NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 23, 2010

4:10 p.m.

REGULAR SESSION

SENATOR CRAIG M. JOHNSON, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT JOHNSON: The Senate will please come to order.

I ask everyone to rise and recite with me the Pledge of Allegiance to our Flag.

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

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

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

ACTING PRESIDENT JOHNSON: The reading of the Journal.

The Secretary will read.

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

ACTING PRESIDENT JOHNSON: 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 Klein.

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

ACTING PRESIDENT JOHNSON: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

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

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Sampson, legislative resolution commemorating the 50th anniversary of the United Federation of Teachers.

ACTING PRESIDENT JOHNSON:

Senator Sampson.

SENATOR SAMPSON: Thank you very much, Mr. President.

I just rise and I just want to thank my friend and partner, the president of UFT, Michael Mulgrew, for his leadership and commitment to improving the quality of education for all New Yorkers.

His desire to continue in the work of Charles Cogen, Albert Shanker, Sandy Feldman, and Randi Weingarten has been nothing less than stellar. Mike had some big shoes to fill, and he's done an extraordinary job.

Some people think of the UFT as -- when they talk about UFT, some might think of it in the political sense, but I think of it more from the personal sense, being that my mother was a UFT paraprofessional. And I grew up in a union household to understand the most important thing, the commitment to a union body.

But most of all, I'm a person who attended all public institutions with respect to educating myself. And I have the privilege to represent a public institution in the

New York State Senate today.

And at every twist and turn in my life, there was a teacher, a mentor, a school aide like my mother who made the difference and who I give the credit for putting me in the position I'm here today.

For 50 years, UFT has been a strong voice and a tireless advocate for educators, students, and parents. During its decades of service, the UFT has put people through school, improved our schools, and given parents and students greater input into how our schools operate.

We all know this is an extremely difficult year and we have to make difficult decisions. We need to balance our checkbook like we are asking the public to balance their checkbook. However, we still have to make sure that we provide our students -- but most of all, the ones that we love -- an education that is second to none. And with the help of UFT, we have been doing that for many, many years.

So I just want to congratulate the UFT on celebrating 50 years of success,

50 years of dedication, and 50 years of leadership. And may they continue to do what they always have been doing, fighting not only for the rights of their own union members but most of all making sure that all our children throughout the city and throughout the state have an education that is exemplary.

Thank you very much, Mr. President.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Sampson.

Senator Toby Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

I rise as a former member of the UFT. I taught in the New York City public high schools for about six and a half years or so.

But my father was a teacher who retired before the UFT was founded. And he taught in the New York City school system, all on the Lower East Side, for 48 years. And when he retired, there was no Social Security for teachers. The theory was that they had a pension and didn't need Social Security. Men were paid more than women. High school

teachers were paid more than elementary school teachers, and so on.

And this demonstrates the progress that the UFT has made for the working men and women in our schools, whether they be paras or teachers or whatever role they play in the school community.

And I'm very proud to stand here today. My husband received the John Dewey Award from the UFT back in the 1970s. And the UFT has played such an important role in the lives of all New Yorkers that I am delighted to congratulate them. And another 50 years of progress, because they've been on the leading edge of progress on progressive issues throughout our state's history.

Thank you, Mr. President.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator.

Senator Diane Savino.

SENATOR SAVINO: Thank you, Mr. President.

I want to commend Senator Sampson for introducing this resolution memorializing the 50th anniversary of the United Federation

of Teachers.

Dignity, respect, professionalism, competitive wages and benefits, due process -- all of the hallmarks of what a union does, all of those things for teachers in the City of New York did not exist 50 years ago.

The United Federation of Teachers was founded and it grew in a city that did not respect collective -- or actually did not grant collective bargaining rights to teachers or to any other public-sector workers. But yet they continued to organize, not just for their own members, but to improve the schools and the lives of the children that they mentored every day.

The United Federation of Teachers has a unique place in labor history in New York State. It was one of their strikes -- along with some of the other public-sector unions in New York City, including my own -- in 1965 that led finally to the passage of the Taylor Law.

And while the Taylor Law sometimes gets a bad rap, people don't quite understand it, they have no idea what its predecessor was

like. The Condon-Wadlin Act was draconian by anybody's standards.

But it was because of the organizing efforts by the UFT and other unions at that time to demand dignity, respect, competitive wages and due process for their members -- and supporting other working people in New York to get them -- that we have collective bargaining rights for public-sector workers in New York State.

They also have another very unique place in history. You know, we all see them every day up here in the halls of Albany advocating on behalf of their members in the school districts and advocating on behalf of the children in the programs, so we see the UFT constantly.

We forget, though, that at New York City's darkest moment in the 1970s, when the city was on the verge of bankruptcy and no one could figure out how to help the city come out of it, the president of the United Federation of Teachers at the time, Al Shanker, joined with the executive director of District Council 37, Victor Gotbaum, and along with

Barry Feinstein from the Teamsters and Wall Street and our own Lieutenant Governor, Dick Ravitch, and the governor then, Hugh Carey, and came up with a plan that saved the City of New York from bankruptcy and put it on its path to solvency.

So the UFT's history in New York is not just representing workers, advocating for children, but they have a unique place in saving the City of New York. And we know that they have many ideas to help us save the state in our fiscal crisis these days.

So I want to thank Senator Sampson and congratulate the United Federation of Teachers on their 50th anniversary. And a message to my friend Michael Mulgrew, who is the new president: We hope that you have as much success as president of the UFT as Al Shanker and all of your predecessors.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator.

Senator Huntley.

SENATOR HUNTLEY: Yes, Mr. President. I would like very much to congratulate Senator Sampson for bringing this

to us.

And I must say the UFT has been an integral part of my life for many, many years, with my history in schools of being a Parent Association president, then the President of the school board and president of the CEC. So I go back many, many years with them.

And I must say, Al Shanker was one of the finest union presidents that we've ever seen in history. And I must say that they have worked in my community, they still are.

And every year at my annual luncheon, I give out an award to a UFT member which is called the Neil Shanahan Award. Neil Shanahan was a teacher in my district who passed away from cancer, and he worked very well in the community and with all of our young people and our parents. And a great UFT member. So every year I honor him by doing that.

So again, I want to thank the Senator for bringing this. And I wish the UFT a lot of luck, and we'll continue to work together.

Thank you.

ACTING PRESIDENT JOHNSON: Thank you, Senator.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I too rise as a former member of the United Federation of Teachers. And I can remember back to 1967 when I graduated from college, from graduate school, and went into teaching. And my father said to me, he says? "You're going to go out and you're going to become a teacher," and he said, "There's a great union that's involved in the teachers and involved with the teachers in making the profession respected and setting up proper standards."

My father was a member of Local 3 of the electricians union and would not tolerate his son even considering not joining the union and not being part of that union.

I had many opportunities to meet with Al Shanker during those days. He would visit our high school, Grover Cleveland High School, many times during the various strikes.

My first year of teaching, I went

on strike -- I had a job for three days and I went on strike under the Condon-Wadlin Act, before the Taylor Law, which basically said the minute you went on strike as a public employee, you were terminated. That was it.

And we went out, and Al came to the school in a meeting. And everybody was a bit nervous. We weren't too happy with this concept of being out of work. After all, we were making all of $5200 a year, paid monthly in those days. By the end of the month, if you had $2 in your pocket, you had a lot of money.

But Al came to us and he basically said, he said, "Have no fear." He says, "We're going to prevail. We're not going to allow the city to treat us like dirt. They're going to pay us a living wage. They're going to respect the profession as a profession. We're going to set some ground rules and some rules of work so that nobody can be abused and that you'll be treated like human beings instead of chattel."

And it worked out that way. It all worked out for the good.

I can't help but wonder what Al would say today if he was to come here in the times we're in now and read the budget resolution that was passed here the other day which cut $1.4 billion out of education. I have a feeling the halls of this Capitol would be reverberating with the sound of his voice. He would not accept it mildly, and he would not have accepted it kindly. He would have railed against it.

Hopefully we will get and obviously we will get past these times. Hopefully calmer heads and saner heads will prevail and those cuts will not stand. Because they would in fact be devastating to education as we know it.

So I thank Senator Sampson for bringing this resolution forward. I am pleased to vote for it. The UFT is an honorable organization, and many of its -- all of its leaders I have respected. And I have had the opportunity, since Mr. Shanker, to meet with each and every one of them -- fine people all, with the best of intentions for not only the teachers but for public at large

and the students they serve.

So, Mr. President, thank you for hearing me, and I vote aye on this resolution.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Marcellino.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I rise to also express my commendation to the UFT and thank my leader Senator Sampson for introducing this resolution. And I would like to just add to what my colleagues have said about the work of the union in organizing and representing teachers.

But very personally, I want to thank the teachers, especially those that work so hard to mold and shape young people in our city. It is so difficult. And I know this because my son was in public school all of his school life. And it was always amazing to me how teachers were able to be in a classroom with 25, 28, 30 children, young children, and somehow still be able to work and be successful in helping them transition from not

being able to read to being able to read and to being able to function at a higher and higher level.

And so I have a lot of respect for what teachers do. And certainly this is very, very important that we recognize them for the work that they do. And I thank them personally and professionally and in every other way for what they have done for my son and so many other children and young people who are in our public school system in the City of New York.

So, Mr. President, I join my leader and my colleagues in expressing our commendation to the UFT and commemorating their 50th anniversary. Thank you.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Montgomery.

Senator Parker.

SENATOR PARKER: Thank you, Mr. President.

First let me just commend you on how wonderful you look up there as the presiding officer today. I hope that will give me a little bit more time to talk about

this resolution.

I actually am just rising to add my voice to those who are commemorating the United Federation of Teachers today on their 50th anniversary.

This is really an honor and really a pleasure for me to get up and just really thank people who have -- maybe for better or worse -- made me who I am today. That both my mother, being a member of the union for a period when she was a teacher, and as well as my being a product of the New York City public schools, going through P.S. 193, Andres Junior High School, and Midwood High School, the UFT and its members have helped in my personal development.

But as we look at one of the finest educational systems in the entire country, the UFT has been an important part of that, educating, as we speak, 1.1, 1.2 million schoolchildren. And in developing important programs like Dial A Teacher that help people with their homework after school, they have made sure that teachers are given both the wages, dignity and respect in the field that

they are operating in.

These are the folks who are the real caretakers of our children day to day. And certainly taking a moment out in our deliberations to honor their 50-year anniversary and their accomplishments, and just to say thank you to all the teachers in all of our lives, I think is worth doing.

And so "hear, hear," to all of the teachers of the UFT.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Parker.

Are there any other Senators that wish to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

Senator Sampson has indicated he would like to open the resolution to the

entire body for cosponsorship. Any Senator wishing not to be a cosponsor please notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a resolution at the desk by Senator Serrano. I ask that the resolution be read in its entirety and move for its immediate adoption and give Senator Serrano the opportunity to speak on his resolution.

ACTING PRESIDENT JOHNSON: Senator Klein, has the resolution been deemed privileged and submitted by the office of the Temporary President?

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

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Serrano, legislative resolution memorializing Governor David A. Paterson to declare 8:30 p.m. on Saturday, March 27, 2010, as Earth Hour in the State of New York.

"WHEREAS, It is the sense of this Legislative Body to increase public awareness

of and appreciation for the natural resources of this great Empire State, as well as recognize the role all citizens have in protecting the environment and the quality of life within New York; and

"WHEREAS, On Earth Hour, cities across the world ask their residents and businesses to turn off all nonessential lights for one hour in a collective show of action against global warming; and

"WHEREAS, This year, cities ranging from Suva, Fiji, to Chicago, Illinois, from Tel Aviv, Israel, to Copenhagen, Denmark, have pledged to observe Earth Hour; and

"WHEREAS, New York State should take its place among these world sites and give a strong show of support for this symbolic action that will have the real effect of lowering the state's carbon emissions and environmental impact; and

"WHEREAS, Having iconic sites such as the Empire State Building, the Capitol, the Executive Mansion and Niagara Falls go dark will have a deep and meaningful impact to people around the world. The time for action

on global warming has come, and although Earth Hour is not the solution to the problem, it is a real start and will play an important role in galvanizing support to combat the dire threat our planet faces; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor David A. Paterson to declare 8:30 p.m. on Saturday, March 27, 2010, as Earth Hour in the State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honorable David A. Paterson, Governor of the State of New York."

ACTING PRESIDENT JOHNSON: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President. Thank you, Senator Klein.

Today I'm introducing a very important resolution for the third year in a row. This resolution will declare this Saturday, March 27th, at 8:30 p.m. as Earth Hour.

Earth Hour is a globally observed

hour conceived as a statement of action against global climate change. It calls upon people from all over the world to turn off their nonessential lights for one hour.

Last year nearly 2,400 cities, towns, and municipalities in over 83 countries observed Earth Hour. This year, cities ranging from Tel Aviv, Israel, to Copenhagen, Denmark, have already pledged to observe Earth Hour.

By flipping the switch for one hour and turning off their nonessential lights, citizens around the world signify that they understand the urgency of climate change and are prepared to tackle the challenge head-on.

Actions taken by our state have both a symbolic effect and a very tangible effect on the rest of the world. According to Environmental Advocates of New York, our state is the 8th largest emitter of greenhouse gases in the country, rivalling the output of some European nations. To put that in perspective, the very first Earth Hour, in Sydney, Australia, had the same effect as taking a whopping 48,000 cars off the road for that one

hour.

Last year, at my request, the Empire State Building and a number of other cities went dark for an hour. It is my hope that participation will be even greater this year and that all of my colleagues here today will join me in helping to increase participation within their own districts and surrounding neighborhoods.

I am proud to have received numerous cosponsors from both sides of the aisle on this very important resolution. And I hope that you will join me in support as we declare 8:30 p.m., March 27, 2010, as Earth Hour throughout the great State of New York.

Thank you, Mr. President.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Serrano.

Are there any other Senators that wish to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT JOHNSON:

Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

Senator Serrano has indicated that he would like to open the resolution to the entire body for cosponsorship. Any Senator wishing not to be a cosponsor please notify the desk.

Senator Klein.

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

ACTING PRESIDENT JOHNSON: Senator Klein, has the resolution been deemed privileged and submitted by the office of the Temporary President?

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

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Parker, legislative resolution memorializing

Governor David A. Paterson to proclaim March 23, 2010, as American Diabetes Association Alert Day in the State of New York, in conjunction with the 22nd American Diabetes Association Alert Day.

ACTING PRESIDENT JOHNSON: Senator Parker.

SENATOR PARKER: Thank you, Mr. President.

This resolution would ask Governor Paterson to proclaim March 23, 2010, as American Diabetes Association Alert Day in the State of New York, in conjunction with the 22nd American Diabetes Alert Day.

It really serves as a wake-up call asking the American public: What would you do to stop diabetes? Do you know your risk? And what are things that are available to people in the community to make sure we fight diabetes?

This debilitating disease is, you know, prevalent throughout our societies, particularly as we talk about the issues around childhood obesity that oftentimes very much is connected to also the issues of

diabetes.

I've had a number of family members, including my mom, who suffers from diabetes. I often say that with diabetes, dying is not even the worst thing that can happen to you. You literally see people physically waste away and have parts of their bodies removed. And certainly this is something that we ought to be aware of and combat.

That's the bad news. The good news is that in both Type 1 and Type 2 diabetes, that these illnesses can be prevented and sometimes even reversed with our own behavior.

Diabetes is a serious disease that strikes nearly 24 million children and adults in the United States. An additional 57 million, or one in five Americans, have prediabetes, which puts them at a high risk for developing Type 2 diabetes.

This silent killer must be stopped. And so I hope that my colleagues will join in this resolution and that they will spread the word about diabetes and the fact that we in fact need to organize ourselves in our own

communities to stop this silent killer.

Thank you, Mr. President.

ACTING PRESIDENT JOHNSON: Thank you, Senator Parker.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I think this is a wonderful resolution, and it shows the support for trying to cure a very, very serious disease and showing support for those who are afflicted with it.

I think there's another way and I think a much more productive way to do the same thing. And that is Senate Bill 1492A, that I sponsor, provides for, on a tax return, a voluntary check-off for donations to help cure diabetes to the Diabetes Association.

Right now there are five other organizations that are allowed voluntary check-offs on our tax returns, and this would be a wonderful bill to supplement a resolution that states the goals of the State of New York.

And what's really good about this bill is that the Assembly has already passed it. The Assembly has already passed it. It

could become a law and we could do something substantive with respect to this disease.

So I would urge my colleagues on the majority side of the aisle to pick this bill up and -- keep the same name as sponsor, though; that would be a good idea -- and then pass the bill so we can make this law.

Thank you.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator DeFrancisco.

Are there any other Senators that wish to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

Senator Parker has indicated that he would like to open the resolution to the entire body for cosponsorship. Any Senator wishing not to be a cosponsor please notify

the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time I move we adopt the Resolution Calendar in its entirety, with the exception of Senate Resolutions 3910 and 4312.

ACTING PRESIDENT JOHNSON: All those in favor of adopting the Resolution Calendar, with the exception of Senate Resolutions 3910 and 4312, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I move to take up Senate Resolution 3910, by Senator Foley. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Foley, Legislative Resolution Number 3910, recognizing the many contributions of the Pakistani-American community residing throughout the State of New York.

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

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to recognize the many contributions of the Pakistani-American community residing throughout the State of New York; and

"WHEREAS, Under the direction of President Shahid Ali Khan, the mission of the Pakistani-American Association of North America is to operate exclusively in the pursuit of charitable purposes for the

Pakistani-American community of North America by promoting understanding of Pakistani-American culture and fostering its integration in the great American democracy and culture; providing monetary aid and relief during natural disasters, such as hurricanes, earthquakes, economic depressions, and other difficult circumstances; providing discussion groups, lectures, and seminars on voting rights, housing rights, and civil rights; establishing a forum for interfaith dialogues among Muslim, Christian, Jewish, Hindu, and Buddhist Americans; defending human and civil rights secured by law, and eliminating prejudice and discrimination; and

"WHEREAS, In addition, the Pakistani-American Association of North America has encouraged Pakistani-American people to first register and then vote at election time; and

"WHEREAS, The members have donated turkeys to many churches during the Thanksgiving season, helping to feed the needy; and

"WHEREAS, It is the custom of this

Legislative Body that when organizations of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to recognize the many contributions of the Pakistani-American community residing throughout the State of New York, to welcome its members to the Capitol in Albany, New York, on March 23, 2010, and to memorialize Governor David A. Paterson to proclaim Tuesday, March 23, 2010, as Pakistani-American Day in the State of New York; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Shahid Ali Khan, president, Pakistani-American Association of North America, and the Honorable David A. Paterson, Governor of the State of New York."

ACTING PRESIDENT JOHNSON: Senator Foley.

SENATOR FOLEY: Thank you,

Mr. President.

It's my great honor to host today the Pakistani-American Association of North America. They're here with us in the gallery. As was mentioned, their president, Shahid Khan, is with us, along with a number of other notable Pakistani-Americans, particularly from Long Island.

As was mentioned, this civic group is comprised of small-business owners and other professionals seeking to improve the lives of Pakistani-Americans on Long Island and across New York State. It's my great good fortune to work with them over the past several years.

I think the emphasis on interfaith dialogue as well as their active participation in our democracy speaks to the genius of our country and the inspiration that our country has across this world, where men and women come from other shores to come to America to do better for their families and to participate in the American dream.

And I can think of no better example than the Pakistani-American community

who are here with us today celebrating their day here as part of our democracy. And we welcome you today, as America welcomes the many great contributions that your community gives us on a daily, monthly, and yearly basis.

Thank you, Mr. President.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Foley.

Are there any other Senators that wish to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

Senator Foley has indicated he would like to open the resolution to the entire body for cosponsorship. Any Senator wishing not to be a cosponsor please notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we take up Senate Resolution 4312, by Senator Stachowski. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Stachowski, Legislative Resolution Number 4312, honoring Ryan Miller upon the occasion of his designation as the Most Valuable Player of the Olympic Hockey Tournament at the 2010 Winter Olympics in Vancouver, British Columbia.

"WHEREAS, It is the sense of this Legislative Body to extend its full recognition and grateful tribute to the outstanding athletes of New York State who have dedicated their purposeful lives to athletic achievement and proudly represented their great state and nation in Olympic competition; and

"WHEREAS, This Legislative Body is justly proud to join the community of Buffalo,

New York, in honoring a young man of great skill, personal courage, and unparalleled dedication, whose career and athletic achievements are world-renowned and personify the highest ideals of the American spirit and Olympic competition; and

"WHEREAS, Born July 17, 1980, in East Lansing, Michigan, Ryan Miller of the Buffalo Sabres in the National Hockey League grew up in East Lansing, Michigan, and graduated from East Lansing High School and Michigan State University; and

"WHEREAS, As a college player for the Michigan State University Spartans, Ryan Miller set an NCAA record with 26 career shutouts and was the winner of the Hobey Baker Award in 2001. He is only the second Spartan in history to win the Hobey Baker Award; and

"WHEREAS, At Michigan State, Ryan Miller was the CCHA's Goaltender of the Year all three of his seasons and twice was the league's overall Most Valuable Player when he led the country in wins, winning percentage, save percentage, goals-against average and shutouts. He was also the 2001 Big Ten-Jesse

Owens Men's Athlete of the Year; and

"WHEREAS, Ryan Miller was selected as starting goalie for the United States of America in the 2010 Winter Olympics in Vancouver. Although the United States team was not a medal favorite, he led the team to a perfect 5-0 start, including a 5-3 win over gold-medal favorite Canada in the preliminary round, where he rendered a stellar performance in stopping 42 of 45 shots; and

"WHEREAS, The five wins in the 2010 Olympic ice hockey competition, including victories over Switzerland and Finland in the quarterfinals and semifinals respectively, brought the Miller-led United States team to the gold-medal game, where they faced the favored Canadian team for the second time. The United States lost the gold-medal game by a score of 3-2 in overtime despite Miller's brilliant 36 saves; and

"WHEREAS, Ryan Miller's United States Olympic hockey team won the silver medal, and he was named the Most Valuable Player of the tournament, with a save percentage of 0.946, and an American Olympic

record goals-against average of 1.35. Along with being honored as the MVP, he won IHF Best Goaltender honors and was named to the Olympic All-Star team; and

"WHEREAS, Many will only dream of competing in the Olympic Games. This gifted athlete from this great Empire State, through hard work and a tenacious spirit, has made that vision a reality. He has proudly represented his country in competition among the world's finest athletes, an honor that gives just cause for his family, community and state to be exceedingly proud of his athletic achievements; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations with praise and pride to honor Ryan Miller upon the occasion of his designation as the Most Valuable Player of the Olympic Hockey Tournament at the 2010 Winter Olympic Games in Vancouver, British Columbia; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Ryan Miller."

ACTING PRESIDENT JOHNSON:

Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I'd just like to rise to say a few words on the resolution.

Obviously everybody in the state is aware of the performance that Ryan Miller did in the Olympic Games. To say he was spectacular is an understatement in this case. He carried a team that was not favored at all to be in the final game all the way to the finals, led them undefeated into that game, and unfortunately they lost in overtime.

But Ryan Miller was unbelievable, recording shutouts, setting a record for goals-against. And for the world stage, he was dominant. And the fact is Ryan Miller has been in the main cog in the Sabres' success this year, and hopefully we'll be able to get him here right after the Sabres win the Stanley Cup this year and maybe we'll do a resolution then naming him the MVP of the Stanley Cup. Hopefully, as we in Buffalo hope that we would win one.

So I just wanted to take time today to recognize his accomplishments by this body,

and the fact that we're very proud of somebody that plays professionally in Buffalo, New York, and pretty much lives there now because of the length of the hockey season.

And we wish Ryan Miller continued success. And hopefully at the next Olympics, which would be his second -- this was the first time he was ever chosen for the Olympic team -- he will be able to get the team all the way to the Gold Medal.

So congratulations on the Silver Medal. More importantly, congratulations on an MVP award on a runner-up team, which is not always the case. But a spectacular performance that I thought raised the level of people's awareness of hockey across the United States and made all people in every state, but particularly New York State, proud of the performance of this particular young man and the team he played on.

Thank you.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Stachowski.

Senator Little, on the resolution.

SENATOR LITTLE: Thank you,

Mr. President.

If I may, I would like to join Senator Stachowski in congratulating Ryan Miller on his wonderful achievements at the Olympics. It was just great fun watching them play, and tremendous skill, and certainly to have gone into an overtime in the championship game was wonderful, winning the Silver Medal.

I'd also like to point out there are two other resolutions in our packet today, one honoring the Olympic skier, Andrew Weibrecht, of Lake Placid, upon the occasion of winning a Bronze Medal in downhill skiing, and a second one honoring Bill Demong of Vermontville, in the Saranac Lake area, who after attending his fourth Olympics, and he was 29 years old -- he had participated in skiing, and he did the jumping and the cross-country skiing as well -- but he won a Gold Medal and a Silver Medal.

So I'm sure we all join together being proud of our Olympic athletes, but these were also included in today's resolutions.

Thank you.

ACTING PRESIDENT JOHNSON: Thank

you very much, Senator Little.

Are there any other Senators that wish to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

Senator Stachowski has indicated that he would like to open the resolution to the entire body for cosponsorship. Any Senator wishing not to be a cosponsor please notify the desk.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

At this time can we please take up Senate Resolution 4102, by Senator Stavisky, which was previously adopted on March 9th. I ask that the title of the resolution be read and move for its immediate adoption and allow

Senator Stavisky to speak on her resolution.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Stavisky, Legislative Resolution Number 4102, memorializing Governor David A. Paterson to proclaim April 18 through 24, 2010, as Osteopathic Medicine Week in the State of New York, in conjunction with National Osteopathic Medicine Week and in tribute to the osteopathic physicians of this state.

ACTING PRESIDENT JOHNSON: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President. And it is good to see you up there.

There are about 5,000 osteopathic doctors in New York State, about 500 in New York City, and they provide primary care in underserved areas, for the most part. They contribute to the well-being and the health of our community.

Very briefly, this resolution does proclaim April 18 to 24 as Osteopathic Medicine Week in New York State. And we are

here to welcome a group of them to Albany. They are members and representatives of the New York State Osteopathic Medical Society, known as DOs, for doctor of osteopathy.

But earlier I explained to them that in the New York State Legislature, "DO" to us has a different connotation, district office. But now we are hearing about a different kind of DO, where they do provide service.

They are here doing currently their postgraduate training in residency programs throughout the state, the osteopathic medical students at the New York College of Osteopathic Medicine in Old Westbury, New York, and at the Touro College of Osteopathic Medicine in Harlem.

It's interesting to note that the College of Osteopathy in Old Westbury graduates about 300 doctors per year, and Touro will produce about 140 a year. So this is a growing segment of our healthcare community.

We welcome them to Albany, and we encourage them, as I said earlier, to please

stay in New York State and pay taxes and help us with our budget problems.

Thank you, Mr. President.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Stavisky.

Are there any other Senators wishing to be heard on this resolution?

This resolution was unanimously adopted on March 9th.

Senator Klein.

SENATOR KLEIN: Mr. President, before I proceed with my motion, I think congratulations are in order. One of our colleagues, Senator Aubertine, is the proud first-time grandfather of a baby girl. Let's give him a big hand, everyone.

(Applause.)

SENATOR KLEIN: Gracie Margaret, 7 pounds, 1 ounce.

ACTING PRESIDENT JOHNSON: Congratulations, Senator Aubertine.

Senator Klein.

SENATOR KLEIN: On behalf of Senator Valesky, I move that the following bills be discharged from their respective

committees and be recommitted with instructions to strike the enacting clause: Senate Number 3495.

ACTING PRESIDENT JOHNSON: So ordered.

Senator Klein.

SENATOR KLEIN: On behalf of Senator Smith, Mr. President, I hand up the following committee notice and ask that it be filed in the Journal.

ACTING PRESIDENT JOHNSON: To be filed in the Journal.

Senator Klein.

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

ACTING PRESIDENT JOHNSON: Senator Klein, the desk is clear.

SENATOR KLEIN: There being no further business, Mr. President, I move that we adjourn until Wednesday, March 24th, at 3:00 p.m.

ACTING PRESIDENT JOHNSON: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Wednesday, March 24th, at 3:00 p.m.

(Whereupon, at 4:55 p.m., the Senate adjourned.)