NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 25, 2008

3:02 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

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

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

ACTING PRESIDENT MARCELLINO: Today we will have our opening prayer from Reverend Peter G. Young, of Mother Theresa Community in Albany.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

O God, the Builder of all things, You have placed on us the obligation of toil. Granted, the work we begin may serve to better our lives in New York State and, through the good work and the goodness, contribute to the spread of the call of Your people.

May God pour forth His blessings on our legislators and provide them with the spirit of courage to accept the many demands of their elected senatorial office.

Amen.

ACTING PRESIDENT MARCELLINO: Thank you.

May we have the reading of the Journal, please.

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

ACTING PRESIDENT MARCELLINO: 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 Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 4207 at the desk, by Senator Bruno. If we could have the title

read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution 4207, memorializing Governor Eliot Spitzer to proclaim February 24 through March 1, 2008, as Eating Disorders Awareness Week in the State of New York.

ACTING PRESIDENT MARCELLINO: All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 3728 is at the desk, by Senator Seward. If we could have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator

Seward, Legislative Resolution Number 3728, congratulating the Marathon High School Field Hockey Team and Coach Karen Funk upon the occasion of capturing its second consecutive New York State Class C Championship.

"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 have inspired and brought pride to their school and community by achieving outstanding success in athletic competition; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate the Marathon High School Field Hockey Team and Coach Karen Funk upon the occasion of capturing its second consecutive New York State Class C Championship; and

"WHEREAS, The 2007 New York State Class C Champions, the Marathon High School Olympians, defeated Warrensburg High School 1-0 in overtime to finish the season with a 22-1 record; and

"WHEREAS, In addition, the Marathon High School Field Hockey Team repeated as New York State champions for the third time and claimed its eighth title overall; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Karen Funk, a skilled and inspiration tutor, who has done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Loyally and enthusiastically supported by family, fans, friends and the community at large, the members of the Marathon High School Field Hockey Team have proven themselves to be an unbeatable combination of athletic and academic talents, reflecting favorably on their school; and

"WHEREAS, From the opening game of the season to participation in the New York State Class C Championship, the hallmarks of the Marathon High School Field Hockey Team were a sisterhood of athletic ability, good sportsmanship, honor and scholarship, demonstrating that these team players are

second to none; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Karen Funk and the outstanding athletes on the Marathon High School Field Hockey Team 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 Marathon High School Field Hockey Team and Coach Karen Funk upon the occasion of capturing its second consecutive New York State Class C Championship; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Marathon High School Field Hockey Team and Coach Karen Funk."

ACTING PRESIDENT MARCELLINO: On the resolution, Senator Seward.

SENATOR SEWARD: Yes, thank you, Mr. President.

I'm very proud, as the State

Senator representing the Marathon Central School District, and very proud as the Senator from the 51st Senatorial District to stand to congratulate the Marathon High School Olympians, the 2007 New York State Class C Field Hockey Champions.

You know, this outstanding team, which is in the gallery here today, along with their coach, Karen Funk, defeated Warrensburg High School in a thrilling one-to-nothing overtime game in the state championship.

You know, at Marathon we say we have a girls field hockey dynasty, because this is the second year in a row that this outstanding team at this school has been our Class C State Champions. It's their eighth title overall.

This is a relatively small school, just about a thousand students. Even for a Class C school, it's relatively small. But they have a great deal of talent and they have a great deal of spirit.

And I think, without question, the fact that we have an outstanding coach at Marathon in field hockey, Coach Karen Funk,

who has been at the school and with this program since 1974 and has built this program from the ground up and has done an outstanding job -- she's truly a skilled and inspirational leader for this team.

And her talents as a coach have been recognized nationally because Coach Karen Funk, I'm very pleased to announce, is the National High School Field Hockey Coach of the Year.

We're very proud of that as well, Karen.

(Applause.)

SENATOR SEWARD: In addition to this team's athletic ability, they are also scholar-athletes. Because when you compute the overall average of 12 students on this team, they have a 91 academic average. So they're not only talented on the field, but also they are scholars.

You know, they have excelled in competitive sports very, very well. And when you think about competitive sports, particularly at the high school level, it instills a lot of values and skills that will

be used throughout the lives of these very talented women: the values of teamwork, pride, working toward a goal and accomplishment, as well as self-discipline.

You know, it's rather cliched to say that our young people are our future, but I'm going to say it. This team represents all the best of our future. When I think about that, with the future in the hands of these very talented and outstanding group of young women, I say the future is very bright indeed.

Congratulations once again to the Marathon High School Field Hockey Team, our Class C State Champions. Congratulations.

(Applause.)

ACTING PRESIDENT MARCELLINO: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is passed unanimously.

Ladies, congratulations, and keep

up the good work.

Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 47, by Member of the Assembly Weisenberg, Assembly Print Number 9471, an act to amend the Public Health Law, in relation to child food choking prevention.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 70, by Senator Robach, Senate Print 6652, an act to amend the Civil Service Law, in

relation to reassignment.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 110, by Senator Maziarz, Senate Print 45A, an act to amend the Vehicle and Traffic Law, in relation to repeat convictions.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 138, by Senator Seward, Senate Print 805B, an act to amend the Insurance Law, in relation to foreign investments.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 147, by Senator Padavan, Senate Print 85, an act to amend the Penal Law, in relation to establishing.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 156, by Senator Volker, Senate Print 856, an act to amend the Penal Law, in relation to burglary in buildings.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 163, by Senator Fuschillo, Senate Print 1547, an act to amend the General Business Law, in relation to increasing the civil penalty.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 164, by Senator Skelos, Senate Print 2041, an act to amend the General Business Law, in relation to the sale of laser pointing devices.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of September.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 180, by Senator DeFrancisco, Senate Print

1270, an act to amend the Estates, Powers and Trusts Law, in relation to disqualification.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 182, by Senator Hannon, Senate Print 1659, an act to amend the Lien Law, in relation to allowing service.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 219, by Senator Maziarz, Senate Print 3712, an act to amend the Labor Law, in relation to regulation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 241, by Senator Morahan, Senate Print 2443A, an act to amend the General Business Law, in relation to certain hotels, motels, and motor courts with balconies.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

SENATOR SKELOS: Thank you, Mr. President.

Is there any further business at the desk?

ACTING PRESIDENT MARCELLINO: No, the desk is clear, sir.

SENATOR SKELOS: Thank you.

While love is in the air, I move we stand adjourned until tomorrow --

(Laughter.)

SENATOR SKELOS: -- which is Tuesday, January 26th, at 3:00 p.m. February. That's February 26th.

ACTING PRESIDENT MARCELLINO: A date which will live in infamy.

On motion, the Senate stands adjourned until tomorrow, February 26th, at

3:00 p.m.

(Whereupon, at 3:16 p.m., the Senate adjourned.)