scored well.

We have the members of the team up here. This is an organization that is totally team-oriented. And their slogan, "One team, one goal," really personifies what they're up to. We're honored to have them here.

And you know the interesting thing about this team from this community, their parents have been out there in support of every one of their events. And as they've gone through -- and incidentally, they were able to beat Canastota and Pawling in the finals, two outstanding schools. As their Senator, I'm very, very proud to have them here.

And, Madam President, if you'd please welcome and congratulate this fine group of young men, our team from Fonda-Fultonville.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Congratulations. Welcome to the Senate. And best wishes for similar success. We're confident that you'll have similar success down the road.

Let's give them a big round of applause.

(Applause.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, there are two resolutions at the desk by Senator Nozzolio, Resolutions 3399 and 3400. If we could have them read in their entirety and then please recognize Senator Nozzolio.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution Number 3399, congratulating the Red Creek Boys Varsity

Soccer Team and Coach Don Hartley upon the occasion of capturing the Class C State Championship.

"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 develop a sense of fair play and competition; and

"WHEREAS, The Red Creek Boys Soccer Team are the Class C State Champions; and

"WHEREAS, The Red Creek Boys Soccer Team defeated defending champion Keio Academy 2-0; Keio Academy won three of the past four champions and has a record of 109-6-4 over the past five seasons; and

"WHEREAS, En route to winning the championship, Red Creek scored a goal in each

half and stunned Keio by winning the school's first title since 1991 and its fourth overall; and

"WHEREAS, Some of the other accomplishments the Red Creek Boys Soccer Team achieved include outscoring the opponents 26-1 in the post-season, winning its third consecutive Section V Class C Title, and obtaining the most sectional championships by any school for any sport in Section V history; and

"WHEREAS, Some of the individual achievements of the Red Creek Boys Soccer Team include: Travis Heslop was named Tournament MVP; Earl Sharkey was named to Second Team All State; and Travis Heslop, Mark McIntyre, Kyle Salo, and Stephen Long were all named to the 2005 Section V Boys Soccer All Tournament Team; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Don Hartley and his team of outstanding assistants, skilled and inspirational tutors respected for their ability to develop potential into excellence;

and

"WHEREAS, The team's overall record of 21-1-2 is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Red Creek Boys Soccer Team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Don Hartley and his dedicated staff have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Don Hartley and his

outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Red Creek Boys Soccer Team, its members -- Kyle Salo, Eric Stevens, Andrew Keeling, Earl Sharkey, Colton Gregg, Anthony Roden, Mark McIntyre, James Fisher, Renan Trzesniowski, Jeremy March, Devin Reese, Ben Reese, Billy Stevenson, Ben Dates, Travis Heslop, Ian Cramer, Jordan Lang, Chris Burghdurf, Stephen Lang, and Ryan Fisher -- and Coach Don Hartley on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Red Creek Boys Soccer Team and to Coach Don Hartley."

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, thank you. On the resolution.

Madam President and my colleagues,

it's with great honor that I rise in support of this resolution honoring this fine group of citizens, young citizens from the Eastern Wayne/Northern Cayuga region, the school district known as Red Creek.

Unlike Senator Farley's team that was just honored, this team came a long way in transportation today to travel to our State Capitol to recognize the contributions so that we could recognize their outstanding athletic accomplishment.

I want to give special thanks to those from the school district of Red Creek who are here today. That we have Denise George, who helped with transportation; the athletic director, Scott Sugar; David Greg, assistant coach; our managers, Trentin Reese and Cody Donahue, who performed such an outstanding job on behalf of the team; Noel Patterson, principal; and Don Hartley, head coach, for your outstanding contributions. It's so nice to have you here with you us today.

I'd also like to give special thanks to a leader in the community who has

served as superintendent of the Red Creek Central Schools now for a number of years, who sponsored the trip today and who helped bring the team to Albany. I want to give special thanks to my friend David Sholes, for his leadership and his support of these fine young athletes.

Madam President, so much is in the news today about young people who go awry, about criminality, drug abuse and the like. I can tell you here, represented in the Red Creek Central School Soccer Team, they are champions in every definition of that word, champions on the field and off the field. The community is extremely proud of this team, extremely proud of their accomplishments, but prouder still of the fact that they're excellent students who care about the place where they live.

And that's what makes them champions. Performance on the athletic field is only one measure, one standard of their excellence. They are excellent not just on the field but in the community.

They also know how to come back;

that they lost the Season One game. And that team is a team represented by my good friend Senator Alesi, the East Rochester team that had beaten them during the regular season but they came back and beat East Rochester in the sectional championship.

And that's a mark of a champion, one who knows that it may be a setback but you can get up from that setback and go on to greater things. And that's what the young men did here in securing that state championship.

Madam President, I thank you for meeting with the team today. It was so nice of you to spend some of your time to wish them well. And I thank my colleagues for allowing me the opportunity to recognize true excellence in our young people.

Congratulations. They're fine young men, fine representatives of the community.

THE PRESIDENT: Senator Valesky.

SENATOR VALESKY: Thank you, Madam President.

I want to thank Senator Nozzolio for bringing this resolution to the floor

today. He and I have the opportunity to represent the Red Creek Central School District, and it is our honor to salute and congratulate the Red Creek Boys Soccer Team today.

They certainly understand the value of hard work. They know what teamwork is all about. And it has taken them to this point as champions. I hope that as they return to their school district and to their hometowns that they realize that the accomplishments that they have achieved in recent months also carry with it a sense of responsibility that they have to their fellow classmates, that they have to the younger members of the communities in which they live.

They have, through their teamwork, set examples for their entire community. I know that they are up to that challenge. And I join Senator Nozzolio and the rest of my colleagues in wishing them all the best and continued success in all of their endeavors.

Thank you.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Again, I was delighted to meet with you. Congratulations. Best wishes for continued success.

Let's give them a round of applause.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution 3400, congratulating Ellen Muster of Marion High School upon the occasion of capturing the 2005 New York State Class C Cross Country Championship.

"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 recognize and pay tribute to those young people within the State of New York who, by achieving outstanding success in athletic competition, have inspired and brought pride to their school and community; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate Ellen Muster, of Marion High School, upon the occasion of capturing the 2005 New York State Class C Cross Country Championship; and

"WHEREAS, One of only seven girls from Section V to capture the New York State Cross Country Championship, Ellen Muster ran a strategic race, staying with the lead pack

through the first mile. She moved into fifth place by the second mile and fourth place with 400 meters remaining, before rocketing past the field to win by 10 seconds with a time of 18:49.5; and

"WHEREAS, A junior at Marion High School, Ellen Muster was also a Wayne County Champion, Finger Lakes West All Star, Section V Class C Champion, and was named to the Wayne-Finger Lakes Super Seven Team this season; and

"WHEREAS, Loyally and enthusiastically supported by family, fans, friends and the community at large, Ellen Muster exemplifies the best potential which is inherent in our most precious resource, our youth; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Ellen Muster has clearly made a contribution to the spirit of excellence which is a tradition at Marion High School; now, therefore, be it

"RESOLVED, That this Legislative Body pause its deliberations to congratulate

Ellen Muster of Marion High School upon the occasion of capturing the 2005 New York State Class C Cross Country Championship; and be it further

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

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President. On the resolution.

And thank you, Clerk Testo, for that excellent reading of both those resolutions.

That a resolution on behalf of recognizing Ellen Muster as Class C New York State Cross Country Champion speaks for itself, but I'd like to say a few other things about Ellen. That she is a champion true and true, one who became state champion -- the next closest runner was 10 seconds away. So that tells you she was clearly an outstanding runner at the state championship meet, and that a championship very well deserved.

She also has a 91 grade point average. That we're very pleased that she is

a scholar-athlete. And that with that average, with that success, she certainly is well on the road to success.

Seated up in the gallery with Ellen is her father, Frank, who has been with her every jog of the way, attended the state championship meet. And I know he was very proud of her accomplishments.

Also Duane Perry and Paul Pfeiffer. Duane is principal at Marion Central and Paul is Ellen's coach. To you gentlemen, I want to say thank you for your efforts and contributions in raising such a fine young New Yorker. Ellen is a champion in every way.

She's also seated up there with another Wayne County champion, Assemblyman Bob Oaks, who rumor has it used to run cross country but I'm sure could never run cross country as well as our state champion, Ellen. And that we certainly want to thank Bob for his support of all of Wayne County athletics and particularly the resolutions that were offered today recognizing Wayne County champions the Red Creek Soccer Team, as well as New York State Cross Country champion Ellen

Muster.

Thank you, Madam President. I move the resolution.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Congratulations, Ellen, and best wishes for continued success.

Let's give her a round of applause.

(Applause.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Resolution 3409, by Senator Paterson, and have it read in its entirety, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senators Paterson and Bruno, Legislative Resolution Number 3409, memorializing the life and legacy of Coretta Scott King.

"WHEREAS, Coretta Scott King, born April 27, 1927, in Perry County, Alabama, the second of three children born to Obadiah and Bernice Scott, and the widow of civil rights leader Reverend Dr. Martin Luther King, Jr., rose from rural poverty on her parents' farm to become a powerful and international symbol of the civil rights movement begun in the 1960s; and

"WHEREAS, Mrs. King was exposed at an early age to the injustices of life in a segregated society, walking five miles a day to attend her one-room schoolhouse in Marion, Alabama, while white students rode buses to an all-white school closer to their homes; and

"WHEREAS, Coretta Scott King excelled in her studies, particularly music, and graduated first in her class at Lincoln High School. In 1945, she began attending Antioch College in Yellow Springs, Ohio, where two years earlier her older sister, Edythe, had been the first black to enroll; and

"WHEREAS, Coretta Scott King studied education and music in college, and took an active interest in the nascent civil

rights movement. She joined the Antioch chapter of the National Association for the Advancement of Colored People and the college's race relations and civil liberties committees; and

"WHEREAS, After graduation, Coretta went on to Boston's New England Conservatory of Music in 1952, hoping to become a classical singer, and working as a mail order clerk and housekeeper to augment the fellowship that barely paid her tuition; and

"WHEREAS, Martin Luther King, Jr., a theology student at the time, from a prominent Atlanta family, recognized and remarked on his first date with Coretta in 1952 that she possessed qualities of character, personality, intelligence and beauty; and

"WHEREAS, Coretta and the Reverend Dr. King, then a young minister, married a year later, beginning a strong partnership that ended with the civil rights leader's assassination in Memphis, Tennessee, on April 14, 1968; and

"WHEREAS, Mrs. King worked to keep

her late husband's dream alive with the utmost dignity and serenity; and

"WHEREAS, Mrs. King's remarkable grace made her a civil rights icon in her own right, a powerful symbol of the Reverend Martin Luther King, Jr.'s creed of brotherhood and nonviolence, and a tireless advocate for social and political issues ranging from women's rights to the struggle against apartheid in South Africa; and

"WHEREAS, Coretta Scott King's fortitude rivaled that of her husband, and made her one of the most influential figures in the struggle for civil rights; and

"WHEREAS, Coretta Scott King, often called the 'first lady of the civil rights movement,' raised four young children -- Yolanda Denise, Martin Luther III, Dexter Scott, and Bernice Albertine -- and was with her husband in his finest hours. She was also at his side when he received the Nobel Peace Prize in 1964 and marched beside him from Selma, Alabama, into Montgomery, in 1965, on the triumphant drive for a voting rights law; and

"WHEREAS, After her husband's assassination, Mrs. King became a symbol of her husband's struggle for peace and brotherhood. Presiding with a quiet, steady, stoic presence over seminars and conferences on global issues, she continued Dr. King's work for social justice and devoted her life to his legacy; and

"WHEREAS, Mrs. King found herself in increasing demand as a public speaker, becoming the first woman to deliver the Class Day address at Harvard College, the first woman to preach at a statutory service at St. Paul's Cathedral in London, serving as a Women's Strike for Peace delegate to the 17-nation Disarmament Conference in Geneva, Switzerland, and being named a liaison to international peace and justice organizations; and

"WHEREAS, Coretta Scott King conceived and performed a series of more than 30 critically acclaimed 'Freedom Concerts,' combining poetry, narration and music to tell the story of the civil rights movement, and staging these concerts in some of America's

most distinguished concert venues as fundraisers for the Southern Christian Leadership Conference, an organization her husband had founded; and

"WHEREAS, Mrs. King continued to serve the cause of justice and human rights, with her travels taking her throughout the world on goodwill missions to Africa, Latin America, Europe, and Asia; and

"WHEREAS, To carry on her late husband's legacy, Coretta Scott King focused on two ambitious and daunting tasks -- the first, to have a national holiday in her husband's honor, and the second, to build a nationally recognized center in Atlanta to honor his memory, continue his work, and provide a research center for scholars studying his work and the civil rights era; and

"WHEREAS, The first goal was achieved, despite much opposition, in 1983, when Congress approved a measure designating the third Monday in January as an official federal holiday in honor of Dr. King, who was born in Atlanta on January 15, 1929.

Dr. King's birthday is now marked by annual celebrations in over 100 countries; and

"WHEREAS, The second goal was also achieved, by her founding of the multi-million-dollar Martin Luther King, Jr., Center for Nonviolent Social Change. The center is deeply involved with the issues of hunger, unemployment, voting rights, and racism, and Mrs. King believed these issues breed violence; and

"WHEREAS, Coretta Scott King remained active in the causes of racial and economic justice, devoting much of her energy in her later years to AIDS education and curbing gun violence; and

"WHEREAS, Coretta Scott King remained a beloved figure, often compared to Jacqueline Kennedy Onassis as a woman who overcame tragedy, held her family together, and became an inspirational figure to men and women around the world; and

"WHEREAS, Coretta Scott King preached words of hope and encouragement to be cherished by all of us today: 'Many despair at the evil and unrest and disorder in the

world today, but I see a new social order and I see the dawn of a new day'; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to recognize and pay tribute to the life of Coretta Scott King, a tireless witness for racial equality, justice and reconciliation."

THE PRESIDENT: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Madam President.

The civil rights movement has suffered yet another loss, for Coretta Scott King was a leader in her own right. And contrary to what many have said, she didn't just keep her husband's dream alive, because it was a shared dream which she lived daily.

As a member of the now-defunct New York State King Commission, where Senator Paterson and I had the privilege of representing the Senate, and a board member of the National Black Caucus of State Legislators, I have spent numerous hours in the presence of this dignified, charming,

astute and gracious lady. Her warm and generous demeanor epitomized the gentle yet strong and firm convictions which she always exhibited.

She was a mother, a daughter, a sister, and a soldier who chose to teach. Through her teachings, we all continue to promulgate the prolific and challenging oratory of her great husband.

If nothing else, we must reflect upon the loss of the mother of the civil rights movement, Rosa Parks, and, even closer to home, the passing of the Reverend William Augustus Jones, who had the privilege of working alongside the Reverend Dr. Martin Luther King.

We must cull from the passing of these three giants the strength and the motivation to persevere, as I leave you with the words of hope and encouragement Coretta Scott King so eloquently stated: "Many despair at all the evil and unrest and disorder in the world. But I see a new social order, and I see the dawn of a new day."

And I say to each of you: Wake up,

Senators. The sun is emerging from behind these dark clouds, and the new day is now.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President. It is indeed an honor and privilege for me to stand here today and pay tribute to Mrs. King.

You know, there's an old saying in our world: Behind every good man, there's a staunch woman. Mrs. King was very devoted to Dr. King, but she was devoted to Dr. King's principles and what he thought.

I, for one, had the privilege of meeting her during the march from Selma to Montgomery in March of 1965, which we celebrated here last year with all of us joining together.

But when the meetings took place, in talking to Mrs. King's associates on what she was trying to do, she was very clear. She wasn't standing out there saying, Look at me, look at me. She was standing out there with one mission, what can we do to make people realize we're all born under one God. We were all born to try to do what was best for us.

Last week in my district, Congressman John Lewis came to speak concerning Dr. King. But he also made very clear his passionate expression for everyone to say prayers for Mrs. King, who was in Mexico at the time looking for special treatment.

You know, one of the things that bothers me is that we as adults are standing around -- sitting around here, standing around here today, but we're forgetting one thing. We're not getting our message out to our young people that this was an individual who practiced what she preached. She was an individual with a clear mind of what we should be doing.

Yes, and there are some people who still don't get the message. And the message is very clear. When we can start as adults to teach our children the right from wrong and what we can do to make it happen, the thoughts, prayers and wishes of Coretta Scott King will be said and revered around the world.

She was a lady of compassion, a

woman devoted to her children, the four that she raised. But more than that, she was a person who said what she believed and believed in what she said.

Thank you.

THE PRESIDENT: Senator Parker.

SENATOR PARKER: Madam President, on the resolution.

In the narrow-minded view, to memorialize Coretta Scott King as simply the wife of Dr. Martin Luther King, even though he was undoubtedly the most prominent figure in the civil rights movement, Coretta Scott King was much more than a supportive and loving spouse. She was a partner in Dr. King's vision and mission for nonviolent social change. She held on to the dream that emerged as an icon of the civil rights movement.

Dr. King, with his charismatic leadership and inspiration words, gave birth to generations of children and grandchildren of the civil rights movement -- children like Jesse Jackson, Andrew Young, Al Sharpton, David Paterson, Velmanette Montgomery, Ada Smith and Malcolm Smith, and not to forget

Ruth Hassell-Thompson.

After Dr. King was assassinated, she graciously mothered generations of these children and dedicated herself to scholarship and activism. She called on America to fight what she called the three great evils: racism, poverty and war. Then, with his brotherhood view of the dream, she dedicated her life to two tangible tasks. She agitated and gained a national holiday in memorial of her late husband and established the Martin Luther King Center for Nonviolent Social Change in Atlanta.

Ms. King was a tireless advocate and became an influential figure around the world working towards that dream. Dr. King may not have lived to see the realization of his dream in his lifetime, but it was Mrs. King, the first lady of the modern civil rights movement, who bravely carried the torch of freedom. And in doing so, she became the veritable drum major for justice for generations of African-Americans, ensuring that the sons and daughters of former slaves and the sons and daughters of former

slave-owners will be able to sit down together at the table of brotherhood.

Thank you.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Madam President.

I am very honored to rise in recognition and memorializing of this great woman, who was indeed -- notwithstanding my colleague's remarks that she wasn't only the wife, but she was indeed the wife of Dr. Martin Luther King.

And I did not know Coretta Scott King up close. I was never in her presence. I wasn't a friend. But I have seen some of the evidence of her as a woman who embodies what I like to think is America's best of womanhood.

Number one, we know that Dr. Martin Luther King, Jr., was extremely absent from his family, often intensely. He traveled, he gave of himself, he gave his life to us, to the citizens of this nation. So this couple, who -- she gave up an opportunity to live as

comfortable middle-class woman, because of her commitment to her husband and her dedication to the cause that he worked on. But they did have four children, and there had to be someone to make sure that those four children survived and did well. So Dexter and Martin III and Bernice and Yolanda, those are testaments to the greatness of this woman, because they themselves are now also great people and making contributions to America.

And the second thing that I want to thank her for, and as evidence of her greatness, is that she went out after her husband was assassinated and developed a movement to build a monument to the principles and to the work that he had done.

So in Atlanta there is the King Center, which is really a wonderful museum housing a lot of the very, very minute aspects of the civil rights movement that a lot of us have forgotten. You know, they have signs "Colored Only." You know, sometimes we even forget that that was ever a part of America.

And so it's very, very important. I took my son there. It was a spiritual

experience. And I just kept thinking -- and at the very moment that we were in that museum, she was in the hospital with a stroke. And so I kept thinking what a great woman, to go out and do whatever was necessary for her to do in order to build this wonderful center.

It's a vivid reminder, and it will be forever, I hope, Madam President, her gift to us, where we can go and sit quietly and reflect and remember those aspects of a movement that was so important, to not only Martin Luther King but to all of us. It was the period in our lives, the transition from a very dark period to hopefully a much more enlightened one. That's what Coretta Scott King means to me.

And so I'm very happy, and thank you to Senator Smith and my colleagues for this memorial to this great American woman.

Thank you.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Madam President, the -- I'm having a little problem here. But the magnificent contribution that Lady King made and that some of the speakers here --

Senator Montgomery, Senator Smith, Senator Larkin. Do we realize that in any other country in the world, people who were laboring under the slavery and then, after that, something barely better in many cases -- and this has evoked around the world death, revolutions, people spewing their hatred against others -- our realization that each and every child of God, everyone coming and born on this planet was born by the will of God with a mortal, immortal soul.

So she's up there. She sees us and she hears us. And the fact that we have been able to make so much ground and achieve so much progress in the name of human understanding -- because that's what it's all about -- of love for one another, was made by a refrain and a domination of the spirit to hit back.

And God knows that there were many, many persons who suffered great wrong and great pain, great suffering and even death in the restricted view that some in those days had of this minority.

So it liberated us all. We all

became much more civilized by people such as Coretta King, much more. We started to realize that we are children of God and that each one of us has an immortal soul, and there are better ways, not practiced by most nations around the world when there was persecution involved, but doing it in the face of continued harassment.

So we have to be moved, Madam President, we have to be moved, as I'm sure you are and all of us here are, of this wonderful spirit who lived next to pain and actually witnessed it happen to her own family. And we don't know whether it has come to a complete end, but we like to think so.

So if we lift our hands and also on bended knee and praise people, such as Mrs. King did, with her appeal to our mortality and our appeal as a human being. This was a human being that had suffered so much. And yet she continued courageously, with love, and with the prayerful realization that we ought to live up to the promise that's each and every one of us.

We are equal only in the sense that

all of us here, and outside this place, children of God are entitled to be respected. And she was hurt and lacerated in the most vile possible way, because it happened right within her own family. But she did not return hatred. She did not respond with more odious comment but called on all of us to be the best.

So I'm proud of my colleagues, all of you that have spoken on this. And I know you speak what is in the feeling of everyone here, that we close on this chapter our prayers that she is up there and she's watching, watching over us and rejoicing in the fact that there are more and more people willing to speak up to the dignity that God has imparted to each and every one of us. We're no better and no worse, but we are individuals created in a divine image and scheduled to make that trip to the unknown country that one of our famous writers once pointed.

So, Madam President, I do hope that, along with the statements that have been made or may be made here today, that it also

be accompanied by your prayers, by your prayers that we will see the triumph of love, not the progress of hate. And that it is within our grasp because we have had the courageous and brave leadership of people such as Mrs. King and her departed husband.

THE PRESIDENT: On the resolution.

Senator Schneiderman first.

SENATOR SCHNEIDERMAN: Madam President, we'd like to open the resolution for everyone involved. Anyone who doesn't want to be on it, please let the chair know.

Thank you.

THE PRESIDENT: There being no objection from the Majority, anyone who does not wish to be a cosponsor please notify the desk.

All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. Could we have the noncontroversial reading of the calendar at this time, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 57, by Senator Wright, Senate Print 5532A, an act to amend the Penal Law, in relation to making persons 14 and 15 years of age criminally responsible.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

SENATOR WRIGHT: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 58, by Senator Volker, Senate Print 5539, an act to amend the Criminal Procedure Law, in relation to period of interim probation.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 63, by Senator Fuschillo, Senate Print 5698, an act to amend the Penal Law, in relation to criminal impersonation.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 65, by Senator Golden, Senate Print 5766, an act to amend the Penal Law, in relation to the unlawful disclosure.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 69, by Senator Volker, Senate Print 6319, an act to amend the Criminal Procedure Law, in relation to persons designated.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 72, by Senator Little, Senate Print 6385, an

act to amend the Criminal Procedure Law, in relation to authorizing defendants.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 73, by Senator Maltese, Senate Print 273, an act to amend the Labor Law and the Penal Law, in relation to certain employment.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 78, by Senator Maziarz, Senate Print 3748, an act to amend the Workers' Compensation Law, in relation to disqualifying.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of July.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 79, by Senator Spano, Senate Print 5406, an act prohibiting any employer from issuing checks.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year after the date on which it shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

Senator Morahan, that completes the noncontroversial reading of the calendar.

SENATOR MORAHAN: Thank you, Madam President. Is there any unfinished business at the desk?

THE PRESIDENT: No, there is not. And that completes the calendar.

SENATOR MORAHAN: There being no other business before the Senate, I move that we adjourn until Tuesday, February 7th, at 3:00 p.m.

THE PRESIDENT: On motion, the Senate now stands adjourned until Tuesday, February 7th, 3:00 p.m.

(Whereupon, at 3:55 p.m., the Senate adjourned.)