

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 23, 2010

11 4:10 p.m.

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13
14 REGULAR SESSION

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18 SENATOR CRAIG M. JOHNSON, Acting President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

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

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

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

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

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

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

15 The Secretary will read.

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

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Klein.

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

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

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

19 ACTING PRESIDENT JOHNSON: The
20 Secretary will read.

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

25 ACTING PRESIDENT JOHNSON:

1 Senator Sampson.

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

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

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

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

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

1 New York State Senate today.

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

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

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

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

1 50 years of dedication, and 50 years of
2 leadership. And may they continue to do what
3 they always have been doing, fighting not only
4 for the rights of their own union members but
5 most of all making sure that all our children
6 throughout the city and throughout the state
7 have an education that is exemplary.

8 Thank you very much, Mr. President.

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

11 Senator Toby Stavisky.

12 SENATOR STAVISKY: Thank you,
13 Mr. President.

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

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

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

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

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

17 Thank you, Mr. President.

18 ACTING PRESIDENT JOHNSON: Thank
19 you very much, Senator.

20 Senator Diane Savino.

21 SENATOR SAVINO: Thank you,
22 Mr. President.

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

1 of Teachers.

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

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

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

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

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

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

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

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

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

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

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

20 ACTING PRESIDENT JOHNSON: Thank
21 you very much, Senator.

22 Senator Huntley.

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

1 to us.

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

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

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

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

25 Thank you.

1 ACTING PRESIDENT JOHNSON: Thank
2 you, Senator.

3 Senator Marcellino.

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

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

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

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

25 My first year of teaching, I went

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

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

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

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

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

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

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

1 and the students they serve.

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

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

6 Senator Montgomery.

7 SENATOR MONTGOMERY: Thank you,
8 Mr. President.

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

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

1 being able to read to being able to read and
2 to being able to function at a higher and
3 higher level.

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

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

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

19 Senator Parker.

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

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

1 this resolution.

2 I actually am just rising to add my
3 voice to those who are commemorating the
4 United Federation of Teachers today on their
5 50th anniversary.

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

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

1 they are operating in.

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

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

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

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

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

18 (Response of "Aye.")

19 ACTING PRESIDENT JOHNSON:
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT JOHNSON: The
23 resolution is adopted.

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

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

4 Senator Klein.

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

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

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

17 ACTING PRESIDENT JOHNSON: The
18 Secretary will read.

19 THE SECRETARY: By Senator
20 Serrano, legislative resolution memorializing
21 Governor David A. Paterson to declare
22 8:30 p.m. on Saturday, March 27, 2010, as
23 Earth Hour in the State of New York.

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

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

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

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

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

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

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

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

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

16 ACTING PRESIDENT JOHNSON:
17 Senator Serrano.

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

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

25 Earth Hour is a globally observed

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

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

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

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

1 hour.

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

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

16 Thank you, Mr. President.

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

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

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

24 (Response of "Aye.")

25 ACTING PRESIDENT JOHNSON:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT JOHNSON: The
4 resolution is adopted.

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

10 Senator Klein.

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

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

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

22 ACTING PRESIDENT JOHNSON: The
23 Secretary will read.

24 THE SECRETARY: By Senator
25 Parker, legislative resolution memorializing

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

6 ACTING PRESIDENT JOHNSON:

7 Senator Parker.

8 SENATOR PARKER: Thank you,
9 Mr. President.

10 This resolution would ask Governor
11 Paterson to proclaim March 23, 2010, as
12 American Diabetes Association Alert Day in the
13 State of New York, in conjunction with the
14 22nd American Diabetes Alert Day.

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

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

1 diabetes.

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

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

15 Diabetes is a serious disease that
16 strikes nearly 24 million children and adults
17 in the United States. An additional
18 57 million, or one in five Americans, have
19 prediabetes, which puts them at a high risk
20 for developing Type 2 diabetes.

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

1 communities to stop this silent killer.

2 Thank you, Mr. President.

3 ACTING PRESIDENT JOHNSON: Thank
4 you, Senator Parker.

5 Senator DeFrancisco.

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

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

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

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

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

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

8 Thank you.

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

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

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

16 (Response of "Aye.")

17 ACTING PRESIDENT JOHNSON:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT JOHNSON: The
21 resolution is adopted.

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

1 the desk.

2 Senator Klein.

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT JOHNSON:
14 Opposed, nay.

15 (No response.)

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

18 Senator Klein.

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

24 ACTING PRESIDENT JOHNSON: The
25 Secretary will read.

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

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

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

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

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

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

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

25 "WHEREAS, It is the custom of this

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

7 "RESOLVED, That this Legislative
8 Body pause in its deliberations to recognize
9 the many contributions of the Pakistani-
10 American community residing throughout the
11 State of New York, to welcome its members to
12 the Capitol in Albany, New York, on March 23,
13 2010, and to memorialize Governor David A.
14 Paterson to proclaim Tuesday, March 23, 2010,
15 as Pakistani-American Day in the State of
16 New York; and be it further

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

23 ACTING PRESIDENT JOHNSON:
24 Senator Foley.

25 SENATOR FOLEY: Thank you,

1 Mr. President.

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

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

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

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

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

7 Thank you, Mr. President.

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

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

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

15 (Response of "Aye.")

16 ACTING PRESIDENT JOHNSON:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT JOHNSON: The
20 resolution is adopted.

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

1 Senator Klein.

2 SENATOR KLEIN: Mr. President, at
3 this time can we take up Senate Resolution
4 4312, by Senator Stachowski. I ask that the
5 resolution be read in its entirety and move
6 for its immediate adoption.

7 ACTING PRESIDENT JOHNSON: The
8 Secretary will read.

9 THE SECRETARY: By Senator
10 Stachowski, Legislative Resolution Number
11 4312, honoring Ryan Miller upon the occasion
12 of his designation as the Most Valuable Player
13 of the Olympic Hockey Tournament at the 2010
14 Winter Olympics in Vancouver, British
15 Columbia.

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

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

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

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

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

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

1 Owens Men's Athlete of the Year; and

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

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

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

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

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

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

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

25 ACTING PRESIDENT JOHNSON:

1 Senator Stachowski.

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

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

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

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

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

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

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

21 Thank you.

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

24 Senator Little, on the resolution.

25 SENATOR LITTLE: Thank you,

1 Mr. President.

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

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

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

24 Thank you.

25 ACTING PRESIDENT JOHNSON: Thank

1 you very much, Senator Little.

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

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

7 (Response of "Aye.")

8 ACTING PRESIDENT JOHNSON:

9 Opposed, nay.

10 (No response.)

11 ACTING PRESIDENT JOHNSON: The
12 resolution is adopted.

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

18 Senator Klein.

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

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

1 Senator Stavisky to speak on her resolution.

2 ACTING PRESIDENT JOHNSON: The
3 Secretary will read.

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

12 ACTING PRESIDENT JOHNSON:
13 Senator Stavisky.

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

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

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

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

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

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

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

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

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

3 Thank you, Mr. President.

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

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

8 This resolution was unanimously
9 adopted on March 9th.

10 Senator Klein.

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

17 (Applause.)

18 SENATOR KLEIN: Gracie Margaret,
19 7 pounds, 1 ounce.

20 ACTING PRESIDENT JOHNSON:
21 Congratulations, Senator Aubertine.

22 Senator Klein.

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

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

4 ACTING PRESIDENT JOHNSON: So
5 ordered.

6 Senator Klein.

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

11 ACTING PRESIDENT JOHNSON: To be
12 filed in the Journal.

13 Senator Klein.

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

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

18 SENATOR KLEIN: There being no
19 further business, Mr. President, I move that
20 we adjourn until Wednesday, March 24th, at
21 3:00 p.m.

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

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