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ALBANY, NEW YORK

October 11, 1995

3:03 p.m.

REGULAR SESSION

SENATOR MICHAEL F. NOZZOLIO, Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT NOZZOLIO: The
3 Senate will come to order. I'd ask everyone
4 present to please rise and repeat with me the
5 Pledge of Allegiance.

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

8 The invocation is given today by
9 the Reverend Peter Young of the Blessed
10 Sacrament Church in Bolton Landing.

11 REVEREND PETER YOUNG: Thank you.

12 Dear God, as we gather in this
13 special session for the confirmation of
14 leadership and citizens who have come to
15 dedicate themselves to public -- to the roles of
16 public service, we pray too for all of the
17 members of this legislative body. Governing our
18 state brings consistent challenges to all
19 elected leadership of our great Empire State.

20 As we enjoy this beautiful
21 weather, we know that our foreseeable cold days
22 of winter cause suffering for the needy and the
23 homeless. As people of God, we are all
24 concerned about what we can do to assist those
25 with cost-effective programs and restore them

1 again to the life of dignity that You have so
2 given.

3 We ask You this in Your name now
4 and forever. Amen.

5 Thank you, Senator.

6 ACTING PRESIDENT NOZZOLIO: Thank
7 you, Father.

8 Reading of the Journal. The
9 Clerk will read.

10 THE SECRETARY: In Senate,
11 Tuesday, October 10th. The Senate met pursuant
12 to adjournment, Senator Farley in the Chair.
13 The Journal of Saturday, October 7th, was read
14 and approved. On motion, the Senate adjourned.

15 ACTING PRESIDENT NOZZOLIO:
16 Without objection, the Journal stands approved
17 as read.

18 Presentation of petitions.

19 Messages from the Assembly.

20 Messages from the Governor.

21 Reports of standing committees.

22 Reports of select committees.

23 Communications and reports from
24 state officers.

25 Motions and resolutions.

1 Senator Bruno, are you ready for
2 the Resolution Calendar?

3 SENATOR BRUNO: Yes. At this
4 time, Mr. President, I move that we adopt the
5 Resolution Calendar.

6 ACTING PRESIDENT NOZZOLIO: All
7 in favor of adopting the Resolution Calendar
8 signify by saying aye.

9 (Response of "Aye".)

10 Those opposed, nay.

11 (There was no response.)

12 The Resolution Calendar is
13 adopted.

14 Senator Bruno.

15 SENATOR BRUNO: Mr. President,
16 can we at this time return to standing -- the
17 report of standing committees, and I believe
18 that there is a report from the Finance
19 Committee. I would ask that it be read.

20 ACTING PRESIDENT NOZZOLIO: The
21 Secretary will read reports of standing
22 committees.

23 THE SECRETARY: Senator Stafford,
24 from the Committee on Finance, offers up the
25 following nominations: Commissioner of Human

1 Rights, Edward Mercado of Floral Park.

2 ACTING PRESIDENT NOZZOLIO:

3 Senator Stafford.

4 SENATOR STAFFORD: Thank you, Mr.

5 President.

6 I would yield to Senator Tully,

7 please. Have we called -- have we read it?

8 ACTING PRESIDENT NOZZOLIO:

9 Senator Tully on the nomination.

10 SENATOR TULLY: Thank you, Mr.

11 President.

12 I'm pleased to nominate as

13 Commissioner of Human Rights one of my

14 constituents, Edward Mercado. Edward is someone

15 who has been in the field of human rights for

16 some 30 years, originating in the Rockefeller

17 administration many, many years ago, continuing

18 then to the federal government and onward to the

19 state of New -- New Jersey.

20 He is someone who has two

21 children and two grandchildren. We are very

22 fortunate, Mr. President, to have a man of this

23 broad, in-depth experience available for this

24 very, very significant position and I'm certain

25 that he will serve the citizens of this state

1 well.

2 I was prepared to speak for
3 another 20 minutes, but Senator Bruno said we
4 have some 57 other nominations at least and,
5 Commissioner Mercado, you know how I feel. I
6 think the people here know your qualities and
7 are going to be certain that we will be served
8 well by you. Best wishes to you and your
9 family.

10 ACTING PRESIDENT NOZZOLIO: Thank
11 you, Senator Tully.

12 The question is on the
13 confirmation of Commissioner Edward Mercado as
14 Commissioner of the Division of Human Rights.
15 All in favor say aye.

16 (Response of "Aye".)

17 All opposed, nay.

18 (There was no response.)

19 It's a pleasure to confirm Mr.
20 Edward Mercado as Commissioner of the Division
21 of Human Rights.

22 (Applause.)

23 The Secretary will read.

24 THE SECRETARY: Commissioner of
25 Mental Health, James L. Stone of Webster.

1 ACTING PRESIDENT NOZZOLIO:

2 Senator Stafford.

3 SENATOR STAFFORD: Mr. President,
4 it's indeed a privilege and a pleasure to move
5 the confirmation of Commissioner Stone, and what
6 really impresses me with the Commissioner's
7 career and now being appointed to the highest
8 office in the field, Commissioner of Health -
9 Commissioner of Mental Health -- excuse me -- is
10 that this has been his work practically his
11 whole career.

12 He started entry level in the
13 field of social work. He's been a super
14 intendent of a facility. He has administered a
15 county mental health program, and we could see
16 that he understood and appreciated really what
17 has to be done in mental health.

18 He also is a gentleman who will
19 listen to us, I know, who knows that difficult
20 decisions will have to be made, but they will be
21 made together with all of us and making sure
22 that all decisions are in the best interests of
23 all concerned.

24 Again, it's a pleasure to move
25 the confirmation of a gentleman who is a person

1 who has had an entire career in this field.

2 ACTING PRESIDENT NOZZOLIO:

3 Senator Libous.

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

6 I'd like to rise to second the
7 nomination of Jim Stone, and I want to just echo
8 the comments of Senator Stafford, that I believe
9 the Governor has picked a very qualified
10 individual to head the Office of Mental Health,
11 a very important office. It's a very large
12 agency that needs supervision and direction, and
13 Jim Stone's background gives him the
14 qualifications, the 20-year experience that he
15 has in the field of mental health and alcohol
16 and drug, and he also brings to this position
17 another quality, the fact that not only has he
18 worked in state government and understands the
19 workings of state government, but he's served as
20 a commissioner at the local level in Monroe
21 County. He is well recognized, not only in New
22 York State by his peers, but across the country
23 when he served in that position as designing and
24 developing programs for those with mental
25 illness.

1 Mr. President, I just think that
2 Jim Stone is -- is the individual that we need
3 right now to lead this agency and it's a
4 pleasure for me to second his nomination.

5 ACTING PRESIDENT NOZZOLIO: Thank
6 you, Senator Libous.

7 Senator Wright.

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

10 I too want to rise and second the
11 nomination of Jim Stone. I'll make it very
12 brief, but I have had the occasion over the last
13 two years to work with Jim in his capacity as
14 president of the Mental Health Conference
15 representing the local mental health officials
16 across this state, and we share a common bond in
17 terms of having served in local government; and
18 as the Office of Mental Health begins
19 implementing the community reinvestment that
20 we've all unanimously supported when we start to
21 transition to community-based care in this
22 state, I think it's most appropriate that the
23 agency should be led by an individual who has
24 direct experience in administering local mental
25 health programs.

1 So I would adjoin my colleagues,
2 Senator Stafford and Senator Libous in seconding
3 the nomination and encourage my colleagues to
4 support a very qualified individual for the
5 Commissioner of Mental Health.

6 Thank you, Mr. President.

7 ACTING PRESIDENT NOZZOLIO: Thank
8 you, Senator Wright.

9 Senator Volker.

10 SENATOR VOLKER: Mr. President,
11 let me just say also on behalf of Mr. Stone that
12 back in, I think it was 1977, back in the '70s
13 when the Department of Mental Hygiene was
14 reformed, the old Department of Mental Hygiene
15 which to address everybody's recollection was
16 the fourth largest agency in the world after the
17 Kremlin, the Swedish bureaucracy and of some
18 other bureaucracy -- oh, HUD, H-E-W -- I'm
19 sorry, not HUD, H-E-W. One of the things that
20 was recommended at that time is that the person
21 to run Mental Hygiene should not be a medical
22 doctor but should be a manager. To my
23 recollection, that has never really happened
24 until now.

25 I think Jim Stone represents the

1 kind of person who I think we envisioned at the
2 time that we reformed Mental Hygiene and made
3 the changes but still, of course, left a huge
4 agency which Mental Hygiene is itself.

5 He came from the so-called humble
6 beginnings and the eastern part of my district
7 as head of an industry which is a Division for
8 Youth facility to running the mental health
9 operations in Monroe County and, of course, was
10 a statewide director of the mental health
11 people, so I want to compliment the Governor for
12 sending us Jim Stone and wish him the best of
13 everything.

14 As I said, I think that probably
15 he represents what Mental Hygiene needs and that
16 is a real manager who can not only look after
17 the clients, the best interests of the clients
18 and the people that his agency serves, but also
19 I think the -- to manage the operation in a way
20 in which, in the kind of climate we live in,
21 that it can be operated in the best interests,
22 not only of the clients but the people of this
23 state.

24 My congratulations to you, Jim,
25 and to the Governor for the appointment.

1 ACTING PRESIDENT NOZZOLIO: Thank
2 you, Senator Volker.

3 Senator Jones.

4 SENATOR JONES: Yes. I'm very
5 proud to stand here today in support of
6 Commissioner Stone.

7 Commissioner Stone is a resident
8 of my district, and I think everybody is going
9 to find that he not only will do the job well
10 but he's well prepared, in my opinion, to face
11 all of the critical things that are going to be
12 facing the mental health field in the days to
13 come.

14 When I had a chance to talk to
15 him and ask him questions, I guess one of the
16 things that really jumped out at me was when I
17 asked what are you going to do -- obviously OMH
18 has already taken major cuts and faces even
19 worse ones in the future. His response was
20 basically that within the Department that wasn't
21 a problem. There would be no cuts or sacrifices
22 when it comes to patient care, and I think
23 that's what everybody in the mental health field
24 wants to hear.

25 I believe Jim is more than up for

1 the job. I got a chance to watch him work in
2 Monroe County and I'm very proud to be here
3 today, Jim, and to offer you my support along
4 with everyone else.

5 ACTING PRESIDENT NOZZOLIO:
6 Senator Dollinger.

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

9 Jim Stone is going to be a loss
10 to Monroe County, and I for one who -- have
11 worked with him on issues varying from social
12 services to the delivery of services to people
13 and alcohol and drug treatment -- who need drug
14 and alcohol treatment to a combination of teen
15 pregnancy and the whole gamut of issues that
16 we've faced in Monroe County.

17 The loss of Jim Stone to our
18 county will be a drastic one and one that I hope
19 we can overcome. The good news is that his
20 wisdom, his judgment, his skill, his compassion
21 and his concern will go to work for New York
22 State.

23 Jim, I salute you on this
24 appointment. I congratulate you, and I hope
25 that the talents that were so abundantly evident

1 in Monroe County will be brought to bear for the
2 entire people of this state.

3 Congratulations and best wishes.

4 ACTING PRESIDENT NOZZOLIO: The
5 question is on the confirmation of James L.
6 Stone, Commissioner of Mental Health. All in
7 favor say aye.

8 (Response of "Aye".)

9 Opposed, nay.

10 (There was no response.)

11 It is with great pleasure that I
12 announce the confirmation of Mr. James L. Stone,
13 Commissioner of Mental Health. Congratulations,
14 Commissioner.

15 (Applause.)

16 The Secretary will read.

17 THE SECRETARY: Member of the New
18 York State Employment Relations Board, Lloyd
19 Demboski of Queensbury.

20 ACTING PRESIDENT NOZZOLIO:

21 Senator Bruno.

22 SENATOR BRUNO: Mr. President, I
23 would like to rise in support of Lloyd
24 Demboski. He lives in Senator Stafford's
25 district, but I lived at one time in Senator

1 Stafford's district and Lloyd Demboski and I
2 were and are good friends, and I say "good
3 friends" in every sense of the word, but other
4 than that, he is highly qualified for this
5 appointment.

6 He has been serving in a one-year
7 term that expires. He is up now for the balance
8 of a three-year term, and his experience so far
9 has brought credit to the work that is done on
10 behalf of employees throughout the state.

11 So, Mr. President, I am proud to
12 be here supporting and endorsing such a highly
13 qualified individual for this high office.

14 ACTING PRESIDENT NOZZOLIO: Thank
15 you, Senator Bruno.

16 Senator Stafford.

17 SENATOR STAFFORD: Thank you, Mr.
18 President.

19 Senator Bruno obviously knows
20 Senator Demboski -- Commissioner Demboski,
21 excuse me. I don't mean to -- I don't know
22 whether it's a promotion or not -- knows Lloyd
23 very well.

24 Over 31 years ago, both Senator
25 Bruno and Lloyd supported me, and I would not

1 have been here if it wasn't for them.

2 We have seen many campaigns. We
3 have seen things change. We've seen things go
4 back to the way they were and change again, but
5 I too want to emphasize and second what Senator
6 Bruno has said.

7 Mr. Demboski has been a
8 successful businessman. I can attest to that
9 personally. He was in the brokerage business,
10 and anyone who has dealt with him will also
11 attest to that.

12 He also has been in local
13 government for over 25 years and he understands
14 and appreciates state government, local
15 government and all government.

16 He's accessible. He will be, and
17 in this work that's very, very important, but
18 again, he understands the business, the private
19 sector, he'll be working with, and I can only
20 say that this is one of the best appointments
21 that the Governor could make and has made, and I
22 too move the confirmation of a gentleman that
23 I'm very proud to claim as a close friend.

24 ACTING PRESIDENT NOZZOLIO: Thank
25 you, Senator Stafford.

1 Senator Farley.

2 SENATOR FARLEY: Thank you, Mr.
3 President.

4 I just have to rise to second the
5 nomination of Lloyd Demboski who I consider my
6 friend and I wish him well in his new job and I
7 know that, again, we're very fortunate to have
8 people of this quality be willing to serve in
9 public office for the state of New York.

10 Lloyd, I wish you well and best
11 wishes.

12 ACTING PRESIDENT NOZZOLIO: Thank
13 you, Senator Farley.

14 Senator Seward.

15 SENATOR SEWARD: Yes, Mr.
16 President. I too just want to go on record as
17 enthusiastically supporting Lloyd Demboski for
18 appointment to this position.

19 I have known Lloyd for many, many
20 years in a previous life for both of us and I've
21 always known him to be a man of integrity, of
22 character. He's a quality guy and we're very
23 fortunate to have him in public service here in
24 the state of New York.

25 ACTING PRESIDENT NOZZOLIO: Thank

1 you, Senator Seward.

2 The question is on the
3 confirmation of Lloyd Demboski as member of the
4 New York State Employment Relations Board. All
5 in favor say aye.

6 (Response of "Aye".)

7 Opposed, nay.

8 (There was no response.)

9 Mr. Lloyd Demboski is hereby
10 confirmed as a member of the New York State
11 Employment Relations Board. Congratulations,
12 Mr. Demboski.

13 (Applause.)

14 The Secretary will read.

15 THE SECRETARY: Member of the
16 Workers' Compensation Board, Robert R. Snashall
17 of Cazenovia.

18 ACTING PRESIDENT NOZZOLIO:

19 Senator Stafford.

20 SENATOR STAFFORD: I yield to
21 Senator DeFrancisco, please.

22 ACTING PRESIDENT NOZZOLIO:

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: I rise in
25 support of the confirmation of Mr. Snashall. We

1 just a short time ago confirmed him for an
2 unexpired term on this very same board and as
3 chairman of the Workers' Compensation Board.

4 He's from Cazenovia which is very
5 close to the city of Syracuse. He's a former
6 member of the Bond, Schoeneck & King law office
7 that -- which firm does Workers' Compensation
8 work and he specialized in that area prior to
9 becoming a member of the board.

10 I've seen him in operation over
11 these last few months. He's cut back on some of
12 the bureaucracy that all of us want to see being
13 cut back on. He's a person who is a take-charge
14 individual. He's reorganizing the Department,
15 and all of us know the need to reorganize and
16 restructure the Workers' Compensation Department
17 to get into the 20th Century, let alone the 21st
18 Century; and I know he's going to do a wonderful
19 job and continue the job he's already started,
20 and I'm very proud to rise in support of his
21 confirmation.

22 ACTING PRESIDENT NOZZOLIO: Thank
23 you, Senator DeFrancisco.

24 The question is on the con...

25 Senator Seward, you wish to be

1 recognized?

2 SENATOR SEWARD: Yes, Mr.

3 President.

4 Senator DeFrancisco has outlined
5 the background and the activities of our
6 nominee, Robert Snashall very, very well, but I
7 would just like to add this perspective.

8 I have been impressed with Mr.
9 Snashall's short time in office so far, the way
10 he has traveled this state, made employers,
11 claimants, employees of the Workers'
12 Compensation Board, all feel as if they have
13 direct access to the chairman. He has done a
14 lot of outreach work, and I know coming from
15 central New York that all of the employers and
16 workers feel that there's a real change at the
17 Workers' Compensation Board.

18 My hat is off to Mr. Snashall and
19 we look forward to his continued good work.

20 ACTING PRESIDENT NOZZOLIO: Thank
21 you, Senator Seward.

22 The question is on the
23 confirmation of Robert Snashall as a member of
24 the Workmen's Compensation Board. All in favor
25 say aye.

1 (Response of "Aye".)

2 All opposed say nay.

3 (There was no response.)

4 It's my pleasure to announce the
5 confirmation of Robert Snashall, member of the
6 Workers' Compensation Board. Congratulations.

7 (Applause.)

8 The Secretary will read.

9 THE SECRETARY: Inspector General
10 of the Office of Metropolitan Transportation
11 Authority, Roland M. Malan of Greenfield
12 Center.

13 ACTING PRESIDENT NOZZOLIO:
14 Senator Stafford.

15 SENATOR STAFFORD: Mr. President,
16 it's a pleasure to yield to Senator Farley.

17 SENATOR FARLEY: Thank you,
18 Senator Stafford.

19 It's with enthusiasm and pride
20 that I nominate Roland Malan as the Inspector
21 General of the Office of the Metropolitan
22 Transportation Authority.

23 Mr. Malan has an extensive
24 background in public service. He's been the
25 Deputy Comptroller for the state of New York for

1 a number of years under our previous comptroller
2 from 1987 to '93 and also he served as the
3 auditor for King County. That's not in
4 Brooklyn; that's in the state of Washington.

5 He's had 25 years of experience.
6 Nobody could be more eminently qualified for
7 this job as an independent person that will
8 serve as the Inspector General of an authority
9 that really needs an inspector general.

10 I'm very, very pleased to
11 nominate Roland as a resident of Greenfield
12 Center, which is a rather small town in my
13 district, and I'm sure that he's going to be the
14 most important person in that town as he has
15 been in the previous past.

16 It is with pleasure I nominate
17 the new Inspector General for the MTA.

18 ACTING PRESIDENT KUHL: The
19 question is on the nomination of Roland M. Malan
20 to become Inspector General of the MTA. All
21 those in favor signify by saying aye.

22 (Response of "Aye".)

23 Opposed, nay.

24 (There was no response.)

25 The nominee is confirmed.

1 (Applause.)

2 The Secretary will read.

3 THE SECRETARY: Member of the
4 Capital District Transportation Authority, David
5 M. Stackrow of Wynantskill.

6 ACTING PRESIDENT KUHL: The Chair
7 recognizes Senator Bruno.

8 SENATOR BRUNO: Mr. President,
9 David Stackrow is here in the chamber with his
10 lovely wife, Karen. He is a constituent of mine
11 and very closely related to a lot that goes on
12 in governing this state.

13 His mother is my executive
14 assistant. He is very, very familiar with what
15 has to be done to best serve the people of the
16 Capital District and of this state. He's a
17 certified public accountant, has his own
18 practice with partners, knows this area
19 extremely well. So I believe, Mr. President,
20 that we are very fortunate that David Stackrow
21 will join us here in the Capital District in
22 helping to make sure that people that have to
23 move around in the public systems are able to do
24 so in a safe, proper and efficient way. So I am
25 happy to stand and support and endorse his

1 nomination.

2 ACTING PRESIDENT KUHL: The Chair
3 recognizes Senator Farley on the nomination.

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

6 As a member of the Capital
7 District, let me say that I rise with enthusiasm
8 to support the nomination of David Stackrow.
9 Let me just say, his mother is up there in the
10 gallery, and if he has half the talent and
11 ability that his mother does, he's going to be
12 an outstanding appointment.

13 David is well prepared. He's a
14 CPA and somebody that I'm pleased to see enter
15 public service and to serve on the CDTA.

16 It is with pride that I second
17 his nomination.

18 ACTING PRESIDENT KUHL: Is there
19 any other Senator wishing to speak on the
20 nomination?

21 (There was no response.)

22 Hearing none, the question is on
23 the nomination of David M. Stackrow to become a
24 member of the Capital District Transit
25 Authority. All those in favor signify by saying

1 aye.

2 (Response of "Aye".)

3 Opposed, nay.

4 (There was no response.)

5 The nominee is unanimously
6 confirmed. David Stackrow is in the gallery
7 with us. Congratulations, David. Good luck.

8 (Applause.)

9 The Secretary will read.

10 THE SECRETARY: Member of the
11 State Racing Commission, John Anthony Tesiero
12 from Amsterdam.

13 ACTING PRESIDENT KUHL: Senator
14 Stafford.

15 SENATOR STAFFORD: It's a
16 pleasure to yield to Senator Farley.

17 SENATOR FARLEY: Thank you,
18 Senator Stafford, Mr. President.

19 John Tesiero is not only a long
20 time dear friend, but a constituent and somebody
21 that can really serve the racing authority -
22 authority with honor.

23 John Tesiero is a very successful
24 business person that has been a leading citizen
25 of the city of Amsterdam and the county of

1 Montgomery and the general Capital District in
2 particular.

3 If I gave you his past
4 affiliations and current affiliations in his
5 career, I'm afraid that we would be here all
6 day. He comes from a remarkable family, has his
7 family with him here today, but let me just say
8 this: He's president of the New York State
9 Concrete Masonry Association. He's director of
10 the Amsterdam Chamber of Commerce, president and
11 trustee of the Amsterdam YMCA, director of
12 Bishop Scully High School, director of the
13 Amsterdam Salvation Army, director of the Rotary
14 Club, director of the Antlers Club. He's a
15 veteran. He's truly a joy and a pleasure to -
16 for the entire community.

17 He has an overriding interest in
18 the racing industry. He wants to promote racing
19 in this state, one of the largest economic
20 generators in our state, and John Tesiero is
21 going to be an outstanding member of the State
22 Racing Commission, and I move his nomination
23 with enthusiasm.

24 ACTING PRESIDENT KUHL: Is there
25 any other Senator wishing to speak on the

1 confirmation?

2 Seeing Senator Stafford, the
3 Chair recognizes Senator Stafford.

4 SENATOR STAFFORD: Mr. President,
5 I too have known John Tesiero for years and know
6 him to be a very dedicated individual. He has
7 been extremely successful in business. He's
8 very, very committed to the industry which he is
9 being appointed to today, Commissioner of
10 Racing. He is a person who will give his time,
11 his energy, and this is certainly an excellent
12 appointment, one of the best our governor has
13 made.

14 ACTING PRESIDENT KUHL: The
15 question is on the nomination of John Anthony
16 Tesiero to become a member of the State Racing
17 Commission. All those in favor -- excuse me.

18 SENATOR BRUNO: Mr. President,
19 can I just add my voice of support -

20 ACTING PRESIDENT KUHL: The Chair
21 recognizes Senator Bruno.

22 SENATOR BRUNO: Thank you, Mr.
23 President -- for John Tesiero.

24 As some people may know, racing
25 has become more and more important. It's always

1 been important, but it's more important now than
2 ever because it not only adds so much to the
3 enjoyment of people, but it has a lot to do with
4 the economic aspects of our moving this state
5 forward in a positive way.

6 We need talented, capable,
7 outstanding people, and John Tesiero certainly
8 relates to all of those good things, so I'm
9 happy to add my voice in support, Mr.
10 President.

11 ACTING PRESIDENT KUHL: The
12 question is on the nomination of John Anthony
13 Tesiero to become a member of the State Racing
14 Commission. All those in favor signify by
15 saying aye.

16 (Response of "Aye".)

17 Opposed, nay.

18 (There was no response.)

19 The nominee is unanimously
20 confirmed. We're happy and pleased to be joined
21 by Mr. Tesiero who's in the gallery to your
22 left. Mr. Tesiero, congratulations.

23 (Applause.)

24 The Secretary will read.

25 THE SECRETARY: Member of the

1 Public Health Council, Russell W. Bessett of
2 East Amherst.

3 ACTING PRESIDENT KUHL: The Chair
4 recognizes Senator Stafford.

5 SENATOR STAFFORD: Yield to
6 Senator Rath, please.

7 ACTING PRESIDENT KUHL: Senator
8 Stafford yields to Senator Rath.

9 Senator Rath.

10 SENATOR RATH: Thank you, Mr.
11 Chairman, Mr. President.

12 I rise to nominate Dr. Russell
13 Bessett to the Public -- let me turn the page
14 here so I've got him nominated to the correct
15 board -- as a member of the Public Health
16 Council.

17 Dr. Bessett lives in my district,
18 East Amherst, is indeed a part of the great
19 county of Erie and is also the home, East
20 Amherst or all of Amherst, the home of
21 SUNY-Buffalo and Dr. Bessett is one of the
22 stellar persons we have functioning and serving
23 and having been indeed a graduate of
24 SUNY-Buffalo. I note another appointee is from
25 -- or nominee is from Stony Brook and I think

1 it's extraordinary important that we have our
2 great centers of learning both represented on
3 this most important and crucial council at this
4 time of great turnover and change.

5 I noted as I read Dr. Bessett's
6 resume that there's some things that you can
7 tell about a person as you read their resume,
8 and the thing that I noted about him
9 particularly was not only does he have one or
10 two degrees, he has six degrees. His honors and
11 awards, the chief of them, and there were many,
12 I would say that he was noted as educator of the
13 year. That tells me something about how he
14 relates to the students that he worked with.
15 The international papers that he's presented
16 have been going on for years and years, many
17 international sessions and many awards from
18 those sessions from the papers he presented.

19 I think we have here a
20 professional who is a true professional,
21 understands the business. He's a dentist with
22 medical degrees and other kinds of degrees all
23 behind that, and to have someone of this quality
24 serving at this crucial time in our history, I
25 think is a real plus for New York State. It

1 says something about the kinds of people who are
2 willing to serve on our councils, and I look
3 forward to working with Dr. Bessett as I hear
4 from him from a distance what's happening with
5 the Council and I look forward to his
6 confirmation by the Senate.

7 Thank you.

8 ACTING PRESIDENT KUHL: Is there
9 any other Senator wishing to speak on the
10 nomination?

11 (There was no response.)

12 Hearing none, the question is on
13 the nomination of Russell W. Bessett to become a
14 member of the Public Health Council. All those
15 in favor signify by saying aye.

16 (Response of "Aye".)

17 Opposed, nay.

18 (There was no response.)

19 The nominee is unanimously
20 confirmed.

21 The Secretary will read.

22 THE SECRETARY: Member of the
23 Public Health Council, Mary Elizabeth Hibberd,
24 M.D. of Stony Brook.

25 ACTING PRESIDENT KUHL: The Chair

1 recognizes Senator Stafford.

2 SENATOR STAFFORD: Senator
3 Stafford yields to Senator Hannon.

4 SENATOR HANNON: Yes, Mr.
5 President.

6 ACTING PRESIDENT KUHL: Senator
7 Hannon.

8 SENATOR HANNON: Dr. Hibberd is
9 another one of the Governor's appointees to the
10 Public Health Council who has outstanding
11 credentials as with Dr. Bessett and the person
12 who will be nominated next. All these
13 individuals appeared before the Health Committee
14 yesterday with great information and exchange
15 with all members. It was unanimously
16 recommended that they -- for their nomination to
17 be confirmed.

18 Dr. Hibberd is the Commissioner
19 of Health for the county of Suffolk, a
20 distinguished academic background, a
21 distinguished practice background and brings a
22 number of unique talents to the Council and we
23 would heartily recommended her confirmation.

24 ACTING PRESIDENT KUHL: Any other
25 Senator wishing to speak on the nomination?

1 SENATOR DOLLINGER: Mr.
2 President.

3 ACTING PRESIDENT KUHL: Senator
4 Dollinger.

5 SENATOR DOLLINGER: Mr.
6 President, first of all, I want to extend my
7 thanks to the chairman of the Health Committee
8 for his assistance in getting this information
9 to members of the Committee about not only the
10 appointments to the State Hospital Review and
11 Planning Council, but the Public Health Council
12 at once and I thank both Senator Hannon and his
13 staff for that.

14 Dr. Hibberd comes to us -- I
15 think Senator Hannon perhaps sells her a little
16 bit short in his description of her credentials
17 -- not only from Suffolk County where she's
18 very familiar with public health issues, but
19 this is a physician who started in Texas, went
20 to Montana and finally found a home in New York
21 and in Suffolk County.

22 I think she'll bring a unique
23 perspective to this position, one that's needed
24 and one that will provide the basis for a better
25 understanding of public health in this state.

1 So this is a very good nominee of quality. I
2 commend the second floor, not only for this
3 nominee, but for the rest of the nominees that
4 the Health Committee dealt with during the
5 course of this week.

6 It's a -- I'm proud to be voting
7 in the affirmative, as I will urge all my other
8 Democratic colleagues to as well.

9 ACTING PRESIDENT KUHL: The
10 question is on the nomination of Mary Elizabeth
11 Hibberd, M.D. to become a member of the Public
12 Health Council.

13 Senator LaValle.

14 SENATOR LAVALLE: Mr. President,
15 I rise to confirm Dr. Hibberd's nomination.

16 As may have been mentioned and
17 people know, she is the Commissioner of Health
18 from Suffolk County and I've gotten to know her
19 in that capacity and she is an outstanding
20 person, not only as a physician, not only as a
21 commissioner, not only as a person who
22 understands the needs of our health care system,
23 but just a person who does so with great heart
24 and great humanity, and it's always a pleasure
25 to meet that kind of person who dedicates

1 themselves to public service and have that
2 nomination before us today.

3 ACTING PRESIDENT KUHL: Is there
4 any other Senator wishing to speak on the
5 nomination?

6 (There was no response.)

7 Hearing none, the question is on
8 the nomination of Mary Elizabeth Hibberd, M.D.
9 to become a member of the Public Health
10 Council. All those in favor signify by saying
11 aye.

12 (Response of "Aye".)

13 Opposed, nay.

14 (There was no response.)

15 The nominee is unanimously
16 confirmed.

17 The Secretary will read.

18 THE SECRETARY: Member of the
19 Capital District Transportation Authority,
20 Arthur F. Young, Jr. of Delmar.

21 ACTING PRESIDENT KUHL: The Chair
22 recognizes Senator Stafford.

23 SENATOR STAFFORD: Mr. President,
24 I yield to Senator Hoblock.

25 ACTING PRESIDENT KUHL: Senator

1 Stafford yields to Senator Hoblock.

2 Senator Hoblock.

3 SENATOR HOBLOCK: Thank you,
4 Senator Stafford, Mr. President.

5 It's my pleasure to rise in
6 support of Arthur Young as an appointee to the
7 Capital District Transportation Authority.

8 I have had the pleasure of
9 knowing Art for several years and believe him to
10 be an excellent choice to serve on this
11 important board and I wish to congratulate the
12 Governor for making this selection.

13 Art has a background in finance
14 and banking some 46 years. I think that makes
15 him highly qualified to take on the difficult
16 task of dealing with the transportation needs of
17 the Capital District, particularly in a time of
18 diminishing resources.

19 Art has also given back to his
20 community in many ways being involved in many
21 fraternal and civic organizations, individually
22 and with members of his family, and he
23 demonstrates his true commitment to his
24 community and a better life for all of us.

25 Art and his wife reside in the

1 town of Bethlehem and we are extremely proud
2 that Art's son, David is a member of the Senate
3 staff. He's an analyst for the Senate Finance
4 Committee and do an outstanding job, and we
5 congratulate Art and his wife on doing a fine
6 job in bringing David up and giving him to us.

7 The residents of Albany County
8 are extremely proud to have a man of Art's
9 caliber and ability to serve as a member of the
10 Capital District Transportation Authority, and
11 it does give me great pleasure, Art, to second
12 your nomination and I wish you well.

13 ACTING PRESIDENT KUHL: Is there
14 any other Senator wishing to speak on the
15 nomination?

16 The Chair recognizes Senator
17 Stafford.

18 SENATOR STAFFORD: Very briefly,
19 Mr. President, because I cannot improve on the
20 remarks of my esteemed colleague, but I too have
21 known Art and his family for years -- that's
22 accurate, many years. It wasn't that many years
23 ago that he was in Plattsburgh, New York working
24 and I, of course, have been associated with him
25 professionally and through business interests

1 throughout these years, but as Senator Hoblock
2 said, there's no individual who works harder who
3 will really put more effort into this
4 appointment, this work than Arthur and, Art, the
5 Capital District is better because of this
6 appointment.

7 ACTING PRESIDENT KUHL: Any other
8 Senator wishing to speak on the nomination?

9 (There was no response.)

10 Hearing none, the question is on
11 the nomination of Arthur F. Young, Jr. to become
12 a member of the Capital District Transportation
13 Authority. All those in favor of the nomination
14 signify by saying aye.

15 (Response of "Aye".)

16 Opposed, nay.

17 (There was no response.)

18 The nominee is unanimously
19 confirmed. Mr. Young, congratulations and good
20 luck.

21 (Applause.)

22 The Secretary will read.

23 THE SECRETARY: Member of the
24 Public Health Council, Louise Woerner of
25 Rochester.

1 ACTING PRESIDENT KUHL: The Chair
2 recognizes Senator Nozzolio.

3 SENATOR NOZZOLIO: Thank you, Mr.
4 President.

5 Mr. President, it is indeed an
6 honor to rise in support of Louise Woerner as a
7 member of the Public Health Council. She brings
8 to the Council an excellent background in health
9 care and economics, a marriage that I believe
10 will be extremely beneficial as we are dealing
11 with, wrestling with health care policy through
12 the rest of this century.

13 Louise Woerner is chairman and
14 chief executive officer and owner of HCR, which
15 is a home health care consulting firm
16 headquartered in Rochester, New York with
17 offices in Washington and Atlanta. She has
18 served on a variety of boards and as a
19 consultant to a variety of institutions.

20 I just want to point out a few.
21 As director of the Atlanta Council of the United
22 States, she's played an active role in advancing
23 United States interests in the world community
24 and has helped form... formulate international
25 economic policies.

1 Louise sits on a number of boards
2 and is a volunteer on an awful lot of services
3 back home, but two that I would like to point
4 out to this body. One, as a member of the board
5 of directors of the Federal Reserve Bank of New
6 York, certainly to underscore Louise Woerner's
7 economic background and her skills and knowledge
8 of economics and also in terms of volunteer
9 spirit, I'm honored to serve with her as a
10 member of the National Womens Hall of Fame where
11 she has done, as a member of the board of
12 directors, a great deal of work on behalf of
13 that institution.

14 Louise has been in the forefront
15 of innovative health care services for at least
16 the last two decades. Her work with
17 international business and health care providers
18 internationally in countries like Japan and
19 Russia has earned her the respect of health
20 industry leaders across the country.

21 She was recognized by the
22 Secretary of Health and Human Services of the
23 national government to serve on the National
24 Advisory Council on nursing research and
25 certainly, these last two accolades that I would

1 like to acknowledge show, I think, a great deal
2 of Louise Woerner's background and skill and
3 accomplishment.

4 In 1986, Louise was presented
5 with a presidential award for entrepreneurial
6 excellence at the White House Conference on
7 Small Business and in the Rochester region in
8 1990 was given the Athena Award by the Rochester
9 Chamber of Commerce. Her skill in economic and
10 business issues, Louise Woerner's dedication to
11 the health care field, I think uniquely
12 qualifies her for the Public Health Council and,
13 more importantly, will be a tremendous addition
14 as we begin to reformulate a policy in this
15 very, very changing and turbulent time of health
16 care policy.

17 I am honored to stand before my
18 colleagues in endorsing this recommendation and
19 move the nomination of Louise Woerner as a
20 member of the Public Health Council.

21 ACTING PRESIDENT KUHL: The Chair
22 recognizes Senator Hannon on the nomination.

23 SENATOR HANNON: Yes, Mr.
24 President.

25 I just rise to add my words to

1 our confirmation process for Ms. Woerner who
2 certainly is outstanding and is being nominated
3 not just to be a member but to be the chair of
4 this very important council, which is one of the
5 two councils that will help direct the
6 transition, I hope, of this health care system
7 to modern realities and she brings to it, not
8 only the accomplishments that my good colleague,
9 Senator Nozzolio has already mentioned, but
10 having done such things as taken her health care
11 organization in the county of Monroe and when
12 the challenge was to provide health care to the
13 inner-city, she was able to do that and to
14 deliver it in a way that was commitment with
15 quality care and the care that was available in
16 terms of the budget allocated. It's the type of
17 focus and keen insight that she brought to that
18 that we hope she'll bring to the directing of
19 the Public Health Council and will join in all
20 of our good wishes and looking forward to
21 working with her on that journey.

22 Thank you.

23 ACTING PRESIDENT KUHL: Is there
24 any other -- Senator Dollinger.

25 SENATOR DOLLINGER: Mr.

1 President, I also rise to join my colleague, the
2 chairman of the Health Committee, as well as my
3 colleague, Senator Nozzolio to welcome Louise
4 Woerner to state government. Senator Nozzolio
5 properly pointed out, she's made contributions
6 at other levels of government already, county
7 government, the federal government and her
8 assistance in health care.

9 I guess I was struck by three
10 things that she said. One, she described
11 herself as having good leadership skills. I
12 said in the Health Committee that I thought that
13 wasn't quite fair. She really has superb
14 leadership skills and she will be a superb
15 leader of the Public Health Council, and I'm
16 extremely confident that this body will be
17 placed in very good hands.

18 Secondly, I was impressed by the
19 fact that she described her experience with
20 public health, the one thing she could remember
21 was taking the Salk vaccine, I believe at Number
22 1 School as a graduate of the kindergarten
23 program of the Number 1 Schools. I think I've
24 found a kindred spirit. I know that that might
25 tempt some others on the other side perhaps to

1 vote against Louise Woerner. Please don't do it
2 for that reason, but her notion that public
3 health is grounded in the concept of providing
4 more people with access to important fundamental
5 building blocks of public health, that is
6 immunizations, access to care, access to
7 treatment, health care for children, that sense,
8 I think is very much a part of Louise Woerner's
9 concept of public health combined with what
10 support Senator Nozzolio pointed out, her
11 understanding of the economics of the health
12 care system. It's that sense of compassion and
13 efficiency that we need in our public health
14 care system in this state.

15 Lastly, I'll close with one other
16 thing. She talked about the importance of
17 outcomes, and it seems to me that that's
18 something we have to focus on more and more in
19 determining the critical decisions we have to
20 make about funding this massive health care
21 system, that what we have to look to is how
22 outcomes exist, how they're measured and how we
23 make sure that outcomes across this population
24 are not based solely on your current economic
25 needs, that we provide acceptable outcomes for

1 the broad spectrum of people that live in this
2 state and provide high quality care when we
3 can.

4 So I think Louise Woerner
5 embodies all of the ingredients of being a
6 successful and superb leader of the Public
7 Health Council. I urge everyone to vote in
8 favor.

9 ACTING PRESIDENT KUHL: The
10 question is on the nomination of Louise Woerner
11 to become a member of the Public Health
12 Council. All those in favor signify by saying
13 aye.

14 (Response of "Aye".)

15 Opposed, nay.

16 (There was no response.)

17 The nominee is unanimously
18 confirmed. We're very pleased to have Louise
19 Woerner in the chamber with us who is here.
20 Congratulations and good luck.

21 (Applause.)

22 Senator Leichter, why do you
23 rise?

24 SENATOR LEICHTER: Mr. President,
25 it's good to see you up there looking so well.

1 Mr. President, have we done the
2 nomination of -- the confirmation of John
3 Anthony Tesiero? Did we do that one?

4 ACTING PRESIDENT KUHL: Yes, we
5 have.

6 SENATOR LEICHTER: Okay. I don't
7 want to recall that. Unfortunately, I was out
8 of the chamber. May I be recorded in the
9 negative on that?

10 ACTING PRESIDENT KUHL: The
11 record will reflect that Senator Leichter will
12 be -- was voting in the negative on that
13 nomination.

14 The Secretary will read.

15 THE SECRETARY: Commissioner of
16 the State Insurance Fund, Edmund J. Bergassi of
17 Eastchester.

18 ACTING PRESIDENT KUHL: The Chair
19 recognizes Senator Stafford.

20 SENATOR STAFFORD: Move the
21 confirmation.

22 ACTING PRESIDENT KUHL: The
23 question is on the nomination of Edmund J.
24 Bergassi to become a commissioner of the State
25 Insurance Fund. All those in favor signify by

1 saying aye.

2 (Response of "Aye".)

3 Opposed, nay.

4 (There was no response.)

5 The nominee is confirmed.

6 The Secretary will read.

7 THE SECRETARY: Commissioner of
8 the State Insurance Fund, Victor Wright of
9 Harrison.

10 SENATOR STAFFORD: Move the
11 confirmation.

12 ACTING PRESIDENT KUHL: The
13 question is on the nomination of Victor Wright
14 to become a commissioner of the State Insurance
15 Fund. All those in favor signify by saying
16 aye.

17 (Response of "Aye".)

18 Opposed, nay.

19 (There was no response.)

20 The nominee is confirmed.

21 The Secretary will read.

22 THE SECRETARY: Member of the New
23 York State Hospital Review and Planning Council,
24 John C. Federspiel of Croton-on-Hudson.

25 SENATOR STAFFORD: Move the

1 confirmation.

2 ACTING PRESIDENT KUHL: The
3 question is on the nomination of John C.
4 Federspiel to become a member of the New York
5 State Hospital Review and Planning Council. All
6 those in favor signify by saying aye.

7 (Response of "Aye".)

8 Opposed, nay.

9 (There was no response.)

10 The nominee is confirmed.

11 The Secretary will read.

12 THE SECRETARY: Member of the New
13 York State Hospital Review and Planning Council,
14 Paul F. Macielak of Saratoga Springs.

15 ACTING PRESIDENT KUHL: The Chair
16 recognizes Senator Hannon.

17 SENATOR HANNON: Yes, Mr.
18 President.

19 I probably should have started
20 this out by saying just this and the previous
21 nominee we just confirmed, John Federspiel and
22 Mr. Macielak, along with the other appointees to
23 the state -- New York State Hospital Review and
24 Planning Council, all came before the Health
25 Committee yesterday, except for Mr. Macielak who

1 came before us this morning, and each one is an
2 outstanding appointment. Each one brings
3 particular talents, experience, insights to this
4 important body. Each one is, by the way, to
5 fill a term that has expired so that they're all
6 helping make sure the business of the Council
7 can go forward. We are looking forward to more
8 nominations by the Governor on this.

9 Mr. Macielak, I should say has
10 served in this very body as counsel to the
11 Leader and has gone on now to be a vice
12 president and vice-provost of New York Hospital
13 as well as Cornell and has graciously allowed
14 his name to be put in nomination so that his
15 insights can continue to be of benefit to the
16 people of this state.

17 I would be very happy to move his
18 nomination.

19 ACTING PRESIDENT KUHL: The Chair
20 recognizes Senator Farley.

21 SENATOR FARLEY: I just want to
22 rise to second the nomination of Paul Macielak,
23 former member of the Senate family and, in my
24 judgment, one of the most knowledgeable people
25 that I have ever known in regard to health

1 policy and also Medicaid, in particular.

2 He's a very gifted person and
3 we're fortunate to have someone who's willing to
4 serve on that important panel.

5 ACTING PRESIDENT KUHL: Senator
6 Stachowski.

7 SENATOR STACHOWSKI: I too would
8 like to rise and second the nomination of Paul
9 Macielak. Anybody that grew up on -- off of
10 Clinton Street in Buffalo, on Willard Street and
11 went to St. Bernard's grammar School where his
12 name was Macielak -- I might point that out for
13 the people from Long Island and from Albany. He
14 made it Macielak because it's easier for most
15 people to pronounce. Of course, Senator Maziarz
16 would have had no trouble with Macielak, but for
17 everybody else Macielak is much easier, and with
18 his background from a fine community like that,
19 he can do nothing but great things like he
20 continues to do.

21 ACTING PRESIDENT KUHL: Senator
22 Volker.

23 SENATOR VOLKER: I just want to
24 say that I certainly support Paul despite the
25 fact I'm the one who actually brought Paul to

1 Albany. A lot of people don't know it, but he
2 was -- he came to Albany as an intern with me
3 way back in the early years and, in fact, what
4 happened was that a fellow who now works for the
5 Governor, Ted Hallman was brought to Albany by
6 Ralph Marino and Ted Hallman came to work for me
7 after being an intern for Ralph and then Paul
8 Macielak went to work for Ralph after being an
9 intern for me, so I guess I'm somewhat
10 responsible for bringing Paul to Albany. We all
11 know what an excellent gentleman he's been and
12 he'll do a great job in this council.

13 ACTING PRESIDENT KUHL: Senator
14 LaValle.

15 SENATOR LAVALLE: Mr. President,
16 I just can't let the record go incomplete by
17 having two western New York colleagues rise to
18 second this nomination.

19 As most people in this chamber,
20 I've known Paul for many, many years, practiced
21 law in the village of Port Jefferson for a brief
22 while, but he's just an outstanding counselor
23 and person and is really, let the record show,
24 more importantly, a Long Islander.

25 ACTING PRESIDENT KUHL: Senator

1 Leibell.

2 SENATOR LEIBELL: Yes, Mr.
3 President. I won't comment on the geography,
4 but I would like to add my comments to those of
5 my colleagues who have preceded me in noting
6 that Paul Macielak is one of the truly superb
7 attorneys that I have worked with in the state
8 Legislature and he has certainly served this
9 body well in the state Assembly from the first
10 day I was there in January of 1983.

11 Without question, this is a most
12 excellent appointment and I am very proud to
13 have the opportunity to second this nomination.

14 ACTING PRESIDENT KUHL: Senator
15 Dollinger.

16 SENATOR DOLLINGER: Mr. Chairman,
17 I also rise to second this nomination.

18 I would do it as a group. The
19 members, as I said earlier who were appointed to
20 the State Hospital Review and Planning, Mr.
21 Macielak being probably the most familiar to
22 everybody in this chamber, but the rest of the
23 group as well represent a broad spectrum of
24 diverse viewpoints, that I think it's important
25 as we try to grapple with these issues.

1 I will express my one disap
2 pointment, I expressed it in the committee
3 yesterday is I keep looking for someone who's
4 got that magic wand that they can wave over this
5 complex hospital reimbursement health care
6 problem, and I'm somewhat disappointed to say
7 that none of these five nominees had that magic
8 wand, but I do have one bit of confidence, and
9 that is that if it is out there, this is a very
10 good group of people to go and try to find it.

11 ACTING PRESIDENT KUHL: Is there
12 any other Senator wishing to speak on the
13 nomination?

14 (There was no response.)

15 Hearing none, the question is on
16 the nomination of Paul F. Macielak,
17 affectionately known to many of us as "Buck", to
18 become a member of the New York State Hospital
19 Review and Planning Council. All those in favor
20 signify by saying aye.

21 (Response of "Aye".)

22 Opposed, nay.

23 (There was no response.)

24 The nominee is confirmed.

25 The Secretary will read.

1 THE SECRETARY: Member of the New
2 York State Hospital Review and Planning Council,
3 Edward G. Murphy of Albany.

4 ACTING PRESIDENT KUHL: The Chair
5 recognizes Senator Farley.

6 SENATOR FARLEY: I just have to
7 rise to move the nomination of Edward -- Dr.
8 Edward Murphy of Albany, one of -- I thought he
9 was more from Troy, but anyway, he works over in
10 Troy, but let me say this:

11 Dr. Murphy was one of my students
12 and a good scholar that he was and he was an
13 honor graduate of the State University at
14 Albany, went on to Harvard Medical School, is
15 truly a Horatio Alger story and a remarkable
16 young man who I'm very proud of his career and
17 he's done a terrific job in his -- at the
18 hospitals in Rensselaer County, and it is with
19 enthusiasm that I move the nomination of Dr.
20 Edward G. Murphy.

21 ACTING PRESIDENT KUHL: Is there
22 any other speaker -

23 Senator Hoblock.

24 SENATOR HOBLOCK: Thank you, Mr.
25 President.

1 It gives me great pleasure to
2 rise to second the nomination of Dr. Murphy to
3 serve as a member of the State Hospital Review
4 and Planning Council.

5 Dr. Murphy, as Senator Farley
6 indicated, has a reputation by working in Troy
7 and dealing with the affordable health care,
8 managed care and the concerns that we all have
9 about the importance of this particular issue,
10 locally, statewide and nationally, and that Dr.
11 Murphy has been associated with the system that
12 came about from the merger of St. Mary's
13 Hospital and Leonard hospital in the city of
14 Troy, probably one of the first of its kind of
15 medical merging to provide better health care
16 and services to the -- to our constituencies in
17 Rensselaer, Albany County and the Capital
18 District.

19 He has an enormous background in
20 this particular area and he's going to be a
21 tremendous asset to the state of New York, and I
22 congratulate the Governor on making a fine
23 choice.

24 ACTING PRESIDENT KUHL: Is there
25 any other Senator wishing to speak on the

1 nomination?

2 (There was no response.)

3 Hearing none, the question is on
4 the nomination of Edward G. Murphy to become a
5 member of the New York State Hospital Review and
6 Planning Council. All those in favor signify by
7 saying aye.

8 (Response of "Aye".)

9 Opposed, nay.

10 (There was no response.)

11 The nominee is confirmed.

12 The Secretary will read.

13 THE SECRETARY: Member of the New
14 York State Hospital Review and Planning Council,
15 Joel A. Maten of Buffalo.

16 ACTING PRESIDENT KUHL: Senator
17 Volker.

18 SENATOR VOLKER: Mr. President, I
19 just want to say that I've known Joel Maten for
20 some 15 or 20 years. He's been one of the most
21 active members of the local Health Systems
22 Agency. He's been the owner of an operation in
23 Buffalo, laundering operation, that had provided
24 many of the services to the hospitals in the
25 area until he retired several years ago. Also,

1 by the way, his wife graduated from high school
2 with my wife and is on the board of St. Mary's
3 -- St. Mary's board of directors High School in
4 Lancaster with me.

5 He's an excellent gentleman. He
6 knows the hospital planning area very, very well
7 and is probably one of the finest people to be
8 picked from the Buffalo area to be on the
9 Hospital Planning Council.

10 ACTING PRESIDENT KUHL: Is there
11 any other Senator wishing to speak on the
12 nomination? Hearing none, the question -

13 Senator Stachowski.

14 SENATOR STACHOWSKI: I too would
15 like to rise to second the appointment of Joel
16 Maten. I also am familiar with his background,
17 working with the local Health Systems Agency and
18 also with the county hospital, and I think that
19 his background will serve us well in the state
20 and I think he's a fine appointment by the
21 Governor.

22 ACTING PRESIDENT KUHL: The
23 question is on the nomination of Joel A. Maten
24 to become a member of the New York State
25 Hospital Review and Planning Council. All those

1 in favor signify by saying aye.

2 (Response of "Aye".)

3 Opposed, nay.

4 (There was no response.)

5 The nominee is confirmed.

6 The Secretary will read.

7 SENATOR SKELOS: Mr. President.

8 ACTING PRESIDENT KUHL: Senator
9 Skelos.

10 SENATOR SKELOS: If I could just
11 interrupt for a moment. There will be a meeting
12 of the Transportation Committee at 4:30 in Room
13 123 of the Capitol.

14 ACTING PRESIDENT KUHL: There
15 will be a meeting of the Transportation
16 Committee at 4:30 p.m. this afternoon in Room
17 124 of the Capitol.

18 The Secretary will continue to
19 read.

20 THE SECRETARY: Member of the New
21 York State Hospital Review and Planning Council,
22 Henry M. Sloma of Lewiston.

23 ACTING PRESIDENT KUHL: The
24 question is on the nomination of Henry M. -
25 excuse me.

1 Senator Maziarz, would you stand
2 up, please, when you speak. (Laughter.)

3 Senator Maziarz.

4 SENATOR MAZIARZ: On the
5 nomination, Mr. President.

6 I've known Henry Sloma for many
7 years. He's been very involved in the nursing
8 home industry in Niagara County, indeed. When
9 the county nursing home was found to be in
10 non-compliance with some 110 violations by the
11 state Health Department, the county of Niagara
12 appointed Mr. Sloma as an interim administrator
13 and within a period of about six to eight
14 months, he not only cleared up all of the
15 deficiencies, he actually turned the county
16 nursing home around to the point where it is now
17 at least braking even and not costing the county
18 taxpayers of Niagara County anything.

19 He has also, because of his
20 performance there, been appointed by the court,
21 both state and federal courts many times to act
22 as an interim administrator at nursing homes
23 throughout western New York. He's done a great
24 deal in the nursing home industry and he's going
25 to be a fine member of the New York State

1 Hospital Review and Planning Council, Mr.
2 President.

3 ACTING PRESIDENT KUHL: Is there
4 any other Senator wishing to speak on the
5 nomination of Henry M. Sloma?

6 (There was no response.)

7 Hearing none, the question is on
8 the nomination of Henry M. Sloma to become a
9 member of the New York State Hospital Review and
10 Planning Council. All those in favor signify by
11 saying aye.

12 (Response of "Aye".)

13 Opposed, nay.

14 (There was no response.)

15 The nominee is confirmed.

16 The Secretary will read.

17 THE SECRETARY: Member of the
18 Board of Trustees of the State University of New
19 York, Erland E. Kailbourne of Voorheesville.

20 ACTING PRESIDENT KUHL: The
21 Secretary -- excuse me.

22 Senator Farley.

23 SENATOR FARLEY: Thank you, Mr.
24 President.

25 I have to rise to support the -

1 to move the nomination of "Erkie" Kailbourne for
2 this appointment. He is also a very, very
3 important citizen of the Capital District and
4 former president of Fleet Bank of New York and
5 recently retired and somebody who has been truly
6 a person who has contributed to this area. He's
7 been active on -- with the State University of
8 New York at Albany's foundation and "Erkie"
9 Kailbourne has devoted his -- particularly since
10 he's retired, his life to the community and he's
11 a native of Buffalo and truly an outstanding
12 citizen and as an employee of the State
13 University and somebody who's very interested in
14 it, they've done very, very well with this
15 appointment and I applaud the Governor for
16 putting "Erkie" Kailbourne on -- as a trustee of
17 the State University. The State University will
18 be well served.

19 ACTING PRESIDENT KUHL: The Chair
20 recognizes Senator Hoblock.

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

23 It gives me great pleasure to
24 rise and second the nomination of "Erkie"
25 Kailbourne as a member of the Board of Trustees

1 of the State University of New York.

2 I've gotten to know Mr.
3 Kailbourne over the past few years since he came
4 into the Capital Region from the western part of
5 this state in his capacity with Fleet Bank and
6 Fleet Financial Group. I have to tell you that
7 he has earned very quickly in this area a
8 reputation as an astute executive and leader.

9 He's a dynamic individual and you
10 only need to spend a little bit of time in his
11 company to get to appreciate the character of
12 this man and the leadership qualities that he
13 has.

14 He has expressed an interest in
15 the university system in this state which is
16 obviously very important to us and he will bring
17 to the table that expertise and leadership at
18 the time we really need it with that system
19 undergoing some change and how it deals with the
20 problems they're having and the limited
21 resources that are available, and I know that he
22 comes to this task with a great deal of
23 enthusiasm and I know that we'll all be able to
24 appreciate and be the beneficiaries of his hard
25 work and efforts.

1 So it does give me a great
2 pleasure to second the nomination of "Erkie"
3 Kailbourne and I wish him well.

4 ACTING PRESIDENT KUHL: The Chair
5 recognizes Senator LaValle.

6 SENATOR LAVALLE: Thank you, Mr.
7 President.

8 Mr. Kailbourne came before the
9 committee yesterday to be screened as a trustee
10 of the State University. The committee found
11 him well qualified, but I had a special
12 opportunity to speak to him before the meeting
13 and, indeed, the credentials that are on his
14 biography really do not do him justice that
15 really came out, in the short conversation that
16 I had, the understanding of what the State
17 University is all about, where we are at this
18 point in time and how he with his vast
19 experience in finance and understanding what is
20 happening in the business world and what New
21 York needs to move forward in terms of economic
22 development, squarely understands that at this
23 point in time, we need to have a marriage
24 between higher education and business, and I
25 believe he will move forward that agenda and

1 also the agenda of having the State University
2 be a better institution than it is at this
3 time.

4 With great enthusiasm, I second
5 this nomination.

6 ACTING PRESIDENT KUHL: Senator
7 Nozzolio.

8 SENATOR NOZZOLIO: Thank you.

9 I rise too, Mr. President, my
10 colleagues, to support this nomination. I think
11 it's tremendous news for the taxpayers of this
12 state for all who are concerned with the future
13 direction of SUNY to have an individual like
14 "Erkie" Kailbourne to volunteer to be a member
15 of the trustees; that I speak as one from
16 western and central New York who was a
17 beneficiary of having "Erkie" involved in
18 business decisions, and he will ensure the
19 mainstream business and personal values are
20 imparted on the management of SUNY. He's facing
21 tremendous crises over the next few years. Much
22 change is needed, and our nominee is the one to
23 do it and I'm very pleased to share and join in
24 my support of "Erkie" Kailbourne to serve in
25 this great responsibility.

1 Congratulations.

2 ACTING PRESIDENT KUHL: The Chair
3 recognizes Senator Stachowski.

4 SENATOR STACHOWSKI: Mr.
5 President, I too rise to second the appointment
6 of "Erkie" Kailbourne. I think that the
7 expertise he'll bring from his position with the
8 bank and the knowledge he has from having worked
9 all areas of the state through this position
10 with the bank will help him, because he has
11 familiarity with the different areas that SUNY
12 is located in the state, and I think that the
13 enthusiasm and the knowledge that he'll bring to
14 this position will be nothing but beneficial,
15 not only to the university but all of the people
16 that are affected by it.

17 ACTING PRESIDENT KUHL: The Chair
18 recognizes Senator Volker.

19 SENATOR VOLKER: Mr. President, I
20 too want to rise in support of "Erkie"
21 Kailbourne who, as we told Senator LaValle here,
22 came out of the wilds of western New York and,
23 although we -- he moved to Albany and has gained
24 an excellent reputation here, he is extremely
25 well-known in the Buffalo area, Rochester area

1 also and western New York, and I think that he
2 is another one of the appointments to the SUNY
3 board which I think represents a group of people
4 who I think if we ever needed a group of people
5 like the board that is being appointed -- and
6 "Erkie" is one of those people -- it is now as
7 we begin to move into the 21st Century and move
8 SUNY into the 21st Century; so I highly commend
9 the Governor for this nomination and I wish
10 "Erkie" the best in the coming years.

11 ACTING PRESIDENT KUHL: The Chair
12 recognizes Senator Farley for a second time.

13 SENATOR FARLEY: I just wanted to
14 correct something. I had him retired. What can
15 I say about the most dynamic banker that I
16 know? I guess I was thinking about MacFarland
17 who was a great former president of Fleet.

18 I don't know what made me do
19 that, "Erkie", but let me just say something,
20 that Fleet has been one of the banking
21 successes, not only of this state but of the
22 Northeast. They're merging and becoming bigger
23 every day and "Erkie" Kailbourne has been a very
24 large part of that. We are very excited that
25 he's taking a role and an interest, not only in

1 the State University of Albany but the State
2 University generally.

3 This is a great appointment and,
4 "Erkie", I am grateful to you for even
5 accepting it. Thank you very much and please
6 don't retire.

7 ACTING PRESIDENT KUHL: Is there
8 any other speaker wishing to speak on the
9 nomination?

10 (There was no response.)

11 Hearing none, the question is on
12 the confirmation of Erland E. Kailbourne, member
13 of the Board of Trustees of the State University
14 at New York. All those in favor signify by
15 saying aye.

16 (Response of "Aye".)

17 Opposed, nay.

18 (There was no response.)

19 The nominee is unanimously
20 confirmed.

21 We're very pleased to have
22 "Erkie" Kailbourne in the chamber with us in
23 the gallery to your left. Congratulations,
24 "Erkie". Good to see you. Good luck.

25 (Applause.)

1 The Secretary will read.

2 THE SECRETARY: Members of the
3 Capital District Transportation Authority:
4 Thomas Clements, Saratoga Springs; Henry S.
5 DeLegge of Schenectady; Anthony S. Esposito of
6 Guilderland; Donald C. MacElroy of Clifton Park;
7 Joseph Parillo of Schenectady; William L. Pratt
8 of Rensselaer.

9 ACTING PRESIDENT KUHL: The
10 question is on the nomination of the members of
11 the Capital District Transportation Authority.
12 All those in favor signify by saying aye.

13 (Response of "Aye".)

14 Opposed, nay.

15 (There was no response.)

16 The nominees are confirmed.

17 Senator Farley, why do you rise?

18 SENATOR FARLEY: Just to explain
19 my vote. I do want to say how fortunate we
20 are. A couple of these guys are my
21 constituents.

22 Joseph Parillo was a former
23 chairman of that Capital District Transportation
24 Authority and he's a reappointment and he will
25 serve it well.

1 Henry DeLegge of Schenectady will
2 also be an outstanding member. I'm delighted to
3 see that these people are getting on. This is a
4 board that has been understaffed as far as
5 appointments are concerned and we're delighted
6 to see these outstanding appointments being made
7 and I support them all.

8 ACTING PRESIDENT KUHL: The
9 record will reflect that Senator Farley is
10 recorded in the affirmative on the nomination of
11 all members of the CDA -- CDTA members.

12 The Secretary will read.

13 THE SECRETARY: Member of the
14 State Board of Real Property Services, Leon
15 Wright of Franklinville.

16 ACTING PRESIDENT KUHL: The
17 Secretary -- the Secretary -- let's see. The
18 question is on the nomination of Leon Wright to
19 become a member of the State Board of Real
20 Property Services. All those in favor signify
21 by saying aye.

22 (Response of "Aye".)

23 Opposed, nay.

24 (There was no response.)

25 The nominee is confirmed.

1 The Secretary will read.

2 THE SECRETARY: Member of the
3 Mental Health Services Council, Carole F. Hayes
4 Collier of Syracuse.

5 ACTING PRESIDENT KUHL: The
6 question is on the nomination of Carole F. Hayes
7 Collier to become a member of the Mental Health
8 Services Council. All those in favor signify by
9 saying aye.

10 (Response of "Aye".)

11 Opposed, nay.

12 (There was no response.)

13 The nominee is confirmed.

14 The Secretary will read.

15 THE SECRETARY: Member of the
16 Mental Health Services Council, Judith Ann
17 Trysnicky of Gowanda.

18 ACTING PRESIDENT KUHL: The
19 question is on the nomination of Judith Ann
20 Trysnicky to become a member of the Mental
21 Health Services Council. All those in favor
22 signify by saying aye.

23 (Response of "Aye".)

24 Opposed, nay.

25 (There was no response.)

1 The nominee is confirmed.

2 The Secretary will read.

3 THE SECRETARY: Member of the
4 Stewart Airport Commission, Louis Heimbach of
5 Middletown.

6 ACTING PRESIDENT KUHL: The
7 question is on the nomination of Louis Heimbach
8 to become a member of the Stewart Airport
9 Commission. All those in favor signify by
10 saying aye.

11 (Response of "Aye".)

12 Opposed, nay.

13 (There was no response.)

14 The nominee is confirmed.

15 The Secretary will read.

16 THE SECRETARY: Member of the
17 Stewart Airport Commission, James C. Wright of
18 New Windsor.

19 ACTING PRESIDENT KUHL: The
20 question is on the nomination of James C. Wright
21 to become a member of the Stewart Airport
22 Commission. All those in favor signify by
23 saying aye.

24 (Response of "Aye".)

25 Opposed, nay.

1 (There was no response.)

2 The nominee is confirmed.

3 The Secretary will read.

4 THE SECRETARY: Member of the
5 Board of Directors of the New York Convention
6 Center Operating Corporation, Eric M. Javits of
7 New York City.

8 ACTING PRESIDENT KUHL: The
9 question is on the nomination of Eric M. Javits
10 to become a member of the Board of Directors of
11 the New York Convention Center Operating
12 Corporation. All those in favor signify by
13 saying aye.

14 (Response of "Aye".)

15 Opposed, nay.

16 (There was no response.)

17 The nominee is confirmed.

18 The Secretary will read.

19 THE SECRETARY: Member of the
20 Board of Trustees of Cornell University, James
21 A. Ortenzio of New York City.

22 ACTING PRESIDENT KUHL: The
23 question is on the nomination of James A.
24 Ortenzio.

25 Senator Farley wishes to speak.

1 The Chair recognizes Senator Farley.

2 SENATOR FARLEY: Thank you,
3 Senator.

4 I just want to rise to say a word
5 of endorsement on James Ortenzio, a remarkable
6 gentleman, a remarkable scholar, a self-made man
7 and one that has been eminently successful in
8 the food products industry. He's extremely well
9 educated, both with degrees in life experience
10 and accomplishments and New York State is
11 fortunate that he's accepted this governor's
12 invitation to serve both Cornell and all of the
13 citizens of this state. This is quite a fellow
14 and I support his nomination with enthusiasm.

15 ACTING PRESIDENT KUHL: The
16 question is on the nomination of James A.
17 Ortenzio to become a member of the Board of
18 Trustees of Cornell University. All those in
19 favor of the nomination signify by saying aye.

20 (Response of "Aye".)

21 Opposed, nay.

22 (There was no response.)

23 The nominee is confirmed.

24 The Secretary will read.

25 THE SECRETARY: Member of the

1 Board of Trustees of the State University of New
2 York, Harvey F. Wachsman of Brookville.

3 ACTING PRESIDENT KUHL: The Chair
4 recognizes Senator Marcellino.

5 SENATOR MARCELLINO: Mr.
6 President, I rise to place in nomination the
7 name of Harvey F. Wachsman, a constituent of
8 mine.

9 Dr. Wachsman has an extensive
10 background that would qualify him to be on the
11 board of trustees and bring a unique perspective
12 to this particular board.

13 Dr. Wachsman is a noted physician
14 and teacher of medicine and professor and
15 adjunct professor of neurological surgery at the
16 State University of New York at Stony Brook and
17 a member of many professional organizations and
18 his tremendous background in the field of
19 medicine is well respected, and that might be a
20 significant career for most people, but Dr.
21 Wachsman then went on to medical school -- to
22 law school, graduated Brooklyn Law and became a
23 noted legal scholar as well as practitioner in
24 the field. He's a member of many bar
25 associations, has written extensively and a

1 member of the law firm of Pegalis & Wachsman
2 practicing out of Great Neck. He is, as I said
3 before, uniquely qualified and a unique
4 personality. We are honored to have him as a
5 member of my constituency and we should be
6 honored to have him on the board of trustees of
7 SUNY.

8 Thank you.

9 ACTING PRESIDENT KUHL: Senator
10 LaValle.

11 SENATOR LAVALLE: Mr. President,
12 I also rise to second this nomination, not to go
13 over the same territory that Senator Marcellino
14 did talking about the nominee.

15 Dr. Wachsman was before the
16 committee. I had the opportunity to speak to
17 him privately. His background as was stated is
18 extensive, nine pages of various citations and
19 awards and degrees in courts that Dr. Wachsman
20 practices in, and I think at a time when we are
21 trying to determine the role of the health
22 science centers in the State University, I am
23 sure that Dr. Wachsman will be -- will add
24 something to that discussion and that debate.

25 THE PRESIDENT: Thank you,

1 Senator LaValle.

2 The question is on the
3 confirmation of Dr. Harvey Wachsman as a member
4 of the board of trustees of the State University
5 of New York. All in favor say aye.

6 (Response of "Aye".)

7 Opposed, nay.

8 (There was no response.)

9 Dr. Harvey Wachsman is hereby
10 confirmed as a member of the Board of Trustees
11 of the State University of New York.

12 The Secretary will read.

13 THE SECRETARY: Director of the
14 state of New York Mortgage Agency, Steven E.
15 Snyder of Fleetwood.

16 THE PRESIDENT: Senator Stafford.

17 SENATOR STAFFORD: Move the
18 confirmation, please.

19 THE PRESIDENT: The question is
20 on the confirmation of Senator Steven E. Snyder
21 as a member of the state of New York Mortgage
22 Agency. All in favor, please signify by saying
23 aye.

24 (Response of "Aye".)

25 Opposed, nay.

1 (There was no response.)

2 Steven E. Snyder is hereby
3 confirmed as a member of the state of New York
4 Mortgage Agency.

5 The Secretary will read.

6 THE SECRETARY: Member of the New
7 York State Housing Finance Agency, Steven E.
8 Snyder of Fleetwood.

9 THE PRESIDENT: The question is
10 on the confirmation of Steven E. Snyder as a
11 member of the New York State Housing Finance
12 Agency. All in favor say aye.

13 (Response of "Aye".)

14 All opposed, nay.

15 (There was no response.)

16 Steven E. Snyder is hereby
17 confirmed as a member of the New York State
18 Housing Finance Agency.

19 The Secretary will read.

20 THE SECRETARY: Non-voting member
21 of the Metropolitan Transportation Authority,
22 Beverly L. Dolinsky of New York City.

23 THE PRESIDENT: The question is
24 on the confirmation of Beverly L. Dolinsky as a
25 non-voting member of the MTA. All in favor say

1 aye.

2 (Response of "Aye".)

3 All opposed, nay.

4 (There was no response.)

5 Beverly L. Dolinsky is hereby
6 confirmed as a non-voting member of the MTA.

7 The Secretary will read.

8 THE SECRETARY: Member of the
9 Board of Directors of the Great Lakes Protection
10 Fund, Brian J. Lipke of Derby.

11 THE PRESIDENT: The question is
12 on the confirmation of Brian J. Lipke as a
13 member of the Board of Directors of the Great
14 Lakes Protection Fund.

15 Senator Stafford.

16 SENATOR STAFFORD: Move the
17 nomination, please.

18 THE PRESIDENT: All in favor say
19 aye.

20 (Response of "Aye".)

21 Opposed, nay.

22 (There was no response.)

23 Brian J. Lipke is hereby
24 confirmed as a member of the Board of Directors
25 of the Great Lakes Protection Fund.

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Senator Bruno.

SENATOR BRUNO: Yes, Madam

President. That concludes that business, and I would like to announce that tomorrow there will be a Finance Committee meeting in Room 332 at 10:00 a.m., a Rules Committee meeting at 11:30 a.m. in Room 332 and that we will start session tomorrow at 12:00, and there being no further business to come before the Senate, I stand - 12:00 sharp, Senator. Thank you. And there being no further business to come before the Senate, I move we stand adjourned until tomorrow, 12:00 p.m. sharp.

Thank you, Madam President.

THE PRESIDENT: Without objection -- thank you, Senator Bruno.

Without objection, the Senate stands adjourned until Thursday, October 12th at 12:00 noon.

(Whereupon, at 4:24 p.m., the Senate adjourned.)