ALBANY, NEW YORK

January 31, 1995

3:02 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: Senate will come to order. Members will please take their places.

Ask all of the members in the chamber together with our guests to stand with me and recite the Pledge of Allegiance to the Flag.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

In the absence of clergy, I'd ask all of us to bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 30th. The Senate met pursuant to adjournment. Prayer by Reverend Dr. Evelyn Rose John, New Life Center of Truth of Brooklyn, New York. The Journal of Friday, January 27th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Clerk will read.

THE SECRETARY: Senator Wright, from the Committee on Alcoholism and Drug Abuse reports the following bills directly for third reading:

Senate Bill Number 356, by Senator Levy, an act to amend the Vehicle and Traffic Law.

Senate Bill Number 357, by Senator Levy, an act to amend the Vehicle and Traffic Law.

Senate Bill Number 379, by Senator Levy, an act to amend the Vehicle and Traffic Law, in relation to the suspension and restoration of a driver's license.

Senate Bill Number 744, by

Senator Skelos and others, Vehicle and Traffic Law, in relation to out-of-state convictions.

Senator Padavan, from the Committee on Cities, reports the following bill directly for third reading:

Senate Bill Number 221, by Senator Cook, an act to amend the General Municipal Law, in relation to establishing uniform procedures for the incorporation of a city.

Senator Lack, from the Committee on Judiciary reports the following bills directly for third reading: Senate Bill Number 617, by Senator Stafford, and others, Real Property Law, in relation to authorizing the voluntary administration to execute a discharge of mortgage.

633, by Senator Stafford, proposing an amendment to the Constitution, Section 1 of Article XIV of the Constitution.

634, by Senator Stafford, proposing an amendment to the Constitution, Section 1 of Article XIV of the Constitution, in

relation to the exchange of certain forest preserve land.

635, by Senator Stafford, proposing an amendment to the Constitution, Section 1 of Article XIV of the Constitution, in relation to the use of certain forest preserve lands.

All bills reported directly for third reading.

ACTING PRESIDENT KUHL: All bills are reported directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Mr. President, I would like to now adopt the Resolution Calendar with the exception of Resolution Number 250.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar with the exception of Resolution Number 250 -

SENATOR GOLD: Excuse me, Mr.

President.

ACTING PRESIDENT KUHL: Yes, Senator Gold.

SENATOR GOLD: Can you hold 248 also? 248.

ACTING PRESIDENT KUHL: Any objection, Senator Bruno, withhold 248?

SENATOR BRUNO: Is there -- is it yours?

SENATOR GOLD: Not mine.

SENATOR BRUNO: Senator Maltese? Senator Maltese, the request is to hold Resolution 248, which I believe was one of yours. At the moment -

SENATOR MALTESE: (Inaudible)

SENATOR GOLD: Be my pleasure, Senator, Alberto's, 2:00 o'clock tonight.

SENATOR BRUNO: Can we have that -

SENATOR GOLD: Lay it aside for a moment, and I'll talk to Senator Maltese. No problem.

SENATOR BRUNO: Lay it aside,

248, for the moment.

SENATOR GOLD: On the other hand, let's forget it. Let's go with it.

SENATOR BRUNO: Mr. President, let's forget it.

ACTING PRESIDENT KUHL: The motion before the house is to adopt the Resolution Calendar with the exception of Resolution Number 250. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The Resolution Calendar, with the exception of Number 250, is adopted.

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: Mr. President, would the Secretary please read Resolution Number 250 in its entirety.

ACTING PRESIDENT KUHL: Secretary will read Resolution Number 250 in its entirety.

THE SECRETARY: Resolution Number

250, by Senator Cook, honoring Boy Scout Troop 41 of Catskill, Greene County, for excellence in training and Scout Jesse Hildenbrand, for heroic actions.

WHEREAS, this legislative body does believe that recognition of heroic actions is important;

On the evening of January 8, 1995, at about 6:45 in the evening, three young people, Jesse Hildenbrand, Gerard Bianco, and Richard Carvella, were testing the strength of ice on a pond in Athens, Greene County;

The boys felt that the ice was safe to a limited area;

Gerard Bianco went forth in an effort to further test the ice that was covering the pond;

The ice broke under Gerard Bianco and he fell into the water which, in that area, was between 12 and 15 feet deep;

Gerard Bianco, a non-swimmer, was thereby plunged into the frigid water and placed in a life-threatening situation;

This situation could have ended in tragedy had it not been for the ability of Jesse Hildenbrand and the training he received as a member of Boy Scout Troop 41 of Catskill;

Jesse Hildenbrand asked Richard Carvella to go and get assistance;

Jesse Hildenbrand is a 14-year old First Class Boy Scout of Troop 41 of Catskill, which is sponsored by the Catskill Kiwanis Club;

Jesse Hildenbrand has been trained as a Boy Scout for this type of ice rescue, including a discussion on this subject just days before the rescue;

Jesse Hildenbrand worked with his good friend, Gerard Bianco, and advised him on how to stay afloat and at that time Jesse laid himself on his stomach to spread his weight over the ice and, while Gerard Bianco courageously held onto the ice to support himself, Jesse Hildenbrand crawled across the ice, placed his own life in danger and pulled Gerard Bianco out of the water;

The Boy Scouts of America is a worthy program that teaches young men the traits that are desirous in all citizens;

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to honor Boy Scout Troop 41 of Catskill, Greene County, for its excellence in training, including Scoutmaster Laurence Hildenbrand, Committee Chairman Mark Jubie, Scout Troop Treasurer Ann Sutherland, Scouts John Arrens, Jeffrey Beare, Jesse Hildenbrand, Jason Jubie, Patrick McCulloch, Philip Ottenger, Brendan Smith, Richard Smith and Wayne Ward; and

BE IT FURTHER RESOLVED that this legislative body pause -- pauses further to honor the heroic actions of First Class Scout Jesse Hildenbrand; and

BE IT FURTHER RESOLVED that copies of this resolution, suitably engrossed, be transmitted to Jesse Hildenbrand, Richard Carvella, Gerard Bianco, the Catskill Kiwanis Club and Scoutmaster Laurence Hildenbrand of Boy Scout Troop 41 of Catskill, New York.

ACTING PRESIDENT KUHL: The chair recognizes Senator Cook on the resolution.

SENATOR COOK: Mr. President, I think the resolution speaks for itself, but we are honored today to have Jesse with us, along with some members of his family and also members of Scout Troop 41 are sitting in the gallery, and I would appreciate it if you would recognize them and greet them to the chamber.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted. Jesse, thank you for coming and joining us and sharing a day with us. (Applause) Keep up the good work, son.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Mr. President, I'd

just like to draw the attention of the chamber to my Resolution 261, which we have already passed, but perhaps members would like to co sponsor. It's the resolution which commemorates the 50th anniversary of the liberation of Auschwitz. Last year this chamber led the Assembly and convinced the Governor to sign into law a Holocaust education in the state of New York, and everyone in the world has been making a point to remember this horror with the commemoration of this 50th anniversary.

So if anyone would like to be on the resolution, it's 261, and it is at the desk.

ACTING PRESIDENT KUHL: Senator Bruno, would it be permissible to put all members on the resolution with the exception of those who would identify themselves to the Secretary as not wanting to go on the resolution?

SENATOR BRUNO: So move, Mr. President.

ACTING PRESIDENT KUHL: All

members will be placed on the resolution except for those who wish to not go on the resolution who identify themselves to the Secretary.

Senator Bruno, that brings us to the calendar. What's your pleasure, sir?

SENATOR BRUNO: Mr. President, I would like to now move the non-controversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the non-controversial calendar.

THE SECRETARY: Calendar Number 20, by Senator Present, Senate Bill Number 469, an act to amend the Public Authorities Law, in relation to creating the Alfred/Almond/Hor nellsville Sewer Authority.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 21, by Senator Daly, Senate Bill Number 591-A, an act to amend the Not-for-Profit Corporation Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 12. This act shall take effect January 1st, 1996.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 24, by Senator Volker, Senate Bill Number 95, an act to amend the Vehicle and Traffic Law, authorizing villages and towns to regulate traffic and parking areas.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 26, by Senator Stafford, Senate Bill Number 622, to repeal certain provisions of the Highway Law, state highway system in Washington County.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 27, by Senator Stafford, Senate Bill Number 623, an act to amend the Highway Law, in relation to abandonment of certain town highways.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Paterson, why do you rise?

SENATOR PATERSON: Well, Mr. President, as we lay that bill aside, the next -- we will now go to the non-controversial - we'll go to the controversial calendar and that will be the first bill; so I was just going to let the chamber know that last year Senator Dollinger, Espada, Gold, Galiber, Kruger, Jones, Montgomery, Oppenheimer, Santiago, Smith and Stachowski and Nanula voted against it, and other than that, we discussed the bill yesterday.

ACTING PRESIDENT KUHL: Senator Bruno, is it your desire to move to the controversial calendar?

SENATOR BRUNO: Mr. President, can we now take up the controversial calendar, I think Calendar Number 27.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 27.

THE SECRETARY: Calendar Number 27, by Senator Stafford, Senate Bill Number 623, an act to amend the Highway Law, in relation to abandonment of certain town highways.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 27 are Senators Abate, Connor, Dollinger, Espada, Gold, Gonzalez, Jones, Kruger, Leichter, Onorato, Oppenheimer, Smith, Stachowski and Stavisky.

Ayes 39, nays 14.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the calendar.

SENATOR BRUNO: Mr. President, can we return to the reports of standing committees. I believe there is a report at the desk from the Finance Committee.

ACTING PRESIDENT KUHL: There is a report at the desk, Senator Bruno. Secretary will read the report of the Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the nomination of John B. Daly of Lewiston as Commissioner of Transportation.

SENATOR BRUNO: Mr. President, I'd like to move the nomination of Senator Daly as Commissioner of Transportation.

And, Mr. President -

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: May I speak on

the nomination at this time?

ACTING PRESIDENT KUHL: The nomination is before the house, Senator Bruno. The Chair recognizes Senator Bruno on the nomination.

SENATOR BRUNO: Thank you.

I stand here with very mixed emotions, Mr. President, because one of our very distinguished and esteemed colleagues is changing part of his political life right here with us this afternoon, and it is a little bitter in that we have served for so many years together, many of us in the chamber, and recognizing Senator Daly in terms of his ability and willingness to take on some of the toughest issues that we have deliberated over in this chamber on behalf of the people of this state, and Senator Daly has always distinguished himself as he has deliberated fairly in this chamber on behalf of the people of his district and this state.

And yet there is a bigger job out there with a larger constituency for the Senator

and he will be up to that, and I am sure that he will bring the same enthusiasm, intelligence, to the discharge of those responsibilities and one of the largest budgets, something that affects all the people of this state in so many important ways.

So we are totally aware that he will bring with him all of the capability that he has demonstrated here in his new job and, as we can all see, Mr. President, he was earning his pay right up until 20 minutes ago when he just did his last bill in this chamber.

So he accounts for himself right up until the ninth hour here.

My congratulations to the good Senator and wish him Godspeed in his work and God bless all the good things that he is going to do on behalf of the people of this state.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Levy.

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

Like my colleagues, I sat here

last week when we spoke about the retirement of Freddie Ohrenstein, and I listened to -- I listened to John Daly when he got up to speak about his friendship with Freddie Ohrenstein and he used the words in talking about Fred Ohren stein, on the occasion, that it was a "bitter sweet occasion".

It was then, and it is now for all of us. John's decision is bittersweet for his friends and for his colleagues because we hate to lose him as a colleague and, when we're in session, to have the daily opportunity to be with him. But we are happy and we are pleased that he has been selected by the Governor for this vital responsibility and position for and with the state of New York.

As John Daly's friend and his colleague over the past 22 years, six in the Assembly and the last 16 here in the Senate - and I really think that we really look at, we watch and we observe one another, and as I have watched and observed John Daly, I have always been struck by his extraordinary ability, his

ethic. He is hard working and dedicated. He is committed, and I think, as Olga Mendez said at our committee meeting this morning, John Daly is always fair and a person of his word.

His hallmark, his tradition and his legacy as a Senator, we will always remember John Daly for his mastery of subject matter and there are so many areas, but three immediately spring to mind: Hazardous materials, driven by the tragedy of Love Canal; elementary and secondary school education and their financing, and social services reform.

John Daly worked so hard in those areas and other areas to become knowledgeable that he became as knowledgeable or more knowledgeable than the bureaucratic experts in those fields.

His achievements, his record over those 22 years, is really a precursor or harbinger of the accomplishments to come in the field of transportation, with him as the Commissioner of Transportation.

In sum total, John Daly ranks

with the best and the brightest, the best and the brightest nominated by Governor Pataki to be commissioners and to help him run the state of New York.

I know that he will be an extraordinary Commissioner of Transportation. I wish him well. I look forward, as do each of you, to working with him for many, many years in the future, and the Governor is to be commended for this outstanding appointment.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Lack.

SENATOR LACK: Mr. President, I have finally learned after all these years here, if you don't have anything good to say about anybody, just sit down. So -- (Senator Lack sits down.)

Seriously -

SENATOR LIBOUS: No roads for you.

SENATOR LACK: Now, since Senator

Libous mentioned that, I expect that every member who's going to stand up and speak on Senator Daly is going to make the same pledge that I already have to him privately, and that is in public, don't want any roads, understand what's wrong with the state and chosen the right man for the job to make sure that no member of the Legislature will call and bug you about putting a road in your district because it isn't going to happen.

So congratulations to you, Commissioner.

But in all seriousness, it was 16 years ago, there were six of us who came to the Senate at the same time. John is leaving; that leaves Charlie Cook and myself and, John, I've got to tell you, it's been more than a pleasure. I think we've both learned from each other. I've learned more from you than I can possibly tell you.

In the last couple of years we've certainly grown friendlier. For that, I'm happy. It's always been a pleasure to visit

with you in your district; your regional office on Long Island been located in the same place that Caesar and I have our district offices. Whenever you want to get away from the office and come see how it was, you're always invited to stop in.

I can't think of a finer choice than the Governor has made in Transportation Commissioner than you. I won't be the first member to stand up, and certainly not the last, to comment on how accurate you always are, how quick a study you always are and that the job you are taking on, particularly in these kinds of times, requires a really serious and good and fine analytic mind.

And then, John, my congratula tions to you, and I think I and every member of this body, Republican or Democrat, certainly congratulate you on your achievement and going on as Transportation Commissioner and please, by all means, don't be a stranger. Come back, and there'll always be this friendship.

Thank you, John.

ACTING PRESIDENT KUHL: Chair recognizes Senator LaValle on the resolution.

SENATOR LAVALLE: I think Senator Volker.

ACTING PRESIDENT KUHL: Whichever way you want it, gentlemen. Senator Volker on the resolution.

SENATOR VOLKER: Mr. President, it really is a kind of a bittersweet day. I think many of you probably are aware that John Daly and I came to the Assembly together many, many years ago. In fact, we both had double primaries, John as usual from the outside; that is, he was running against an incumbent, and I so to speak from the inside. There was no in cumbent in the district, and I was the endorsed candidate.

We both won in very close elections, and became very close friends and, in true Irish style, began arguing immediately about all sorts of issues and really, I guess it never completely stopped over the years.

There is so much history between

the two of us that it's really hard to even think about it. When John was nominated by the Governor or rather when he found out that he was to be nominated, he called me and I said -- we were both, of course, very excited. I know of John's knowledge and interest in transportation and have for many, many years, and I know it's a great appointment, but the both of us mused about the fact that we have represented districts next to each other for lo, these many, many years.

There certainly is, I think, all of us know, our many stories we could tell about John Daly, and I could tell some that I probably couldn't tell on the floor here, but I do want to tell one story that I think is kind of typical of John. We all know very honestly what a great debater he is, and he really is a great debater and always has been. But I went to the Senate in -- came to the Senate here in 1975, and, of course, John came to the Senate, I believe in 1978 if I'm not mistaken, 1978, so there was a few years in between, and John was

here for a -- I think a couple of years, and he had been jumping up and down five or six times one day debating various bills and Warren Anderson was sitting right there, and he motioned to me, and I came over, and he said something to me, and I walked over to John, and John was standing up debating and the message that I had, and I whispered in John's ear, from Warren Anderson was, "John, just want to remind you, you're in the majority now, you're not in the minority," and John Daly said, "I think I just got a message from the Majority Leader that I've said enough today," and sat down.

But let me just say that I certainly will miss John as a friend and a colleague. We have worked together on many, many things both here in the Senate and outside the Senate. Certainly, I don't think there's anyone in this chamber who has worked harder in the Senate on Irish issues, and I have been right along with him at the Irish -- American Irish Society and many other things that relate to -- to the fabric of this place.

And, of course, to western New York, John has been almost legendary in his defense of -- of prerogatives in western New York, in education and Medicaid reform and things of that nature.

I will personally miss John. I am convinced, though, that the state is getting somebody who not only is knowledgeable about transportation but who cares about every area of this state and who cares about the people in this chamber, the people of the other chamber and all the people of this state, and George Pataki, I don't believe, could have made a better choice to lead transportation.

My best wishes to you, John, and, of course, I would hope that you and I could communicate a great deal in the -- in the years to come and still be able to -- to talk and argue too, because that's part of our upbringing.

I wish you the best and Godspeed.

ACTING PRESIDENT KUHL: The Chair

recognizes Senator LaValle.

SENATOR LAVALLE: Thank you, Senator Kuhl.

Senator Levy, I think, set the stage in what he said, that Governor Pataki, by his nomination of Senator Daly, really has taken one of the best and brightest of public servants and put him in one of the most challenging departments, and certainly Senator Daly, as we have come to know him, is a person who is serious of purpose, a person of great intellect and energy, and I think that the Department of Transportation and those people that make up that department will be challenged each and every day by its Commissioner to fulfill what he talked about in the Finance Committee, what he feels is a -- is a trust that has been placed in him and one that he wishes to fulfill.

I'm sure that each of us who have served in public life cannot shed very easily the things that we -- that we learn, and the skills that we learn, and Senator Daly's comments, I think, were replete with those

things about empowering the people. Those were the people that he talked about working for and going out as Commissioner and learning first hand from how pot holes are filled to the most difficult of -- of tasks.

But there's one -- one thing that many of us maybe don't realize about John Daly. We have -- we know his debating skills and how fired up he can be in a debate and how passionate he can be in expressing a point of view, and I think that we often don't see another side of John, and that's the humanity, great humanity that John brings, some of the bills that he has carried in dealing with the handicapped and those individuals that he would like to see get the best possible education to be all that they can -- can be.

John has, as many of us have, gone back to his ethnicity, to the readings and the poetry and the best attributes of those who have preceded us to this country and in the land that they came from. He has captured all of that, and I have always been in awe of listening

to him recite some of the poetry and actually really understanding the philosophy behind it. It has made him the kind of person that he is.

We certainly, in this body, are very proud of him as are his family and the people of western New York, and we know, John, that all New Yorkers will indeed be very proud of you as our Commissioner.

I just say in closing, you certainly have touched my life in a very personal way and in bringing together the person that I am married to, and many people don't know that, but in closing, all the highways that Senator Lack told me he doesn't want constructed, I still have some work to be completed. Remember the 1st District.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Markowitz.

SENATOR MARKOWITZ: Thank you very, very much.

I know that the good people of Niagara Falls, Niagara County, have enjoyed John Daly for many years. Now the rest of the state

will have that benefit and, you know, John, although he represents an upstate community, his beginnings and his life was formed in the city of New York and in Queens, my sister county - borough -- in New York City, and no matter how many years, John, you were away from Queens and from New York City as far as residence, you always kept that spirit, like when you and I used to go to buy wholesale suits. You never ever lost that connection to life in New York City. Because who buys retail anyway?

Whatever the case might be, let me, if I -- let me add that before I vote yes this afternoon, I want to be sure that you make a promise to us that you have kept for all these years, and that is that myself as the only non Irish member, born Irish that is, adopted Irish of our Irish Legislators Association, you are our star singer each year at our St. Patrick's gathering at the Hibernian Center, and I hope that you will continue to grace us each and every year with your great ability of song and to keep that Irish spirit alive here in the

Capitol, and for all of us in government.

So -- I see you nodding your head, so you can be assured that I will vote for your confirmation today, and I want to be the first one publicly, before Senator Lack, because he usually gets everything he wants anyway considering he's in the Majority here, and seems to make the right moves most of the time, but I want to be able to say to you, Senator, that I want to be able -- what do I want to say?

I want to be able to say to you, Senator, I want you to think about Brooklyn, I want you to think about Queens and when you think about Brooklyn and Queens, you've got to think about the Brooklyn-Queens Expressway; you've got to think about the Gowanus Expressway and you got to think about the Prospect Expressway.

Good luck to you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Cook.

SENATOR COOK: Mr. President, John Daly and I arrived in Albany on the same

day. We arrived in the Assembly on the same day. We arrived in the Senate chamber on the same day, and I couldn't be more delighted that we're not arriving at the next place on the same day, because I think that the Governor has indeed chosen the brightest and the best for this -- this responsibility.

John, from the day of his arrival in Albany, has demonstrated that unique intelligence, that unique drive that has made him the person that everyone has spoken of here today, and I know, John, that you're going to carry that same -- those same traits into your responsibilities as Transportation Commissioner.

I know that you recognize the unique needs of the 40th District and that you will be serving those with great enthusiasm and that I certainly wish you every good thing in what you're going on to do.

ACTING PRESIDENT KUHL: The chair recognizes Senator Rath.

SENATOR RATH: Thank you, Mr.

Chairman.

I have a unique privilege. I share a boundary line with John Daly. He is my neighboring Senator to the north in the western New York area, the western New York delegation, and I would again think and congratulate John and congratulate the Governor indeed on his wise choice because -- to bring someone from a legislative branch to the administrative branch on something that's as sensitive as roads and bridges.

My 16 years in the county legislature taught me, if nothing else, how sensitive roads and bridges are, and I seem to hear it all around from my colleagues this afternoon, that they're also very sensitive to the roads and bridges issue. It was a very, very wise decision by the Governor, and we look forward, of course, all of us, to working with you as I did, as I said, in my years in the county legislature. We didn't see an awful lot of you and Senator Volker but, when we had state issues, we certainly called you all right up and

you helped us along.

I went over to see John a couple of days ago to talk about the end of some of our responsibilities and what I should look after in our -- some of our mutual interests along the borderline, if you will, between the two districts, and we talked a little bit, and I said, "Well, now that we've talked about all that, John, I really want to tell you what I've come about: Has anyone asked about doing the St. Patrick's Day party?" And he said no one had asked, so I'm inviting you all to the St. Patrick's Day party in my office this year unless you're planning it, but we were kind of fighting it out as I left as to who was going to end up with that opportunity.

But, John, your perspective and your patience with all of your constituents and with all of the people you've worked with through the years have been well noted, and I believe it was Senator LaValle that indicated you had this tremendous interest in the poets, and I thought that maybe there was one poet that

said it very clearly for you. In fact, he spoke about a job that I guess we know that you are going off to.

And so, John:

May the road rise up to meet you; and

May the wind be always at your back; and

Until we meet again, may God hold you in the hollow of his hand.

Godspeed, John Daly.

ACTING PRESIDENT KUHL: Senator Mendez.

SENATOR MENDEZ: Mr. President, I, too, rise and feel the same way that most of my colleagues do feel here today. At one level, we all hate to see you leave, John. At the other level, we feel pretty certain that the Governor has made the finest choice for that particular position.

I served with Senator Daly in the transporta... in the Housing Committee, as well as on the -- in the Corporations Committee. In both instances, he was a very fair chairperson. He managed the -- the work with wit, and every

body wanted -- everybody's best would come forth, so even though we all know how greatly qualified he is for this position, we want the one quality that I admire is that he has the ability to motivate people to do the best that they can on anything.

So we know we're going to have the best Commissioner we could possibly have in New York State. So, John, with great regret, we hate to see you leave, as I said before, but with great joy, we know that you'll be serving the residents of New York State in this new capacity and doing a great job as usual.

ACTING PRESIDENT KUHL: Senator Gold on the confirmation.

SENATOR GOLD: Thank you, Mr. President.

This is a pleasure. I've been beaten up by John Daly for too many years now and I'm sick of it; so finally getting a chance to get in a little.

But you know, I must admit, John, I read the resume. We all know each other, but

if you read the resume, you learn things and I confided in some of your Republican colleagues that I was impressed that in 1989, Niagara University honored you with a Doctor of Laws, and one of those wise guys told me that there was a rumor that on a Sunday afternoon you went over the falls without a barrel, and that's how you got it.

I don't believe it. I think that it was a recognition of the fact that you were born in New York City and educated at Fordham University and, as a matter of fact, the first time I heard you speak, I knew you were an upstater, I knew you had to have a New York City education and come from a great place like that.

Your party has really given you all of the tough jobs. People say to me, you know, and I knew all these tenants and the groups down there, and you say, "Who is it you have to see on housing," and they say, "Well, of course, John Daly." "Is he from Manhattan; is he from the Bronx?" I said, they wouldn't give

us anybody from the Bronx or Manhattan; they're going to give it to a guy like John Daly from upstate New York who can take the heat and when it's all over laugh it off.

But the truth is, John -- nobody is taking down these comments -- you really did a great job. You really did do a great job and the fact of the matter is that you, everybody knows you're competent, and everybody knows you're smart, but the main thing, John, and the thing that gets me, is, you are probably one of the -- one of the nicest people I've had an opportunity to meet in or out of politics. And I don't know why it's John B. Daly. It ought to be an "I" because integrity is your middle name.

And, John, I'll say this on the public record: I would trust you with anything, anything. You're a fine guy. You're a sensitive guy, and I'm really going to miss you. There's a lot that goes on between the sides of the aisle here and there's a lot that goes on in politics, and some of us can turn it

on and off when we get out of here, and some of them we can't, and the bottom line is that the kinds of things that people say behind your back, John Daly, you ought to be very proud of.

You are a terrific guy, and I wish you Godspeed. I know you're going to do a great job.

ACTING PRESIDENT KUHL: Senator Oppenheimer on the confirmation.

SENATOR OPPENHEIMER: Had I but known, John, I would have invited you on my hike in Kanamawa about three months ago, but in the next hike I will get in touch.

This morning when we were in Transportation Committee, I discussed the fact which I think all of us feel that we're all worried about what's going to happen with the federal cutbacks that we're hearing and the capital monies for transportation and the operating monies for transportation, and we all know that the dedicated funds are going to run out in a couple of years, and we all have a right to be concerned about what's going to

happen, and when I mentioned that concern to John Daly, John said, and we know this to be true, that he is going to be open and available to -- to everyone, not just to us, but to all - all the people that come to him, to try and get through this period, and also of concern to some of us is our regional offices, and John said, oh, he's going to try his best. He really wants the regional offices to stay open because that's -- that's what we rely on down at the local level, and you know, it was sort of a love fest in the Transportation Committee, and I think that's because we know John and -- and we know that he's someone who -- who is honest and who we can trust and -- and carries forth on the principles that he believes in and he does it most of the time in a very gentlemanly manner, and I think he defines what -- what we think is the best in public service, and I know John is going to carry that concept which is a part of him, of public service into the job he's going to do, and it's not going to be easy but we all wish you the very best. We're going to miss

you, John.

Thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Paterson on the confirmation.

SENATOR PATERSON: Mr. President, I remember my first day in the chamber, and I had a kind of exciting experience for a first day. I walked on the floor of the Senate, and I ran into a man named Joseph Holland, not to be confused with Senator Holland, but Joseph Holland has gone on to become the Governor's appointment to the Department of Housing and Community Renewal. But Joseph Holland that year had run against me for the seat, and I guess I was a little paranoid. I thought he was actually going to try to sit in my seat, and I thought I had won the election, and so I went over to Joe, who was a friend of mine, and I said, "Hi! How you doing?" And he says, "I'm fine," and I said, "Well, what brings you to Albany?" He said, "Well, I'm counsel to the Housing Committee and Senator Daly," and he then introduced me to Senator Daly. So I realized

that Joseph Holland had lost the election but that he had found a better way. He probably passed more bills and influenced more policy than I've done in ten years here.

But that made Senator Daly the first Senator that I met when I came in the chamber, and he was out... he was very engaging, very warm. He was very much the way he's been described, and I think the credit to all my colleagues today is that if you never met Senator Daly, you certainly would have learned a lot about him just listening to the comments of Senator Levy, who talked about his work in primary and secondary child education and housing, and Senator Gold who practically made him the executor of his estate, and Senator LaValle who really bestowed some very deserved kind remarks on Senator Daly.

I've always found him to be that way. The first year that I was in Albany, I told him that the biggest issue in my district was housing, and Senator Daly and his counsel, Joseph Holland, came to my district and held a

forum and let all my constituents come down and talk about the housing problems that they had.

There are a number of areas that Senator Daly would excel in if he wanted to leave here, but personally, I like that he's going to the Department of Transportation. It has to do with an incident that I had with Senator Daly about three or four years ago. It was on State Street. It was about minus ten degrees, and I had determined about halfway walking to work that I had not worn enough clothing so I tried to run as fast as I can to the LOB.

I was running up the steps and did not notice that someone had put a metal chain across the steps of the LOB, the steps that go onto the third floor. This is the first time they did it, and I was clotheslined by the chain and was at this point airborne. Fortunately, Senator Daly ran down and caught me.

The amazing thing about it is that, before he ran down and caught me, he

checked the Redbook to see the demographics of my district to make sure I wasn't a marginal Senator and the Majority could pick up the seat.

So I would say that transportationwise I was in good hands that day and so will all the residents of New York State be with Senator Daly as our commissioner.

Congratulations, John.

ACTING PRESIDENT KUHL: Senator Jones on the confirmation.

SENATOR JONES: Well, Senator, 18 months ago -- as all of you know, I came here two years ago as the ultimate outsider, as I said today, both politically and governmentally, and 18 months ago when I was sitting here and we did your predecessor, I looked around and almost every single person in the house got up except myself, and I was like, Gosh, this is wonderful, it's bi-partisan, everyone knows this man, and it was like, what do I do, and they said, Well, you better think of something to say or you won't get a single pothole fixed all of your

time here. Well, I didn't, because I didn't know the man, but I am quite relieved to stand up this time and say I do know the gentleman, and I was the one who Senator Levy mentioned today when I did come here figured the best people you ought to get to know is upstaters like yourself, and I was the one who did inquire and people told me John Daly was both fair and a man of his word and, John, this afternoon I thought of a good example of that fairness as it related to me. You actually let me put my name on a bill once. Unfortunately, it was a tax bill that I got in trouble for later, but it was still thoughtful to see my name in print, and I do want to thank you for that.

But all kidding aside, John, you really have proven to me that you are a man of your word and you are fair and treat everybody equally here, and I think that says a lot for you, and clearly I feel very comfortable saying the Governor made a good choice.

ACTING PRESIDENT KUHL: Senator Dollinger on the confirmation.

SENATOR DOLLINGER: Mr. President, I'm going to miss Senator Daly because he and I provided the fireworks, I guess, that Senator LaValle mentioned Senator Daly's debating habits, and I guess I fed those habits on some occasions, and I will miss him.

I feel, I guess, when I first came to this chamber, John Daly made me feel like that rookie in spring training who takes his first pitches against the wily veteran on the mound, and he steps into the box and he digs in and he's ready to send the first pitch into the stratosphere, and sure enough the veteran plants one right under his chain, and the young rookie suddenly is prone at the plate, and he gets up and he thinks, Gee, why would he throw that pitch at me?

And this was the first time I debated John Daly, he got up and peppered me with several questions. It's not until you go back to the bench as a rookie and sit down with the other veterans when someone says, Hey, kid, welcome to the great game, and that's how the

game is played.

John, I actually appreciate that in retrospect, and I have two other thoughts, one most of you don't know but, although John Daly hails from Niagara County, he represents a portion of Monroe County. He has been the senior Senator from Monroe County. John has done a number of things for the benefit of the entire county, most of which the portion of the remainder is represented by Senator Jones and myself and Senator Nozzolio, but on behalf of the people of Monroe County that you have helped from your chair in Niagara County, I want to say thank you.

And I'll steal a line from Senator Rath. I think it's appropriate that we send an Irishman off to the Department of Transportation with the greeting, may the road rise up to greet you. I have a feeling that lots of roads will be rising up to greet you in your future, and my prayer for you is that whatever road you take, whatever path you go down, good luck will shine on you.

God bless!

ACTING PRESIDENT KUHL: Senator Stachowski on the confirmation.

SENATOR STACHOWSKI: Mr. President, I, too, am glad to rise to second the nomination of John Daly. I'm happy that, since Dollinger just spoke, that John Daly didn't jump up on a point of order or ask to respond in between.

I can't say that I worked with John on any of the Irish issues, but I did have the opportunity to work with John on the en vironmental issues and shared a great deal of enjoyment, particularly being on his Commission on Toxic and Hazardous Wastes where, believe it or not, with all the abuse that commissions take, that particular commission, has accomplished a lot of things, and I think most of that is because John Daly played such a major part in it.

John and I share a few interest ing things other than western New York delegation items. Obviously we talk the Sabres

issues but, if I really want to know what John is thinking about the Sabres, I wait every year 'til that game comes when John brings his daughter and she really tells me all about the Sabres, and I appreciate that, so I hope we can make some provision that he can still bring her to that game when the delegation goes.

Also I know John, although I'll be contacting you for transportation issues, I expect to hear from you in May, June and August in particular, because we share another mutual interest and, if you're not sure what that is, if you look at John's tie today, you'll get a pretty good idea; and incidentally, I'm a big sports fan as most people here know, and I had an opportunity to go see Reggie Jackson inducted into the Hall of Fame, and I was all ready to leave Saratoga that next morning to go to the Hall of Fame in Cooperstown but, unfortunately, I got sidetracked because that Saturday I happened to be at the race track and John Daly said, Will you come back tomorrow and sit with me in this box that he had? And so Reggie

Jackson went by the wayside and John Daly and I had a great afternoon sitting and watching the horses run and hopefully to win a few, but I don't know if we won anything that day.

One other thing that I have to point out, and this is probably my best compliment to John. Incidentally, before I bring this up because it has got to do with the gym, the members of the gym committee won't expect any special treatment so, you know, road issues especially since other than being a lobbyist, you probably can be a member of the gym.

The fact that I didn't have any idea, and I happen to be in the gym a lot when John Daly is because we happen to go in the evening usually when we finish session or normally both of us stay over and the night everybody beats it to get out of town normally about five o'clock, you'll find John Daly and I in the gym. It just works out that way, and until I read his resume when he was first nominated for this position, I had no idea John

Daly was 66 years old and, as far as I'm concerned, that's the best compliment I can give you, John.

Good luck and God bless you.

ACTING PRESIDENT KUHL: Senator Libous on the confirmation.

SENATOR LIBOUS: Thank you, Mr. President.

Like my colleagues I, too, rise to think about the first time that I met John Daly actually, and I came sliding into this house on a 1400-vote landslide and I remember coming up here and meeting John Daly, and he put his arm around me, and said, "Had a tough one, huh?" He said, "How did you make out?" I said, "I won by 1400 votes." He said, "I won by 700 my first time, and now I'm unopposed." Well, John, I'm not exactly unopposed yet, but I'm going to work on that.

John, they've talked about your debating skills, your commitment to the Senate, your commitment to your constituents. I think the thing that I will most remember about you is

that you get up and speak about something that you believe in, that you do it with honesty and sincerity, and I think that's something that doesn't always exist in this house when people stand on the floor. They don't always -- they speak maybe what's politically popular, but you speak on what you believe in, and I respect you for that.

And, John, as far as missing you, I will miss you like our other colleagues. You know, I'm going to miss your fiery debating style. I'm going to miss the -- the dedication that you have to the Majority.

I'm going to miss those occasional 4:00 a.m. meetings up in your office when we're in session late at night to discuss strategy.

I'm going to miss those great hot dogs in western New York at the party and the barbecue you'd have each year, but most of all, John Daly, I'm going to miss you as a friend and a colleague, and I wish you Godspeed.

ACTING PRESIDENT KUHL: Senator

Maltese on the confirmation.

SENATOR MALTESE: Mr. President, I guess there's -- ordinarily you would say there's very little that I could add to the words of my colleagues and John's colleagues and I very well understand the desire of so many of John's colleagues to be heard on this happy event in his life, but that happy event is bittersweet for those of us, his colleagues, who know him best.

I have had John as my seatmate since coming to the Senate. I knew him as an Assemblyman in the '70s and knew him when he came here as a State Senator. The esteem that he's held in in his district is more than represented not only by -- by the votes he receives and the friendships he has in his district, but they are also duplicated by the esteem he's held in here.

So many people have spoken about the good qualities and -- of John, and I think one of the things that's most endearing, if I may, about John is how self-effacing he is

with the esteem that he's held in and the different -- different areas that he's so proficient in. As John and I were sitting here and listening to the approbation of his colleagues and the accolades, he made some self effacing motion, and I said, "John, it's better than a wake," and he said, "Not an Irish wake."

But he's here to hear these accolades and what he has done is more than represented by the bills he's passed, the work he's done in so many different environmental and hazardous waste areas, what he's accomplished for his constituents and the people of New York that stand in testimony to the fact that John Daly was here.

He's going on to a different position and another stage in his life and I don't know. I think it was Bill that said he was surprised he was 66. I just want to tell you. 66, speaking from the vantage point of 62, I don't think 66 is too old, John. So you have a -- but you have a great deal more to accom plish on behalf of the people of the state.

We will very much miss you. I've always taken a certain amount of pride, parochial pride, in the fact that you were from Woodside which is very close to my district, very close too me. I hope that, as you go on with your career and duplicate how illustrious it is and go on to greater things, that we'll always be neighbors. We'll always be friends.

Godspeed, John Daly.

ACTING PRESIDENT KUHL: Senator Wright on the confirmation.

SENATOR WRIGHT: Thank you, Mr. President.

I sit here in envy of a number of my other colleagues who have had the opportunity to serve 16 years with John Daly. I, unfortun ately, have only had the occasion to share two years in this chamber with John, but I look back on those two years with a great deal of pride and friendship having made the association of John Daly.

When I first started to campaign for the Senate, one of the first individuals to

talk to me and provide me with some advice was John Daly, and that was not only throughout my campaign, but the first day that I arrived here in this chamber. As a freshman, it's a rather humbling experience to come into this hall of history, if you will, and traditions, and it's nice to have somebody take you aside and assure you that you can find the right chair. You quietly ask them, how do you turn the microphone on, and find out, in fact, you don't; they do, and it's the kind of very practical advice that John Daly provided.

And John Daly gave me advice about politics, about policy, about what goes on in the Senate, and he's had occasion to visit my district with me. We've had occasion to spend some time together. One rather long dissertation I remember he shared with me the history of the New York State Senate from the Daly perspective.

All of those have been experiences that I truly appreciated and look fondly on. One that -- one story, since we're

all sharing stories, John and I had some friends out for dinner and we split the bill that particular evening and provided our respective credit cards which they returned, and we dutifully signed the receipts and put the credit cards in our pocket and returned to our district. Three days later, I return home in the district and find on my answering machine a message from John Daly. "Jim, having a lovely time in Saratoga. I found your card. I hope you're enjoying mine as much," and needless to say when the bills arrived he thoroughly enjoyed mine considerably more than I did.

But that's a measure of John Daly. He will do anything with enthusiasm and John has brought to everything that he's done intelligence, integrity, hard work, and I think we all know and recognize the tough choices that we face ahead, and I think we all recognize the caliber of individual we're sending into a very difficult job as Commissioner of Transportation to make those tough choices, and he's very capable of making those choices and, as someone

who represents an upstate rural district that's very dependent upon the Department of Transportation and what it can and can't do, I truly feel assured with the caliber of individual and the choice of John Daly being that Commissioner.

If there is anyone, I guess, that I've had the pleasure to encounter in the last two years that I would like to emulate in my Senate career, it's John Daly and, John, I truly appreciate your friendship, truly appreciate having the limited opportunity to serve two years with you, and I look forward to working with you again.

Good luck, John.

ACTING PRESIDENT KUHL: Senator Leichter on the confirmation.

SENATOR LEICHTER: Yes, Mr. President.

It's going to be hard to think of serving in the Legislature without John Daly. I served with him in the Assembly, been together for 16 years in the Senate, and let me just say,

that, in all my years, far too many, a lot of very special people have served with me, people that I certainly will remember, and one of those is very definitely John Daly.

It's just been a real worthwhile experience. I was going to use the word "delight", but then I thought of all those debates about your delight necessarily fits the description about debates. They were a pleasure because they were so representative of the way John Daly does things. He does it with passion; he does it with enthusiasm; he does it with conviction, but John never takes himself seriously. He takes what he believes in seriously, but better himself, and there's very few people that it's as easy to be friendly with as with John Daly. He really is a friend to all his colleagues because the person comes through and John knows -- I'm not going to go into the description of this one, but I sent him a note late this fall after the election and saying that I wasn't surprised, but he did something that I thought just showed what sort of a

quality person he was.

I just want to share with those who were not in the Finance Committee when I told members of the Finance Committee that I had this particular insight into why the Governor appointed John Daly as Commissioner of Transportation.

Apparently, last year after a Leichter-Daly debate, then Senator Pataki was heard to say, "Isn't there some way we can end those interminable Leichter-Daly debates?" And he found a way to do it but, John, the only good thing about your going to Transportation - well, there's a lot of good things. We're going to lose you here. We lose a very valued member, but I think the state gains really a terrific commissioner, and while I have been quoted as being somewhat less than enthusiastic on some of the Governor's appointments, I couldn't be more enthusiastic about this appointment, and the good news is that John's probably going to be spending more time in my district than I am because one of his biggest jobs, the biggest

jobs of the Department of Transportation, is to build Route 9A along the West Side of Manhattan and that's going to take a lot of time and, John, any time you're down there, you give me a call and we'll find some time to reminisce about the Legislature, but it's been great serving with you.

ACTING PRESIDENT KUHL: Senator Nozzolio on the confirmation.

SENATOR NOZZOLIO: Mr. President, thank you.

I rise with great honor in supporting this nomination. And from a perspective as a member of the Monroe County delegation to the state Legislature, some of us in the delegation, John, wish that your pitches to Senator Dollinger were maybe a little higher and maybe a little more inside than he likes to call, but I think that nonetheless, I want to echo his comments. I never thought I would be doing that in any circumstance, but certainly in this case it is appropriate, that you as dean of the delegation, as a leader in western New York,

did so much for the people of our region. You stood tall. You fought hard, and I want to thank you for that.

I want to thank you for your leadership on a very individual and personal basis too that, as a rookie to this house, as Senator Volker said, many years ago you were told you don't do things in the Senate as you do in the Assembly. Well, as one who served in the Assembly for ten years and was a rookie two years ago and sat not too far from you, I heard that from you once in a while, but more than that, you had great guidance, great friendship, great leadership. All the things that were said today, I echo, but more importantly, I get up to thank you in this public setting for all you have done, not only for the people you serve, the people of western New York, but for your colleagues here. You meant a great deal to us. You meant a great deal to me, and this appointment, in my view, is by far the Governor's finest, and you will be a fine Commissioner of Transportation.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator DeFrancisco on the confirmation.

SENATOR DeFRANCISCO: A couple of years ago I was fortunate enough to win my first race in the New York State Senate, and we invited many people from Syracuse to these chambers for the swearing in. It was a proud day for myself and my family, especially my parents, and one of the key decisions I had - the first decision I had to make is who should I have -- who should I have swear me in, and most people had Court of Appeals judges and all kinds of very influential people in the -- on the bench, but I met a person during the course of my campaign that I just thought so much of, is such a fine person, John Daly, that I asked him if he would swear me in, and he did, and I still remember the remarks he made when he was standing where you are, Mr. President, and they were encouraging words to me, and my family really appreciated them.

I have never met a finer person

in my life than John Daly. He is truly a public servant and he is truly a good man, and I appreciated his stepping forward in making my special day so special, and I'm certain that he is going to be doing some great things for the state of New York, and I'm proud to call him my friend.

Thank you, John.

ACTING PRESIDENT KUHL: Senator Stavisky on the confirmation.

SENATOR STAVISKY: Senator Daly and I served in both houses of the Legislature. John, you misled me. You went from the Assembly to the Senate and immediately became a chairman, and based upon your experience, I thought that was going to happen. I had no idea that chairmanships were divided on a slightly partisan basis, but in your departure, I hope you will recommend that that oversight be corrected and that a vacancy be shared with this side of the aisle on more than one occasion. I'm sure that's part of the contract between the Republicans and the Democrats in this session.

There is no truth to the rumor that mischief makers are going to rename the Love Canal in your honor; no way will that happen, and I want you to take the marvelous, positive sentiments that were made here on the floor seriously. It is not an odd mixture of Pulp Fiction and True Lies the way the two motion pictures that were put out recently stated. You are respected. You are liked. You are admired by your colleagues on both sides of the aisle, and you do have the ability to know upstate New York and downstate New York.

Your roots downstate, your long service upstate, hopefully will enable you to bridge the transportation arteries connecting all parts of New York State. We have a lot of problems, mutual problems, and you've never been provincial in the way you've looked at these things. You know that there are overhead connections, elevated highways, railroad bridge spans and bridges themselves which are not in the best condition, and a mandate that you will carry with you is the mandate to make certain

that those are safe connecting links, and that no matter what new projects are undertaken, it is my hope that the existing arterial roads and overhead passes remain safe and are attended to immediately.

I wish you well. We all admire your governmental record of service, and we wish that you will be here at home with your colleagues and friends as often as possible.

ACTING PRESIDENT KUHL: Senator Marchi on the confirmation.

SENATOR MARCHI: Mr. President, it must be a gratifying experience for John Daly to hear his colleagues from both sides of the aisle, from every conceivable corner of this state express themselves as they have here this -- today.

There are intimate notes, personal notes, shared experiences, governmental and personal. It covers such a wide gamut of human experience, that tells you something about the individual.

John Daly has family down in

Staten Island. He's not a stranger to my county, and I must say that the first time I met him, I was slightly in awe. Somebody said John Daly went to Regis High School. You mentioned Fordham University and you mentioned these other experiences, but Regis, in the eyes of many perceptive people of my generation, meant something very special. Unless you had an IQ of about 200, you weren't admitted to the class, but with that -- with that tremendous intellectual command, with the intelligence, the integrity, all of the qualities that he reflects so abundantly, he also expresses such human qualities and he expresses it well in the statement that he distributed to those who were assisting at the Finance Committee meeting, how he considered other aspects, economics. He sees the transportation picture not only the movement of people, but it has to encompass humanity in its total sense, and I think that's going to play a significant role in -- in the way he addresses his responsibilities.

John, the best is yet to come.

What you hear today is prologue, I think, to a period of service that will endear you to the people of this state and let them -- permit them to know you in ways which only a few of us have had the experience within these four walls.

So, John, God bless you and carry with you sentiments here that are going to endure and, I believe Senator Lack mentioned, don't be a stranger. We want to see you early and often.

ACTING PRESIDENT KUHL: Senator Goodman on the confirmation.

SENATOR GOODMAN: Senator Daly, how much do we love you; let us count the ways, and we have counted them in many, many senses this afternoon.

I will try not to duplicate the remarks of earlier speakers and just cite one or two little recollections that I have of our relationship.

I recall, for example, my visit to Niagara Falls for the purpose of making a speech before some civic group and, lo and

behold, at the airport, I was met by the local sheriff and given an escort to the dinner as though I were a visiting potentate and I said, "Why are you doing this", and he said, "We are friends of Senator Daly." I said, "That's most impressive. Thank you very much."

However, John, the slate is not all positive and I'm about -- I'm glad I'm one of the last speakers because I'm constrained to reveal something about you which no one in this chamber knows except for two people seated in the guest section, and that something is that you committed a high crime and misdemeanor by theft, and that theft consisted of taking two of my most talented staff members and usurping them for your own use. I jest, of course, but Kate Burgess who was my executive assistant whose name deserves to be mentioned in the praise that you're getting because of her enormously capable support of your efforts, and Richard Runes, your very talented counsel who, before leaving us for the private sector, was really ubiquitous in this chamber, are two indications of your

extraordinary talent in selecting and attracting top flight people. I should revise my remarks by saying you didn't, in fact, steal them; it was done by mutual consent, and we are very deeply grateful to them for the support they've given you.

But, John, you know there's a Senator in Washington who has gained enormous fame both in the state and beyond because he is known as the "Pothole Senator". I hope that we're going to call you the "Pothole Commissioner", meaning that you will be attending to details with your usual great care and concern and consideration, that you will let no problem, however small or great, escape your watchful gaze as it relates to the network of highways and roads that bind our state together.

And with that having been said, John, just let me say that it has been a personal privilege and a pleasure to have known you and to have worked with you. Your sonorous voice on occasions of group singing will long be

remembered by all of us and I hope will not be missed because you will be regularly dragooned into both St. Patrick's Day and other observations. You played a starring role in a theatrical production to which I had some connection, in fact, several of them, and will long be remembered for your very unique thespian ability.

And finally, let me just say that when it comes to integrity, to honor, to capacity and to character, there is none here who exceeds your remarkable attributes. We will very much appreciate you. We will not miss you because we will certainly beat a path to your door if you don't accept Senator Marchi's invitation to beat a path to ours, but a path goes in two directions; we shall look forward to using it.

Godspeed and good luck.

ACTING PRESIDENT KUHL: Senator DiCarlo on the confirmation.

SENATOR DiCARLO: Thank you, Mr. President.

It is a pleasure to rise in support of the nomination of Senator Daly for this position. Though only in this chamber a little over a year, many of you might not be aware of the fact that I first met Senator Daly in Albany when I was 15 years old when Senator Daly served with my father in the Assembly. Little did I know that 22 years later I would also be serving with Senator Daly, and it's been an honor.

As a matter of fact, when I first found out that the Governor had nominated Senator Daly for this position, John, I called my father who is now in retirement as a federal judge and I said, "You'll never guess who the Governor nominated to become Commissioner of New York State Department of Transportation" and how proud I was of you, John, and he asked "Who?" and I said "Senator John Daly", and my father's response was, "Is he still around?" (Laughter)

I am very lucky to have served with you, John, for this year and one month, and speaking on behalf of my father, there were two

DiCarlos who were very lucky to have known you and serve with you, and God bless you and good luck.

Thank you.

ACTING PRESIDENT KUHL: Senator Gonzalez on the confirmation.

SENATOR GONZALEZ: Thank you, Mr. President.

I, too, rise to second the nomination and add that the state of New York now will get the benefit of the constituency of the state of New York of Senator John Daly. I don't have much in terms to add to what has been said except to John, I thank you for your guidance, your help, your fairness, your sensitivity and I, too, will miss you.

Thank you.

ACTING PRESIDENT KUHL: Senator Johnson on the confirmation.

SENATOR JOHNSON: Thank you, Mr. President.

I think I certainly want to commend the Governor on his fine choice of my

colleague, our colleague, John Daly, to be the Commissioner of Transportation. I certainly congratulate John on this, I think, further blossoming of his public career. We all said we're going to miss him. We said we respect him, we love him, we enjoyed working with him. All those things are certainly very true for all of us. The superlatives floating around this room are really exemplary, and I'm sure if you would have heard these before, you might have decided to stay with us if he knew how much we really loved him, but since we didn't tell him beforehand, he's moving on, he's moving on with our good wishes and Godspeed from everyone in this chamber.

John, we will be in touch with you. You have a very important pivotal job. I like your thoughts about improving the highways to help the economy of the state of New York and certainly the economy needs a lot of help. The Governor has a strong right hand in you, John, and we will be behind you every step of the way.

Thank you and congratulations

again.

ACTING PRESIDENT KUHL: Senator Nanula on the confirmation.

SENATOR NANULA: Thank you, Mr. President.

Well, John, like Senator DiCarlo and some others, I have not had the benefit of serving a great deal of time with you being elected last year here but, as you know, our relationship extends some time. I won't say how much time, but I will, I should say, mention some of the dynamics of that relationship.

First of all, I'm a former constituent of the Senator's, and as well, a selectee or a nominee to be for a short period of time, an intern under a program that Senator Daly had once sponsored which was a phenomenal program. In fact, I observed him in session, again, I won't say how long ago, but in many ways, John, both as a Senator, as my Senator, and also as a young intern, Democrat or Republican, you gave me a great opportunity to view someone who was and is a great public

servant, somebody, in fact, I should say as well, who cares about the people of the entire state of New York, having come from downstate, the New York City area, but representing a much different community, a very challenged community, and there's another unique dimension of our relationship in that I now represent the city of Niagara Falls which you represented for a great period of time, and I want to thank you for the leadership example you have given to me and to many of us in Niagara County and in western New York. I commend the Governor too on this appointment, and I am certain that you are going to do a wonderful job.

I do have a note from my father who also happens to be a good friend of yours. I called him this afternoon and mentioned to him that you were receiving this appointment and he said to me, "You know, I hope John does a better job at being the Commissioner of DOT than he does on the golf course." So with that, I too wish you Godspeed and I look forward to working with you in this new position.

Congratulations.

ACTING PRESIDENT KUHL: Senator Holland on the confirmation.

SENATOR HOLLAND: John, you know why we're all being nice to you? Everybody has potholes and everybody will be calling you.

As Serph said, we sat together for four years. John is breaking up the trium virate here. When he was being investigated, the trooper called and said, "Tell me about John Daly." I can't think of anything negative to say about this man who I have sat next to for four years. He has been a great help to me, guidance, a little harassment here and there. He absolutely loves the debates and he's considering today his last debate and he will give it to some of us.

I'll miss his singing; I'll miss his spoons; I'll miss going out to dinner with him; I'll miss his advice, but the people of this state will be better off for John Daly serving as Commissioner of DOT.

John, I wish you good luck and I

know you will do an excellent job. It's been great fun working with you.

ACTING PRESIDENT KUHL: Senator Hoffmann on the confirmation.

SENATOR HOFFMANN: Mr. President, along with the rest of my colleagues, I share the enthusiasm and sense of excitement about having the firebrand of the Senate going off to an important, very low key agency that may now move to a little different level of operation under your direction, John.

I can't imagine what it's like right now over at DOT main offices for the senior staff who are anticipating your arrival. I'll bet you those people are just full of anticipation about what new direction you're going to be giving them as you start whipping things into action.

In this Legislature, there are a lot of different match-ups and probably one of the more exciting and occasionally amusing, sometimes painful match-ups that all of us have endured, both on the floor, in Finance on

occasion, and particularly in EnCon, is the Daly-Leichter match-up, but my sympathies have always been not with either of the two combatants who could easily hold their own, but with the poor chairman of the EnCon Committee. For six years, my good friend, Hugh Farley, who is not here to really savor this moment -- and I'm sure he will have some choice recollections about the agony he experienced in trying to cut off debate at a reasonable time between two people who felt as strongly on opposite sides of environmental issues as John Daly and Franz Leichter, and then in recent years it was Owen Johnson who spoke very briefly, I noticed that, because even here when he could have gotten his licks in, he didn't want to take a chance that it would send you off like a skyrocket, John, and we would all be here for a couple of hours until you finally decided to come down.

Life tempers us through our different experiences, and I guess the people of western New York and the rest of the state have to take some sense of consolation in knowing

that the tremendous national example of pollution and toxic waste that occurred in your district hightened your awareness and gave you a keener sense of responsibility for government than other people may have had before. You always carried that with you. Even though you didn't wave it like a flag every single time, it was always present in your environmental debate and whatever policy you analyzed, somewhere I'm convinced that was some place in the back of your mind.

Having been tempered by that experience, I would have to assume that probably all of your travels back and forth across the state and into districts as far away as up in Senator Wright's district and the Southern Tier and every place else you have been given a similar understanding of the inadequacies of the state transportation system.

So it is with good wishes and Godspeed that we send you on your way and tell you that all of us will miss you, and I personally felt a great sense of accomplishment

and triumph the day you engaged me in debate during my freshman term, and I barely knew what hit me after you had jumped to your feet and asked Senator Hoffmann to yield for something or other, and as I was leaving the chamber, Gus Bliven patted me on the back and said, "You've really arrived. John Daly debated you today."

Good luck, John.

ACTING PRESIDENT KUHL: On the confirmation, Senator Velella.

SENATOR VELELLA: Mr. President, I, too, am part of that famous or infamous class of 1972 along with Charlie Cook and Dale Volker and myself and John Daly that arrived in the Assembly back in the days when Perry Duryea was the Speaker, and after two years of our distinguished service, managed to lose 18 seats in that house and turn it around to a distinguished minority, but let me say over the years that I have worked with John in both houses -- and I like to refer to our service in the big house, our time that we served there - he certainly has been a colleague who has

cooperated fully with his colleagues and certainly never forgotten those people that worked with him.

I can say that the best thing and experience in my life was when I had lost in the Assembly and was out of service, was a private citizen for three years, John Daly was the guy that I would call up here when I needed something or when I visited Albany. He was always there to help a former colleague, and all of us are going to be former colleagues some day, whether we like it or not, and certainly we want to hope that those people who follow in our service will be the kinds of Senators or Assembly members that John Daly has always been in remembering his colleagues. Somehow I've got a feeling you're not going to escape us, John, where you're going. I think we're still going to be following you around quite a bit.

Good luck, and it's been a pleasure serving with you.

ACTING PRESIDENT KUHL: On the confirmation, Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

John, do I have a pothole for you? I want to welcome you now as you become the Transportation Commissioner to Long Island, and we're going to welcome you as part of the Long Island delegation of nine that I know you have wanted to be a part of for so long, and we're reasonable. We're not aggressive in our demands and -- not at all, not at all, but we're delighted for you.

You know, John, over the years, we've had sometimes differences, we've agreed with each other, but I have had the utmost respect for you as a man, number one, of course, as a legislator, because you've always been a class act. There's none of this going behind your back that happens so often in politics, it's always been face to face, and when there's been a handshake, it's been a done deal.

You have also over the years managed to put together a professional staff, a staff that all of us have emulated, courteous,

hard-working. Many of them have moved on to, I don't know, better places, but certainly such as Joe Holland, and I know Lisa Reed and Kate who I have known for so many years, Richard Runes, thank you for having him here for so many years. I know what a mellowing influence he's been on you, but you have always put that professional staff together that serviced your constituents but were also there to service all the members of the Senate when we had requests of you.

I know what a bittersweet day this is for you, because I know how much you love the institution of the state Senate, and what a difficult decision it has been for you once the Governor mentioned that he would like to nominate you for this position. We will be seeing probably more of you now throughout the year than we do in your capacity as a Senator. We look forward to working with you as DOT Commissioner and together, we're all going to succeed.

Congratulations and God bless

you, John.

ACTING PRESIDENT DeFRANCISCO: On the confirmation, Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

I, too, am honored and pleased to rise in support of this nomination. You know, much has been said this afternoon about the fact that John Daly's debating skills, so eloquently demonstrated so often on this floor, have added to the length of sessions and, John, I think that's a bum rap. In your last debate here this afternoon, you are, in fact, lengthening the time of this session and you haven't said a word, but that is because everyone in this chamber wants an opportunity to rise and pay tribute to you, a tribute that is so richly deserved.

John Daly, in my mind, epitomizes the very best of public service. He brings to his responsibilities as a public servant, such energy, such intellect, commitment and dedication, always putting the people first, and

I just want to rise to congratulate the Governor on making an outstanding choice as Commissioner of the Department of Transportation and also congratulate John Daly as he assumes these new responsibilities.

And, John, I have been very, very proud to call you a colleague. I'm going to be proud to call you Commissioner but, most of all, I am proud to call you friend.

ACTING PRESIDENT DeFRANCISCO: On the confirmation, Senator Onorato.

SENATOR ONORATO: Thank you, Mr. President.

I, too, rise to join my colleagues in dittoing all of the accolades that are so justly deserved. I have heard about all of his expertise and his debating abilities. I would like to tell you the story about when he came back to his old roots in my district where his debating abilities failed him. He stopped in at the Lowery Liquor Stores in Sunnyside, one of his old hangouts, and he went to purchase a little something for the family prior to that

evening, and he went to cash a check, and the fellow told him, "I'm sorry, we don't accept checks here." John's highly -- "But I'm Senator Daly." He says, "I live in the neighborhood." He says, "I don't care who you are or where you live, I don't cash checks." He said, "But I'm a good friend of George Onorato." He says, "Why in the hell didn't you say that in the beginning instead of giving me a pedigree?" He cashed the check and gave him a little discount on it.

John, it goes to show you that there is certainly life after your leaving Sunnyside. You moved up to Niagara and you did very well for yourself and your family, now rising up to the position of commissioner of highways and the Department of Transportation. I would like to pass on a request from one of your colleagues who now share a district with me in Bayside. The Clearview Expressway on its route to the Whitestone bridge has quite a bit of construction work going on right now and Frank tells me every day that there's always some delays on that thing.

So, please, one of your first steps is to look after the Clearview Expressway, get it fixed up and Mr. -- Lowery's Liquor also asked me to please have the bridge from Stanwick leading into Sunnyside so you can visit your relatives a little more easily, get that bridge repaired, but I want to wish you and your family all the very, very best. Those that I wish my family, I wish you and yours and good luck in your new endeavors.

ACTING PRESIDENT DeFRANCISCO: On the confirmation, Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I believe I'm closing for the Minority, and I just want to say that I have to congratulate the Governor on his wise selection of John Daly for Commissioner of Transportation.

Senator Daly, in earlier years when I -- I think I mellowed. Every new firebrand that comes in on this side of the aisle encounters John Daly. I remember some years ago that debating style with the finger

going and the -- and the excitement level and participating in that, and I was sitting here thinking, "Did John Daly mellow or did I?" And I think that maybe I softened up a little bit or moved away from the foray, because certainly John Daly, as evidenced by many people on this side of the aisle -- some have only been here a couple of years -- always jumped to the foray, always stood up for his views and his side of everything.

I have always found John Daly to be a delightful colleague, a fun, though contentious adversary on the floor, but off the floor, a perfect gentleman, a good friend, a caring person, whether it be in our Irish American Legislators Society or other endeavors where our paths crossed, and I want to warn John, you haven't heard the last of us.

I got a letter today -- I got a long missive from a constituent who is very much concerned about the reconstruction on the Brooklyn-Queens Expressway and the Gowanus, and this and that, about 40 or 50 questions that

this constituent wanted me to ask or see that John Daly was asked in the hearings. There were very, very obviously local concerns which I know you will be addressing around the state, but I contacted the constituent and said, "I promise, you know, in the coming months we'll get a chance to address these questions to the new commissioner. Please give him a chance to get in and get organized in the department," and I think we all share that we all have a need in our districts for transportation. We all have ongoing projects that raise questions, and I know you will be open to all of us as you will be a servant of all the people of New York State as you have served the residents of your district these many years, and we will miss you here, John, but I'm sure we won't miss you for long. We'll come looking for you to share some views.

So, Mr. President, I am delighted to speak and move in support of this nomination.

ACTING PRESIDENT DeFRANCISCO: Senator Skelos.

SENATOR SKELOS: Mr. President, prior to Senator Stafford closing, are there any other members that wish to speak at this time? No, no, no, no.

ACTING PRESIDENT DeFRANCISCO: Senator Daly.

SENATOR DALY: Thank you, Mr. President.

SENATOR STAFFORD: Let us close first. Sit down.

SENATOR DALY: Excuse me. I'm sorry.

SENATOR STAFFORD: My lord. See why he's going to be commissioner? John, you have been in the Assembly -

ACTING PRESIDENT DeFRANCISCO: Excuse me, Senator Stafford.

SENATOR STAFFORD: -- you've been in the Senate. You have to be up there or there to be confirmed (laughter). It's not for real unless you are, and we do hope that, one thing, while John is Commissioner of DOT he will get around the state and we hope he'll learn to

fish.

Now, he has cleaned up two of the Great Lakes, one of the great rivers and, as a matter of fact, if there are any more boat launching sites in his area, you could not get into the water without going through a boat launching site, but that's an example of how he has really taken the work for his district seriously.

As John asked, we're going to, all of us, co-sponsor a bill whereby the DOT chairman becomes a member of the Power Authority, because John wants to continue to drive the trustees' staff and the chairman crazy as he supports his area and supports, frankly, over in Senator Wright's area and my area.

I heard Dale mention about when John ran in a primary for the Assembly. I remember that. There was a gentleman here by the name of Earl Brydges who I served under, and Earl was from the western part of the state, John's area. Now, John may have been running against an incumbent, but there are many of us

who think he got a lot of support from some of those who are very much involved out in the western part of the state. Did I say that with enough sensitivity? But I think we understand.

I'm sure that we will be communicating after working hours. There's one restaurant here in Albany that is going to have a celebration because John is going to be here full time, and they can see that that's going to triple their business which is -- which is just tremendous.

And finally, true stories are always the best. I walked into the -- walked into the coffee room one day and John was debating, and a person with a very serious look on his face said, "You know, John Daly is getting over his shyness", and I never heard a better laugh in there. The place was packed.

But again, on a serious note, everything that has been said here, I just endorse. Yes, John has not been shy, he will not be shy. He will assert himself when he has to as he has here, in his new position, and has

been mentioned, the people of the state of New York are better for it.

John?

ACTING PRESIDENT DeFRANCISCO: Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. I know it's a bit unusual, but with the consent of the Minority and certainly since technically he's still a member of the Senate because we have not voted on the confirmation, would you please recognize our esteemed colleague, Senator John Daly.

ACTING PRESIDENT DeFRANCISCO: Senator Daly.

SENATOR DALY: Thank you, Mr. President.

I don't know who you have been talking about, but I want to meet him. After listening to the kind words, I want to suggest to all of you that you vote no on the confirma tion. I don't think I want to leave now -- no.

This is -- Bobby -- Bob DiCarlo, I appreciate your words, and your father, of

course, a dear friend of mine. I'll repeat to you what I have said to many of my other colleagues and to you too, I think. If you have a pothole in your district that you want fixed, you lay down on it and I'll cover it (laughter).

This is a sad but happy day. I'm going on to other things. I'm jumping out of this tree and swinging on a new one come tomorrow, and I'm honored certainly by the confidence that the Governor has placed in me, and I certainly am thankful of the confidence that you have placed in me, and I assure you that I will strive constantly as a matter of trust, because this is -- this is a big trust, one that I take quite seriously, and I'm going to try like hell never to disappoint you. You have my word.

But to say I will miss you all is an understatement. It will not be easy. It will not be easy to give up hearing Franz Leichter lay my bills aside, all of them -- I don't think he missed one in 16 years -- and

then proceeding to a long debate which invariably I won, of course (laughter).

It's not going to be easy to give up walking into the chambers every afternoon and Charlie Cook looks at me and says, "Gee, that's a nice suit you got on. Who wears it when it's clean?" (Laughter)

It's not going to be easy -- easy leaving, to give up sitting between the Katzenjammer Kids -- the Katzenjammers, Otto and Fritz (laughter). How to feed them candy, how to -- on an hourly basis, they have a schedule, chocolate at 3:00 o'clock and mints at 4:00 o'clock, and now I'm going to distribute through equal distribution, the wealth I have left here, two Riopan Pluses, one for you and one for you (laughter). I feel I won't need them any -- for long.

And, you know, it's not going to be easy either to leave -- to leave -- to give up walking in every other day or every day and seeing Dale Volker, and he says to me, Quo usque, John, abutere patientia nostra? I had to

leave you with one, you know that.

Now, I always thought that was a Latin prayer, you know, saying "God bless you, John. It's nice to have you here", and I found out just recently that means "For how long, Oh, Daly, will you abuse our patience?" Well, Dale, the answer is here today.

And, you know, it's not easy to give up listening to Rick Dollinger, hour after hour after hour -- oh, what fun, Rick. I have appreciated our conversations, our dialogue across the room and, you know, it's not easy giving up being called anti-woman on Monday, anti-child on Tuesday, anti-indian on Wednesday, particularly if you're masochistic, but all of these things I will be leaving, I will not be forgetting.

I think it was W.C. Fields that said, "There comes a time in the affairs of men when one must take the bull by the tail and face the situation." (Laughter) Now, I'll let you decide whether I'm leaving the situation or entering it. I just hope that if I'm leaving

it, I don't end up on the horns or some other sensitive part of the bull but, my colleagues, the 16 years has -- have been years that I will not forget. You have left me -- you have left me with memories -- a golden bag of memories, and I know that, as I go from here, each night I can reach down and pick up one of those golden memories and I can go for the rest of my life, no matter how long I live, and there will always be an additional memory in that bag.

You have been good friends. You have been challenging opponents and what's nice about the house is you walk out here, it's like going on a basketball -- you're going to tear them apart, right, Franz, Manny; you go at it. Then you walk in there and you look at each other and you laugh, and the friendship is something I will always, always treasure.

I want to thank you for that, particularly. I want to thank you for what I have learned, and I have mellowed, Mr. Minority Leader, I hope I have. I think I have, and frankly, if I have, it's because primarily of my

friends in this house and what you've taught me. I thank you for that. I thank you for the learning experience, the laughs, the humor and we all know that, if you don't have a sense of humor, you're not going to stay in our business very long, and if you're sitting next to Maltese and Holland, boy, you develop one hell of a sense of humor (laughter).

I guess in conclusion -- let me first of all apologize to my fellow nominees. I'm sorry that we've kept you waiting so long, but I'll tell you, frankly, I am very proud and will never forget what I heard today because I do know -- I do know that it has come from the heart, and I feel pretty humble about it.

I guess you can say that I can take myself out of the Senate, but I'll never take the Senate out of my heart, and I have to leave you with, of course, a little Shakespear ean sonnet that goes -- no. Well, I have never been shy, someone said, and I'll get through it. "Thy gifts, thy tables are in my mind full of character and lasting memory which shall

above the idle rank remain beyond all date."

Love you, and let me say one more thing before -- I'm sorry -- I'm sorry, I almost did it. Thank God. How could I forget my staff? How could I forget my staff? And they're all seated over here, and I almost blew it, kids, and I would never have forgiven myself if I did it, and so you will pardon me.

I have been blessed with great staff and, Dean, I particularly appreciate you bringing up that fact, but then again, you've got to realize the great wisdom and exceptional judgment of the one who picked them. But to all of you, you know I love you, always will. You have been a true experience that I will never forget. I thank you for all you have done for me. I think it's adios to God. Thank you all. If you've got a pothole, give a call.

Thank you.

(Applause)

ACTING PRESIDENT DeFRANCISCO: The question is on the confirmation of the Honorable John B. Daly as Commissioner of

Transportation. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The ayes have it. I am proud to announce on behalf of Senator Bruno and this entire body that John B. Daly is hereby confirmed as Commissioner of Transportation.

Congratulations.

(Applause)

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

ACTING PRESIDENT DeFRANCISCO: Senator Goodman.

SENATOR GOODMAN: With the consent of the Majority Leader, may I please be recorded in the negative on Calendar Number 27 voted earlier today?

ACTING PRESIDENT DeFRANCISCO: Without objection, so ordered.

SENATOR SKELOS: Would you recognize Senator Montgomery, please.

ACTING PRESIDENT DeFRANCISCO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 27.

ACTING PRESIDENT DeFRANCISCO: Without objection -

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT DeFRANCISCO: - so ordered. The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the nomination of George L. Sanchez of the Bronx as state Director of Probation and Correctional Alternatives.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT DeFRANCISCO: Senator Stafford.

SENATOR SKELOS: Would you please recognize Senator Nozzolio.

ACTING PRESIDENT DeFRANCISCO:

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

I rise as member of the Senate Committee on Crime and Corrections to put in nomination George L. Sanchez, as state Director of Probation and Correctional Alternatives.

Mr. Sanchez came before our committee with a very managerial and administrative background and a broad variety of experience in criminal justice matters. Madam President, he impressed members of the committee with his knowledge and sincerity and that, I believe, as members of the committee believe, he will be an excellent nominee -- is an excellent nominee and will serve with distinction in this very important component of the criminal justice system.

I ask, Madam President, if I may yield to George Sanchez' sponsor, Senator Guy Velella.

SENATOR VELELLA: Madam President, it gives me great pride today to rise

and support the nomination of George L. Sanchez. His outstanding academic credentials, having a Master's of Science in criminal justice and his combination of work in the police department of the city of New York as a deputy commissioner, recruiting people from across that whole city, making sure that the department was running smoothly, his experience as an administrator for the federal government and for programs both on a federal, state and city level, make him extremely qualified to fill this role.

He will be looking at the programs that will provide alternatives for incarceration and alternatives to the present system so that we may implement our Governor's plan of keeping violent felons in the prison system.

I know that George will be doing an excellent job in that. I know he's joined here today by his wife Minerva, his daughter Christina and his son Marco and, George, we in the Bronx are proud of you. You will make the

entire state proud of you.

Thank you, and I move the nomination.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Madam President, I, too, rise to second the nomination of George Sanchez for the position of state Director of Probation and Correctional Alternatives.

We feel that he's highly qualified for that position. We appreciate Governor Pataki remembering the Puerto Rican community. George Sanchez happens to be an individual held in very high esteem in the Puerto Rican and the Hispanic community. He has the affection and the admiration of all of us. He has been a personal friend of mine for the past 20, 25 years and we're very proud of him, and we congratulate the Governor for this appointment.

Thank you, Madam President.

THE PRESIDENT: Thank you.

Senator Gonzalez.

SENATOR GONZALEZ: Thank you,

Madam President.

I, too, rise to second the nomination of George L. Sanchez for state Director of Probation and Correctional Alternatives.

He's -- as Senator Velella has stated, he's a Bronxite. I, too, have known him for over 25 years. We in the Puerto Rican Latino community have high regards for him as his work in the police department, in the United States government and in his community throughout the city and the state of New York.

So I think that -- I commend Governor Pataki for this nomination and I commend George Sanchez, and his wife and children, and I know that also his daughter has shared in terms of school with my daughter, and I think that I'm very proud that he is to be our Director of Probation and Correctional Alternatives.

Thank you and may Godspeed on him.

THE PRESIDENT: Thank you,

Senator Gonzalez.

Senator Espada.

SENATOR ESPADA: Thank you, Madam President.

To Minerva, to Christina and to Marco, they are all my constituents as is the nominee, and it's with great pride and pleasure that I also second the nomination.

George Sanchez does have all the requisite skills. He has the right temperament for this position, but this is a very timely appointment because Mr. Sanchez comes at a time when the Governor has announced that he wants to free up cell space, to really keep violent felons in our prison system and give hope, support and renewed opportunity to others that perhaps had no choice but to be sentenced to long, long terms, and now George Sanchez will be the embodiment of the Governor's mandate in leading this change. We applaud that strategy and we applaud this nomination.

Thank you.

THE PRESIDENT: Thank you.

Senator Volker.

SENATOR VOLKER: I, too, would like to give my endorsement to George Sanchez who I have known for a number of years and, in fact, replenished my friendship with him on the Pataki transition team. He has a long interest in law enforcement and knowledge as a person who is part of the New York City Police Department. I know of his interests in the area of probation and alternatives, and I have great confidence that he will fulfill all the requirements that the Governor set for the head of the Probation Department.

I expect to say to you, George, I wish you the very best. It's not going to be the easiest of times, but I know you're up to handling it, so God bless you and good luck.

THE PRESIDENT: Are there any other Senators who wish to be heard on the nomination?

(There was no response.)

The question is on the confirmation of George L. Sanchez as state

Director of Probation and Correctional Alternatives. All in favor signify by saying aye.

(Response of "Aye".)

Those opposed by saying nay.

(There was no response.)

George L. Sanchez is hereby confirmed as state Director of Probation and Correctional Alternatives.

(Applause)

The Secretary will read, please.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the nomination of Michael H. Urbach of Albany as Commissioner of Taxation and Finance.

THE PRESIDENT: I would like to recognize Senator Hoblock to move the nomination.

SENATOR HOBLOCK: Thank you, Madam President.

It gives me great pleasure to rise to offer the nomination of Michael H. Urbach to serve as Commissioner of the New York

State Department of Taxation and Finance.

Mike has patiently been waiting in the gallery with members of his family, including his son Mark, his sister Cindy and her son Ken. You know, it was said during the nomination and confirmation of John Daly that it's a bittersweet experience, and the same can be said for Mike Urbach.

The good news is that I have the pleasure of seeing one of my constituents being selected for a very important position in the new administration. The bad news is that I wonder if Mike Urbach realizes and understands that the real reason for Governor Pataki appointing a Democrat to this important position is that he's going to eliminate the Tax Department in tomorrow's budget.

But if the truth be known, Mike Urbach is representative of why the Pataki administration will succeed in its quest to reduce taxes and the size of government, but Governor Pataki realizes and does realize that his election was not the result of just

Republicans and Conservatives turning out in droves to defeat the incumbent, but rather our Governor knows that it took people from all political persuasions looking for a new direction and new leadership who elected him.

Mike Urbach is a local businessman, a man who is -- comes from impeccable credentials, standing in the community, has had considerable success at his profession of accounting and finance. He has taken his success and personal attributes and has returned a great deal to the community as experienced by his membership, his directorships and his leadership in many civic and charitable endeavors, and he is well-known in the community for returning the many talents that he has, and he is one of those that came forward in 1994 and looked at the situation in New York State, the state that he loves and many other people love, and he helped bring about the impressive change that we experienced in 1994, and now as the time comes to lead this state forward, Governor Pataki turned to an individual who he felt could

make this very important department, Tax and Finance, a real taxpayer-friendly place.

Mike Urbach will be a symbol of the Pataki administration's desire to work in a bipartisan manner to bring this state back on the road to recovery. The Tax Department is a very important department and its commissioner ship is a very important post as well, but I'm sure it can often be an unpleasant task, admin istering tax laws and collecting tax revenues. Mike Urbach will be on the hot seat, but I'm sure he will rise to the occasion, and he will by having the opportunity to bring real change to a department that touches each and every one of us here and in so many ways touchs each and every person in this state.

I want to congratulate the Governor on making this fine selection. I think it's a wise choice, and I wish Mike much luck, Godspeed, and I ask all of my colleagues to join me in supporting this nomination, the nomination of Michael H. Urbach as Commissioner of the New York State Department of Tax and Finance.

Thank you.

THE PRESIDENT: Thank you, Senator Hoblock.

Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much.

I want to say a couple weeks ago over another nominee of the Governor, I had some questions, although I voted for confirmation on this nomination. There's no question that Mr. Urbach is exceedingly qualified, and I must say that I was extremely impressed during our meeting with Senator Goodman, at his answers, his total knowledge of taxation here in the state of New York. One look at his resume and his community activities indicates that this is someone, even if you met for the first time as I did just last week, you get the immediate feeling that you have known him all your life, and so to me, I think Mr. Urbach is an extraordinary mensch. For those of you who don't understand my Irish, let me just say that he is a gentleman that will bring, in my

opinion, great honor and a new height of effectiveness to the state Department of Taxation, and I am eager to begin working with him, not only to ensure that the department will be the -- will be run properly, but equally, even more important, his assurance to me that we are going to go after every penny that's out there to make sure that all those tax cheats that are ripping this state off day after day - day after day, that, if we collected all the taxes that we should be collecting legally without raising additional taxes at all, if we collected in all that money that people should be paying the state, believe me, we would be able to meet the objectives of the Republican Party and still take care of all of the social needs in the state of New York.

Bravo and good luck.

THE PRESIDENT: Are there any other Senators who wish to be heard on the nomination?

SENATOR STAFFORD: Very briefly, Madam President.

I remember well when Mike joined with his partners in forming the firm. They represented clients from the Capital District south and north all the way to the Canadian border which, of course, includes my area. He and his partners have done an outstanding job. They're professional. They really get to the heart, the problems, get them solved, and I know Mike will be doing that as the Tax Commissioner.

THE PRESIDENT: Thank you.

The question is on the confirma tion of Michael H. Urbach as Commissioner of Taxation and Finance. All those in favor signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The ayes have it. Michael H. Urbach is hereby confirmed as Commissioner of Taxation and Finance.

(Applause)

SENATOR SKELOS: Madam President, before we move on to the next confirmation,

would you recognize Senator Nanula, please.

THE PRESIDENT: Senator Nanula.

SENATOR NANULA: Thank you, Madam President.

I would ask unanimous consent to be recorded in the negative on Calendar Number 27.

THE PRESIDENT: Without objection.

Senator Levy.

SENATOR LEVY: Yes, Madam President. Negative on Calendar Number 27, please.

THE PRESIDENT: Without objection.

SENATOR NANULA: Thank you.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the nomination of Barbara Ann DeBuono, M.D., of Rye Brook, as Commissioner of Health.

THE PRESIDENT: I would like to

recognize Senator Hannon to move the nomination.

SENATOR HANNON: Madam President, I rise to move the nomin... the confirmation of the nomination of Barbara Ann DeBuono to be Commissioner of Health of the state of New York.

The commissioner-to-be has received the approval of the Health Committee this morning and of the Finance Committee this afternoon. She appeared for two hours at the meeting of the committee this morning and for an hour at the Finance Committee, I think answering quite in depth the large number of questions that were posed to her.

She is an especially well qualified individual who was educated at the University of Rochester where she gained both Bachelor's and her medical degrees, did her post-graduate training at New England Deaconess Hospital, along with a fellowship in infectious diseases at the Brown University Medical School and also gained a Master's degree in public

health at Harvard University.

She began her career in the field of public health as a medical epidemiologist in the Division of Disease Control in Rhode Island, became the state epidemiologist soon thereafter and directed the Office of Disease Control beginning in October of 1986.

During the course of that time, she helped develop Rhode Island's sentinel breast cancer screening program, a cervical cancer screening program for low income and minority women, built the department's first AIDS unit and opened the first comprehensive HIV clinic at an adult correctional facility in Rhode Island.

Susan -- excuse me.

THE PRESIDENT: Order, please.

SENATOR HANNON: (Cont'g) She serves as a clinical associate professor of medicine at Brown University's Medical School and is also on the medical staffs of the infectious diseases division of Rhode Island Hospital and the Roger Williams Hospital.

She told us during the course of the number of responses to the questions that were posed to her about her work in the area of minority health, primary care, school health education and service delivery. She also explained in detail her work as co-architect of the Rhode Island Right Care Program, a managed care Medicaid program which was based on a competitive selection process to serve Rhode Island's AFDC population, low income women and children under the age of six.

I can go on and on, but it is fair to say that, under the long hours of questioning by members of the Health Committee and members of the Finance Committee, that I think we have been very impressed with the degree of knowledge that she would bring to the office as Commissioner of Health, the expertise and the judgment that she would lend to the many difficult problems that confront us as legislators and as a society. Certainly, we know that, as we go through an era of cost containment, that we cannot have all of the

things we want in any one program, especially in the various and multitudinous programs we have in the health system of this state, but I think that, with the wise judgment that she has shown in responding to the number of questions and responding to the budget challenges in the state where she currently serves, facing a budget that has decreased each year she has been director, that this is precisely the type of individual that we need to lead us over the next several years.

Madam President, I would move the confirmation.

THE PRESIDENT: Thank you, Senator Hannon.

Senator Tully.

SENATOR TULLY: Thank you, Madam President, my colleagues.

I never had the great pleasure of meeting our nominee before today's Finance Committee meeting, but her reputation certainly precedes her. She is known as a no-nonsense, hands-on, caring and dedicated and intelligent

professional. In the way she conducted herself today at the Finance Committee meeting at which some of my colleagues passed and posed some very interesting questions for her, she demonstrated that she does have the background and the skills to deal with the difficult times that we have in the health care field ahead of us in this state. I am certain that she will do a very fine, excellent job for those we represent, and I commend our Governor on selecting such a very fine nominee.

THE PRESIDENT: Thank you, Senator Tully.

Senator Espada.

SENATOR ESPADA: Thank you, Madam President.

This is a grand slam day for the Governor and for this institution. All winners today. This being a culminating moment in this particular day, it is fitting that we end it this way with this type of an appointment.

This is a person that, while I was reviewing her background, I was struck by

the similarities in the conditions that she inherited in Rhode Island and what she did with adversity. She met adversity with true leadership. She saw an austerity budget in place and she introduced her creativity, her sense of fairness in working with and establishing a minority health agency in that state, and she is not just a person that knows the buzz words of health care and public health. She knows managed care. She knows that managed care is no panacea for the problems that we face because, if we are to get results out of our health care system, we can't just do it through cost cutting, we have to do it through a combination of cost savings, reinvestment and creating more opportunity for people to get quality health care, accessible health care to all of the populations, particularly those populations that are most vulnerable, our senior citizens, the childrens -- the children in our clinics and in our schools. She understands all of this, and it is because of this that I endorse her wholeheartedly.

Thank you very much.

THE PRESIDENT: Thank you, Senator Espada.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I rise to speak in strong support of this nominee, a graduate of a tremendously fine institution in the heart of the 54th Senate District in the University of Rochester, but I want to assure my colleagues that I do this with some reasoned basis. Much as I stood here two weeks ago and looked at a little book which said "Labor", I now look at one that says "Public Health", and I look at the qualifications of a Health Commissioner as defined by the people of this state through this Legislature, and it says "The commissioner should be a physician, a graduate of an incorporated medical college --" such as the University of Rochester "-- have at least ten years' experience in the actual practice of --" and I guess we need a gender change. I would suggest -- it says in the

statute "of his profession". I think we have to cross out the "his" and put "in his or her profession", "-- and the skill and experience in public duties and sanitary science."

It also includes in Section 206 a general list of the powers of the commissioner and the description of the commissioner's duties and, frankly, based on this commissioner's answers during the two-hour session before the Health Committee with Senator Hannon in the Chair, I think she has demonstrated that she meets these criteria and these qualifications, if not exceeding them to the benefit of the people of this state. So we have an extremely qualified and competent physician to run the New York State Health Department.

But I would be remiss if I didn't mention two other issues, one of which is, frankly, something that I have been in discussions with our Governor who forwards this nomination, and that is the issue of access to information regarding all nominees, all the nominees that were put forward today. It seems

to me that we have to come up with a better process for the disclosure of information that's in the possession of the Executive Branch, to members of this body that are interested.

I am assured, and I have strong belief that any review of this candidate's information, either a BCI report, a financial report, in the hands of the second floor would demonstrate that this candidate has no potential conflicts, has no potential problems, and I wouldn't want anyone to suggest that with respect to this nominee there is such an issue, but the issue of access to information under our power of advice and consent to the second floor, it seems to me that we owe it to ourselves to have a better procedure for gaining access to that information.

As I've said, I have had discussions with representatives of the second floor. I'm disappointed that information was not made available. I will continue to push for the disclosure of that information to selected representatives of this body, and that that

power of advice and consent not be delegated simply to staff, but it is a power vested in members, it should be exercised by members. My hope is that there will be continuing discussions with the second floor about access to information about all nominees.

The other issue that I'm driven to discuss really involves a little history, and I think an important piece of history that we just need to remind ourselves about. Several years ago when Governor Cuomo nominated Mark Chassin to be the Commissioner of Health, he proposed that the financing of the commission er's salary be done exactly the same way that this Governor has proposed that it be done, through the payment of the amount of salary designated by statute and by making him the president of the Health Research Organization in the Department of Health.

At that time, frankly, my colleagues on the other side of the aisle had raised a hue and cry about this public salary. There was a suggestion that we were, quote,

"enhancing the salary of the commissioner beyond the statutory amount." There was a suggestion that it was a conflict of interest to put the Commissioner of Health in a position of running this not-for-profit corporation and, at the same time, performing the duties of the Commissioner of Health. I have reviewed all the transcripts. I have reviewed the discussion that occurred at that time and, frankly, I don't think it made any sense then and it certainly doesn't make any sense now.

I think what happened, quite frankly, is that some people decided to play politics with the salaries that were paid to public officials. I think the unfortunate consequence of that is we've all become somewhat predatory in the way we view what we pay public officials of all ranks, not only commissioners, but elected officials. No wonder the public has such a poor view of what we're paid as legislators when we play politics with what we pay highly qualified and highly competent public servants such as the public servant that we have

before us today.

It seems to me that that whole process two years ago was politically motivated perhaps to embarrass a Governor, perhaps to embarrass a candidate. I don't think it was warranted then and it certainly shouldn't be a part of our discussion today, but I would be remiss if I didn't point out that perhaps one of the reasons why public officials are held in such low esteem is because we have all beaten up each other on the issue of what we're paid.

In closing, Mr. President, I do have one small criticism of this nominee. I hope she'll take it in the spirit in which it's offered. She kept talking about Rhode Island and she would say "we in Rhode Island", and while I would welcome Dr. Barbara DeBuono to the position of Commissioner of Health, my hope is, Doctor, that you will begin to use "we" in the New York sense, that "we in New York", that you as our Commissioner of Health, that we will work together to provide the best health care system for the people in this state.

I would close with one final comment. Please come back to Rochester, come back, take a look at our system of managed care, our system of managed competition, of community rating and all the tremendous benefits that your academic institution, in combination with our public institutions and our private institu tions, have brought to the health care system in Rochester. I think our system is one that can be duplicated elsewhere in this state to the benefit of everyone by controlling costs and providing high quality care.

I welcome you to this position. I think you're entitled to the salary that the Governor wants to pay you. I support the payment of that salary, and I support you in your new position as the New York State Health Commissioner.

Godspeed.

THE PRESIDENT: Thank you.

Senator Jones.

SENATOR JONES: I feel the need to speak about this for a couple of reasons.

I've only had two opportunities to interact with Dr. DeBuono, but I was so singularly impressed with the person that I felt I needed to say something about it.

Not many people back home the last two years that I've been here, not many have jumped out and expressed to me as did Dr. DeBuono to me today. Maybe because we, as politicians, spend our lives dancing around issues and worrying whether we say the wrong thing to the wrong person, what the consequences are.

I saw a person today who stood up to some of the most intense questioning that really has occurred here, and not once did she change herself or back down or in any way say anything different than what she clearly stood for, and I was truly impressed by that, and I can't believe that we could have picked a better person for this job and, as I say, maybe I'm prejudiced being a woman or maybe it's because of her alma mater, but I think we clearly have found the best person for Commissioner of

Health.

THE PRESIDENT: Thank you.

Senator Markowitz.

SENATOR MARKOWITZ: Thank you, Madam President.

I must say meeting our candidate, the Governor again has put forward a qualified candidate for the position, and in meeting our commissioner-to-be, I must say that I was extremely impressed and kind of flattered that she is willing to take what I believe is perhaps one of the most difficult jobs in this state: How to do more with less; how to fight for the health needs of all the people of our state; and so I want to say to our commissioner that her job will be to represent the Governor for sure, but also to represent the consumers of health care in this state, and that is to be an advocate for their needs and to fight to the best of her ability with her allies here in the Legislature to make sure, even in these days of doing less with less, that somehow when it comes to health, that that is the top priority of this

state to ensure the health and safety of all the residents of our state.

Lastly, as I said in the commit tee, anyone that is willing to leave beautiful Newport for scenic Albany is certainly someone that is worthy of our enthusiastic support, so I wish you much luck in your very, very challenging position, but looking at your background, listening to your responses and the sense that I get about you, I think you're going to do superbly.

THE PRESIDENT: Thank you. Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Madam President.

I, too, rise to congratulate the Governor on his appointments today, the ones that we are confirming. Senator Daly, a seasoned person who has been experienced in government as well as an experienced business person and who has crafted, in fact, a lot of the legislation around housing to make it possible for us to provide affordable housing to

citizens in this state.

And the nomination and appoint ment of Mr. Sanchez to look at correctional alternatives. In particular I think that obviously if you're spending $9 million every 24 hours on our prison system in this state, we need Mr. Sanchez at this time and it's so good to see that the Governor has selected someone who has that background and experience.

And Mr. Urbach, Commissioner Urbach now, who will hopefully collect money and collect taxes from all of those of us who should be paying taxes.

But I want to just say in particular Dr. DeBuono, who comes from us from our -- from a small neighboring state but who has presented herself with not only the credentials but the background and the experience and, as she answered questions, I have a feeling that there is a real sense of understanding and commitment to dealing with health in the state of New York in a way that we are in such desperate need.

She brings to us, I believe, the kind of leadership that is needed. This is a very complex issue, but it's also very controversial, and people who we absolutely are so concerned about the -- the explosion of AIDS cases and the shifting of AIDS, the AIDS epidemic from one population to the other, it is sort of moving like waves through our society, but yet, Dr. DeBuono, as you and I know, it's very difficult to move issues like making sure that we have access to prevention as it relates to AIDS, access to health care for teens in this state, information, sex education, health education, information for young people to know how to save their lives. It's been very difficult, Dr. DeBuono, to move those issues locally and at the level of the state, and we have not had the kind of leadership to do what you did today, and that is stand up and say something about it as the chief health officer in the state.

So I look forward to working with you. I think we're all committed to what you're

committed to, and I am just absolutely proud and thankful that the Governor has sent us such a person as you, as health commissioner. You are extremely important to us at this point in time in this state, so I welcome you and congratulate you and certainly am happy to have you and support your nomination.

THE PRESIDENT: Thank you. Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I would first like to thank Senator Hannon as to be so kind as to have a reception yesterday in his office, an opportunity for members of the Health Committee and the Finance Committee to meet briefly and informally with Dr. DeBuono prior to the confirmation process and prior to the Finance Committee. That type of opportunity is one that we should take advantage of more often because it gives us a chance in a more comfortable office, a more comfortable surrounding -- and it's a very comfortable office that you have,

Senator Hannon, very nicely furnished and nicely decorated with photographs taken by the good Senator himself, with a Nikon, I might add - and in that very pleasant surrounding, I was privileged to exchange a few comments with Dr. DeBuono, and I hesitated to put her too directly on the spot, but I was extremely delighted when I raised the issue with her about prison health care.

Some of you will remember several years ago, I appointed a special advisory committee, a special task force of sorts to address the problem in the Mohawk Valley in particular and in the Syracuse area caused by inmates in area prisons suddenly appearing at emergency rooms with tuberculosis and AIDS frequently undiagnosed at any point in the development of those two diseases.

The sense of panic that was sweeping the medical community and affecting the hospital staffing in that area, it was something that would be very difficult to exaggerate today but suffice it to say it was considerable.

As a result of that task force, many members of the medical community had their opportunity to voice concerns and indicate how they would like to see this issue addressed by the Department of Health in particular and by the Department of Corrections, and when I raised the issue with Dr. DeBuono, she immediately responded about what she had done in Rhode Island on the subject of prison health care, and I was extremely pleased to see that not only was she personally familiar but she had undertaken in that state many of the steps that were recommended by my task force for New York State, and I am -- I'm sad to say those steps over the last two years have not been undertaken for the most part in New York State. A few of them were implemented. The video conferencing, tele medicine was implemented, or is in the process of being implemented by the SUNY Health Science Center and the Department of Corrections, but it's moving much too slow.

The take-over of inmate health care by the Department of Health which should,

in fact, have paramount responsibility, has been again one that was either very slow or actually resisted by the previous health commissioner and a range of other areas, including early identification of HIV cases through mandatory testing or through an intensive voluntary counseling form of testing have not been implemented. All of these were areas with which Dr. DeBuono was personally well versed, experienced, and quick to ask appropriate questions about New York State policy.

I can't imagine a better person to come into our state and address some of the most pressing problems that we have at this time and I, too, want to compliment Governor Pataki on an outstanding choice, and we look forward to working with Dr. DeBuono.

THE PRESIDENT: Thank you, Senator Hoffmann.

Senator Stafford.

SENATOR STAFFORD: Madam President, I'll be very brief, but it's often been said that a doctor needs to have patients.

Now, if -- if this doctor hasn't shown patience, I don't know who has.

But on a serious note, I would only second what has been said so well by so many today, and Dr. DeBuono came before the Finance Committee, I think we had a good exchange and the vote was unanimous, and I was very impressed that Dr. DeBuono defended the people of the Health Department, the professionals. Some of us are alive today because some of those who have been there are there today.

I think this, as has been said, is an excellent appointment. I know we all look forward to working with Dr. DeBuono.

THE PRESIDENT: Thank you. Senator Oppenheimer.

SENATOR OPPENHEIMER: I must say I'm very, very pleased with everything that I've heard from -- from this new -- new commissioner. She -- she gave wonderful responses to the questions that were posed to her. She sticks to her guns. She has a

background that is just created for this job. It is just amazing how in almost every area of need, she has some background skills, and I think between her -- her philosophy, what I surmise her philosophy to be, and her caring for people, I think we have a -- a remarkable candidate here and one who I think is going to serve us brilliantly, and I am very delighted to support this commissioner.

Thank you.

THE PRESIDENT: The question is on the confirmation of Dr. Barbara Ann DeBuono as Commissioner of Health. Oh, I'm sorry, Senator Mendez.

SENATOR MENDEZ: Madam President, I am going to be very brief.

I had the opportunity to meet with Dr. DeBuono yesterday. As all my colleagues have expressed the view, we all were impressed by her qualifications, by her sensitivity to the problems of the different communities, let's put it that way, in New York State, and her thorough knowledge of every

single aspect related to urban health.

I really must congratulate Governor Pataki with this appointment because, in fact, it has another important aspect of it and that is I don't know how Governor Pataki is -- you know, he takes the time to go out every where and get highly qualified women for positions in New York State and, as a woman myself, when I see another woman, regardless of race or ethnicity, that shines on her own merits and knowledge, I think very proud about it.

So I'm positive, I feel positive that Dr. DeBuono will, in fact, be very much concerned and do a great job.

On the area of -- of managed care, I want to say, Madam President, that in my district as the situation is today, there are lots of people that are not -- that do not have any access at all to primary health care. I am hopeful that -- very hopeful that through the institution of managed care, many of my constituents -- of my constituents will be able to have their own physician and derive the

benefit of preventive medicine.

So congratulations again to -- to Governor Pataki for this appointment, and we're looking forward to work with you, Dr. DeBuono.

THE PRESIDENT: Thank you.

Are there any other Senators who would like to be heard?

(There was no response.)

The question is on the confirmation of Dr. Barbara Ann DeBuono as Commissioner of Health.

All those in favor signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The ayes have it. Dr. Barbara Ann DeBuono is hereby confirmed as Commissioner of Health.

(Applause)

Senator Skelos.

SENATOR SKELOS: Madam President, may we return to motions and resolutions and on

behalf of Senator Bruno and in consultation with the Minority Leader, I offer up the following committee changes and ask that they be read and filed in the Journal.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Bruno hands up the following Senate standing committee assignment revisions:

Committee on Aging: Delete Senator Montgomery and add Senator Markowitz.

Committee on Alcoholism and Drug Abuse: Delete Senator DeFrancisco and add Senator Nozzolio.

Committee on Children and Families: Senator Montgomery from acting ranking to ranking.

Committee on Cities: Delete Senator Jones and add Senator Onorato.

Committee on Commerce and Economic Development: Delete Senator Libous and add Senator Wright.

Committee on Consumer

Protection: Delete Senator DeFrancisco and add Senator Leibell.

Also Senator Montgomery from ranking to acting ranking.

Corporations, Authorities and Commissions: Add Senator Trunzo.

Committee on Crime and Corrections: Change meeting time from Tuesday at 2:00 p.m., to Tuesday at 2:15 p.m.

Committee on Elections: Add Senator Hoblock.

Committee on Energy: Delete Senator Spano and add Senator Leibell.

Delete Senator Rath and add Senator DeFrancisco.

Committee on Environmental Conservation: Delete Senator Gold and add Senator Hoffmann.

Delete Senator Hannon and add Senator Johnson.

Committee on Ethics: Delete Senator Leibell as chairman and add Senator Johnson as chairman.

Committee on Higher Education: Delete Senator Wright and add Senator Maltese.

Committee on Housing and Community Development: Add Senator Nozzolio; delete Senator Johnson as chairman and add Senator Leibell as chairman.

Investigations, Taxation and Government Operations: Delete Senator Trunzo and add Senator Spano.

Delete Senator DiCarlo and add Senator Rath.

Committee on Judiciary: Delete Senator Stafford and add Senator Hoblock.

Committee on Labor: Delete Senator Levy.

Committee on Local Government: Delete Senator Onorato and add Senator Jones.

Committee on Mental Health and Developmental Disabilities: Delete Senator Hoffmann and add Senator Montgomery.

Committee on Veterans: Delete Senator Skelos and add Senator Holland.

THE PRESIDENT: To be filed in

the Journal.

Senator Skelos.

SENATOR SKELOS: Yes, Madam President. I offer up the following resolutions and ask that they be read in their entirety.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senate Resolution Number 8, by Senator Bruno: RESOLVED that Stephen F. Sloan of Guilderland, New York be and he hereby is elected Secretary of the Senate for the years 1995-1996.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is passed.

THE PRESIDENT: The Chair states that, for the record, Stephen Sloan has been elected Secretary of the Senate for the years 1995 to 1996.

Would you like to raise your right hand. Do you solemnly swear to support the Constitution of the United States of America and the Constitution of the state of New York and faithfully discharge the duties of the office of Secretary of the Senate of the state of New York, to the best of your ability?

MR. SLOAN: I do.

THE PRESIDENT: Congratulations, Mr. Sloan.

(Applause)

THE PRESIDENT: The Secretary will read.

SENATOR SKELOS: Would you read Resolution Number 9, please.

THE SECRETARY: Senate Resolution Number 9, by Senator Bruno: RESOLVED that Pauline E. Williman be and she hereby is elected the official stenographer of the Senate for the years 1995-1996.

THE PRESIDENT: All those in favor signify by saying aye.

(Response of "Aye.")

Those opposed say nay.

(There was no response.)

The resolution is adopted, and the Chair states that, for the record, that Pauline E. Williman is stenographer of the Senate for the year 1995-to '96.

(Applause)

Senator Skelos.

SENATOR SKELOS: Please read Resolution Number 10.

THE SECRETARY: Senate Resolution Number 10, by Senator Bruno: RESOLVED that John P. Everhardt be, and he hereby is elected Sergeant-at-Arms of the Senate for the years 1995-1996.

THE PRESIDENT: On the resolution, all in favor say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is adopted. Congratulations, Mr. Everhardt.

(Applause)

Senator Skelos.

SENATOR SKELOS: Yes, if we could return to motions and resolutions.

THE PRESIDENT: Without objection, motions and resolutions.

SENATOR SKELOS: Madam President, on behalf of Senator Bruno, I hereby file notice of a proposed change to Senate Rule VII, Section 1, regarding the size of certain Senate standing committees.

THE PRESIDENT: The Secretary will read. Oh, to be filed in the Journal.

Senator Skelos.

SENATOR SKELOS: Does anybody else wish to -- any housekeeping, anybody wish to say anything?

THE PRESIDENT: No further business?

SENATOR SKELOS: Thank you. Madam President, Markowitz has said enough today.

Madam President, there being no further business, I move we adjourn until

Monday, February 6th, 1995 at 3:00 p.m. sharp, intervening days to be legislative days.

THE PRESIDENT: Without objection, the Senate stands adjourned.

(Whereupon at 5:46 p.m., the Senate adjourned.)