ALBANY, NEW YORK

December 12, 1995

1:35 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would everyone please rise and join me in the Pledge of Allegiance.

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

In the absence of clergy today, let us bow our heads in a moment of silence in memory of Senator Joseph L. Galiber.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Monday, December 11th. The Senate met pursuant to adjournment, Senator Farley in the Chair. The Journal of Friday, December 8th, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Report of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, may we at this time adopt the Resolution Calendar.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution -

SENATOR BRUNO: Madam President, I believe there is a resolution in my name at the desk. May I ask that the title be read at this time and move its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno,

Legislative Resolution commending the Rensselaer High School Rams upon the occasion of their participation in the New York State Public High School Athletic Association Class D Championship, Carrier Dome, Syracuse, New York.

THE PRESIDENT: The question is on the adoption of the resolution. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: I'm relieved, Madam President, and may we, at this time -- I believe there is another resolution by Senator Hoblock that is at the desk. May I ask that we read the title and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Hoblock, Legislative Resolution commemorating

the 65th Anniversary of the Macedonia Baptist Church on Sunday, December 23rd, 1995.

THE PRESIDENT: All in favor of adoption of the resolution, please signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted. May we please return -- oh, Senator Bruno.

SENATOR BRUNO: Madam President, may we at this time return to the reports of standing committees and I believe that there is a report from the Finance Committee that we would hear at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, hands up the following nominations:

President of the New York State Higher Education Services Corporation, Robert J. Maurer, of Delmar.

SENATOR HOBLOCK: Mr. President.

SENATOR STAFFORD: Mr. President, I have at this time the pleasure to -

THE PRESIDENT: Senator Hoblock.

SENATOR STAFFORD: -- yield to Senator Hoblock.

SENATOR HOBLOCK: Thank you, Madam President.

Madam President, my colleagues, it gives me great pleasure to present the credentials of Robert J. Maurer for confirmation to the position of President of the Higher Education Services Corporation.

Bob is a familiar face to this house and to the Senate for he began his career as a member of the staff of this house back in 1967 and spent some ten years in various capacities serving the Senate very well in areas of education. He then moved to the Department of Education and served for a number of years in some very responsible capacities. He was last an executive deputy commissioner at State Ed., working very closely with the Regents, with the

state Legislature and the Governor as well as many state, national and other professional associations and organizations.

His most recent contribution to the education community was in the private sector where he was president of the American Corporation for Education and Training. The emphasis and direction of this corporation and its efforts was in the workplace training, literacy, and management of education programs to small and medium sized businesses and public agencies.

It is apparent that over the last almost 30 years of Bob's activity in the field of education, it proves that he has a commitment and a proven track record and is well suited and fitted to assume this very significant and important role in these very challenging and trying times of helping our collegebound students find ways to afford and finance that college education.

So it gives me great pleasure to place into nomination as president of the Higher

Education Services Corporation, Robert J. Maurer.

THE PRESIDENT: Thank you, Senator Hoblock.

Senator?

SENATOR FARLEY: Thank you, Madam President.

I'd like to rise to second the nomination of Bob Maurer who is a member of the Senate family that served with the late Senator Conklin with such distinction, and Mr. Maurer is not only a great guy but was a tremendous public servant throughout his professional career and it's with great pleasure and enthusiasm that I support his nomination.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Farley.

Senator Marchi.

SENATOR MARCHI: Senator Farley, I think, touched on one aspect that I share with him, the question of rising and speaking to the indisputable merits of Bob Maurer on a personal

basis. We're not working from a script or from the weight of authority or what others have said or glorious testimonials that have been given meritoriously on other occasions, but from actual experience in sharing efforts together towards common purposes, and this went on over a period of years.

So on that basis, I feel -- I feel very not only good that we're doing something worthwhile here in terms of the office that he will be serving, I know with distinction, but also to see it on the basis that I can personally experience and feel because I have -- I've been a witness to the enthusiasm, the warmth, and the dedication that he brought to each and every effort that he engaged in.

So I rise again to second this nomination.

THE PRESIDENT: Thank you, Senator Marchi.

Senator Stafford.

SENATOR STAFFORD: Thank you,

thank you, Madam President.

The very exact words that Bob Maurer said to me in 1966 back by that door, he said, Do you want to do a radio tape? and I said Yeah, I guess so, and he had this machine with him and we were starting to have programs or the tapes sent back to our districts and we really felt we were doing something, let me tell you.

He also wrote speeches and that's when a staff member would write speeches for four or five people and the four or five Senators and we were all working together. As has been said here, Bob went through the Chair so to speak and became a close confidante of Senator Bill Conklin, and we all remember him so well, and much of the work that's been done in the arts and cultural affairs were done by Bob Maurer and Bill Conklin in the beginning.

We could mention education. We could emphasize, but I think really as we say so many times, Bob's appointment here today is really an example of the system working. Those who have had the experience, worked hard, proven

themselves and then been given responsibility.

So I, too, Mr. President, certainly support Bob Maurer's nomination. I commend the Governor and I want to join in moving the confirmation.

THE PRESIDENT: Thank you.

Senator Tully.

SENATOR TULLY: Thank you, Madam President.

I also rise to support the nomination of Bob Maurer. He is a former constituent of mine, Madam President, and as such, he knows the downstate area. He knows the education situation in the downstate area. He graduated from Mineola High School in my district, and he now is in Senator Hoblock's district in upstate New York. He knows the difference between the two, and I think that, coupled with his excellent academic background, his educational expertise and his cultural background will serve him in good stead to go on to this position.

Beyond that, he's also been

someone who's also worked in the trenches of reportorial work. He worked for the Long Island Press, which is a former very important paper in my area, and also for the New York Times. He crossed swords and pens, I guess, with people like Jimmy Breslin, and he has that distinction of being one of the singular individuals that's been before this body who has been supported by both Senator Leichter and Senator Tully, so he must have that "je ne sais pas" that's very important, and I support his nomination.

Thank you, Madam President.

THE PRESIDENT: Thank you.

Senator Leichter.

SENATOR LEICHTER: Madam President, if it's appropriate, I congratulate you, and it's nice that you took time off from your honeymoon to be with us today.

THE PRESIDENT: Thank you. I'm sure it's over.

SENATOR LEICHTER: Madam President, I'm very pleased to get up on this appointment. Throughout the year, with a few

exceptions, as we vote on confirmations, I sort of, with regret and sometimes cynicism, watch my Republican friends get up and praise the Governor highly for his appointments, and I didn't feel I could share that enthusiasm, but I certainly can in this particular instance.

Bob Maurer is an exceptional person. He's a superb appointment. I probably worked with Bob earlier than anybody in this chamber because, when I was in the Assembly in the 1970s, I was appointed to the state Commission on Cultural Resources. It was chaired by Bill Conklin, and Bob was the executive director. It was a very diverse group not only of legislators, we had, as I said, Bob Conklin from -- from Bayside in Brooklyn and you had Seymour Thaler, one of the more active progressive members of the -- of the Senate. Also had some wonderful people from the art world, Jim Hightower, Billy Taylor, Harvey Lichtenstein, and so on, and Bob as executive director really put that group together, and we functioned extremely harmoniously, I think

exceptionally well, under his leadership and that of Bill Conklin, and the whole state program of support for the arts came from that commission.

Well, Bob has gone on from there to perform many different functions in state government, perform them all very well. He's shown great sensitivity, intelligence. He has always, I know, kept the particular fondness for the Legislature and for the Senate and has always been available to the members of the - of the Legislature.

As I was sitting in the Higher Education Committee and thinking about Bob Maurer, I realized how fortunate we are in this state to have some superb public officials and some superb governmental officials and with all of the cynicism that people have about government and with all of the negative things you hear about public employees, the fact is that any state that has a Bob Maurer -- and we've had John Egans and others of exceptional dedication and skill there -- that we're really

very fortunate in that he should now go on and take over this very important sensitive position is a real help and boon to the people of this state.

So I'm delighted to get up here and to support this nomination and to express my high regard for Bob Maurer.

THE PRESIDENT: Thank you, Senator Leichter.

Senator LaValle.

SENATOR LAVALLE: Thank you, Madam President.

It's really a pleasure to rise here to support the nomination of Bob Maurer. Bob and I worked together in the Senate as staff members. Bob has gone on to do some wonderful things in education in the private sector and business world, but in each and every position that Bob has held, he has certainly showed great intellect, but also a very human side in the way he has dealt with and handled people.

He will certainly show his management abilities and skills to handle the

resources -- the financial resources that exceed one billion dollars that are in the Higher Ed. Services Corporation, and do so by bringing in as he has indicated in the Higher Education Senate Standing Committee, advanced technology.

And so, again, it's a pleasure for me to rise as not only chair but someone who has known Bob, and I must say that when, yesterday during the Higher Ed. meeting, the committee members were not only unanimous in their endorsement and support of Robert Maurer, but they did so very enthusiastically.

I thank you very much, Madam President.

THE PRESIDENT: Thank you, Senator LaValle.

Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

I just want to encourage the Majority not to withdraw the nomination of Mr. Maurer in light of the tumultuous praise bestowed upon him by Senator Leichter. I'm

hoping that the nomination will continue.

Mr. Maurer was gracious enough to introduce himself to me along with a number of the members of AmeriCorps who are sitting in the gallery today, traveling all over the country to enrich others' lives with their education, their rehabilitation and their enlightenment, and from Senator Leichter's praise and also his personal comments that he made to me, we are very privileged and very pleased to have Mr. Maurer among us, and we are very much in support of his nomination.

Thank you.

THE PRESIDENT: Thank you, Senator Paterson.

Senator Stavisky.

SENATOR STAVISKY: I, too, join in congratulating the appointee and in wishing him every member -- every measure of success. I have only one caveat. Remember the heritage of New York State support for financial aid to higher education. Remember what Nelson Rockefeller, a great governor who happened to be

a Republican, sought to do for higher education opportunities in New York State. Remember what other governors and legislatures have sought to do in behalf of higher education, and do not go quietly into the night as there are some who would strip students in New York State of the opportunity for an education.

Be an advocate. I know that is not the traditional role of a president of the corporation, but be an advocate for students who need help in order to make it in this increasingly high tech' society and, with that caveat and with that reminder and in recognition of the long service that Robert Maurer has rendered to education in New York State, I'm very proud to support the nomination.

THE PRESIDENT: Thank you.

Have all members wishing to speak on the nomination of Robert Maurer been heard?

The question is on the confirmation of Robert J. Maurer to be President of the Higher Education Services Corporation.

All in favor signify by saying

aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Robert J. Maurer is hereby confirmed as President of the Higher Education Services Corporation. Mr. Maurer is in the gallery today with his wife, Louise, and also with volunteers from Phoenix House and Ameri Care's group, and they've provided 150,000 hours of service treating individuals with substance abuse.

(Applause)

The Secretary will read.

THE SECRETARY: Member of the Public Service Commission, Eugene W. Zeltmann, of Clifton Park.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, it is my pleasure and honor to move this nomination of Eugene Zeltmann.

Gene Zeltmann lives in Clifton Park in my district, and he, like so many others

here today, are submitted by our great governor to do the good work of the people of this state, and Gene Zeltmann is especially qualified to serve in the Public Service Commission, and we all know that that is an important area of what it takes to make this state viable.

He brings with him 20 years of employment with GE at a senior executive level, traveled the world on behalf of GE, working on international trade, was recognized by Washington and was asked to be an adviser to the U. S. Secretary of Commerce as well as sent on missions by the U. S. Secretary of Energy to Pakistan, Costa Rica, China. He has a tremendous background, Ph.D. from Johns Hopkins, B.A. in chemistry from Beloit College. He's a trained radiochemist and did a lot of very important work for the U. S. Navy working at the Knolls Atomic Lab.

So we are privileged, I believe, to have such a qualified gentleman ready and willing to serve the people of this state. So I'm proud to move his nomination.

SENATOR SEWARD: Madam President.

Madam President, I'm very pleased to rise and join Senator Bruno in support of the confirmation of Eugene Zeltmann to be a member of the Public Service Commission.

It's no secret that these are very challenging times at the Public Service Commission, with the challenge of dealing with the high electric rates of our state, the challenge of making sure that New York State fully is -- takes part in the -- all of the technological changes and advances in the area of telecommunications, and specifically at the end of this year the cable television entities will be placed over at the PSC.

A lot of challenges lie ahead, but I'm fully confident that with Gene Zelt mann's background and experience as has been outlined by Senator Bruno, that he is very, very much up to the challenge. His distinguished career with GE is certainly -- will stand him in good stead in that new capacity.

I just would point out, Madam President, that back in the years 1970 to 1972, Gene Zeltmann served as a Fellow, an Alfred E. Smith Fellow, and he spent those years at the Public Service Commission with then chairman Joseph Swidler.

So, Mr. Zeltmann, we -- I just rise to say that I'm delighted that you are going back to the PSC after so many years, and I'm fully confident the people of this state will be better off because of your return to the PSC.

THE PRESIDENT: Thank you, Senator Seward.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I rise to second the nomination of Gene Zeltmann. Dr. Zeltmann has had an incredible professional career with General Electric, or GE as it's now called, particularly in the area of Schenectady. Most of his profes sional life has been spent in my community. And

what a career he's had, and how fortunate we are to have somebody of this caliber that would seek public service after such a remarkable professional career.

The Public Service Commission is certainly well -- going to be well served and the state of New York is blessed to have people of such quality and such background serving us in the state of New York. We're grateful for your service, Gene. We wish you well.

I'm particularly pleased to second this nomination and, again, I think this is a -- the Governor needs to be congratulated on choosing such an outstanding candidate.

Thank you.

THE PRESIDENT: Thank you, Senator.

Have all members wishing to speak on the nomination of Dr. Zeltmann been heard?

(There was no response.)

Yes. The question is on the confirmation of Dr. Eugene Zeltmann as a member of the Public Services Commission. All those in

favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Dr. Zeltmann is hereby confirmed as a member of the Public Services Commission. Doctor Zeltmann and his wife Susan are in the gallery.

(Applause)

The Secretary will read.

THE SECRETARY: Member of the Industrial Board of Appeals, Clifford M. Barber of Walden.

THE PRESIDENT: Senator Bruno.

SENATOR STAFFORD: Senator Larkin.

THE PRESIDENT: Oh, Senator Larkin, sorry.

SENATOR LARKIN: Thank you, Madam President.

It is a distinct privilege and pleasure to rise for Clifford Barber for a member of the Industrial Board of Appeals. Mr.

Barber has been very active in the business community in our county of Orange for over 30 years. He's been very active with the chamber. He's been very active in enticing business to come to our area. He's been very active in looking at issues that affect the continued growth of the economy in our area. I'd doubt to say that anyone in our chambers, any one of the chambers in our county that doesn't know Mr. Barber and his efforts on behalf of the economy in our community. I believe that this is an appointment that is very important. It's very sincere, and I think that we're going to see someone who can address issues that come before the board knowledgeable about what happens.

I think that when you look at the big issue we have is violations that come to the Department of Labor. I think we're going to have somebody who has knowledge about this issue who will be there in the forefront to ensure that all parties have a fair assessment of the issues. I'm proud to place in nomination Clifford Barber for the Industrial Board of

Appeals.

THE PRESIDENT: Thank you, Senator.

Senator Cook.

SENATOR COOK: Madam President, thank you.

I also want to rise to congratulate the Governor on this appointment. Cliff Barber, not only with his business background but his legal understanding, is an ideal individual to sit on the Board of Appeals. He has the personal qualifications of weighing factors that will be brought before him, and I think that that, when you get down to it, is really the important thing, the personal qualities that the individual brings to the job.

I won't elaborate on his professional qualifications. You've already heard those, but I think it's going to be an excellent appointment, and I congratulate you, Cliff, and we're all very proud of you.

THE PRESIDENT: Thank you. Have

all members wishing -- oh. I'm sorry, Senator Holland.

SENATOR HOLLAND: Madam President, as you can see, Orange County is the only county in the state of New York that's represented by three Senators, and we all know Cliff Barber and all the good work he has done for 30 years, as Senator Larkin has said.

Cliff is one of the most competent, nicest men you could ever run into and I certainly am very happy to second his nomination. Congratulations, Cliff.

THE PRESIDENT: Thank you.

Have all members wishing to speak on the nomination of Clifford Barber been heard?

If so, the question is on the confirmation of Clifford M. Barber to be a member of the Industrial Board of Appeals. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Clifford M. Barber is hereby

confirmed as a member of the Industrial Board of Appeals. Mr. Barber is in the gallery.

(Applause)

The Secretary will read.

THE SECRETARY: Members of the New York State Hospital Review and Planning Council: Karl P. Adler, of New York City; Richard S. Aronson, of New York City; Howard Berman, of Rochester; Bruce G. Blower, of Huntington Station; Joan S. Camera, of Port Washington; John Depierro, of Staten Island; James D. Durante, of Lake George; Robert B. Glock, of Altamont; Bonnie Howard Howell, of Ithaca; Carol Raphael, of New York City; Suzanne C. Smith, of Slingerlands; William F. Streck, of Cooperstown; J. Rock Tonkel, of White Plains.

THE PRESIDENT: Does anyone wish to be heard on the nominations? The question is on the confirmation of the nominees.

SENATOR NOZZOLIO: Madam President.

THE PRESIDENT: Yes. I'm sorry.

Senator Nozzolio. I didn't see you.

SENATOR NOZZOLIO: Madam President, I wish to be heard on the nomination of Howard Berman. Howard Berman is extremely well suited to serve again on this distinguished panel, and I congratulate Governor Pataki for reaching out to him and securing this nomination.

Howard Berman is President and Chief Executive Officer of Blue Cross/Blue Shield of the Rochester area, is sought by many policy-makers both here, in other states and in Washington D.C., for his expertise on health care matters. He is extremely important to the future success of this board, and I applaud the nomination.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Nozzolio.

Oh, Senator Abate.

SENATOR ABATE: Yes, thank you. I stand in enthusiastic support of two members who work in the district that I represent.

Dr. Karl Adler is a distinguished medical professional who is now the President and CEO of St. Vincent's Hospital in New York, which is a renowned institution that provides health care to thousands of people in New York City, and he has a distinguished career in medicine as a professor of medicine in several different institutions. He's highly qualified, has an accomplished record of service, and I think this is an excellent appointment.

The next person I'd like to speak in favor of, and I think merits the support of this entire body, is Richard Aronson. He has been involved in a self-help community service program that provides services to women and adolescents and seniors throughout New York City. It provides home care, housing and social services. He has been now the CEO of this organization, but he's been involved in this health provider organization for over two decades. He has the kind of experience and expertise that will be tremendous assets to this Council, and I look forward to working with both

of these individuals over the years to come.

Thank you very much.

THE PRESIDENT: Thank you, Senator Abate.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President. I rise to support the nomination of Bruce G. Blower for the State Hospital Review and Planning Council.

Bruce is a resident of my district, well known in the community and well suited for this particular position. He's overcome personal tragedies to still stay active and still stay a group participant and will be a credit to this particular administration and would support and enhance the Review and Planning Council.

Thank you.

THE PRESIDENT: Thank you. Senator Marchi.

SENATOR MARCHI: Thank you, Mr. -- Madam President. I rise to second the nomination of John Depierro. John Depierro is

head of the St. Vincent Medical Center in Staten Island and brings to this position years of earnest, greatly appreciated service to the people of Staten Island and the community, the health community of that entire borough, of very unique value.

He's a graduate with an M.B.A., majoring in hospital administration, and before -- before starting his career at George Washington University in Washington; has been on the Board of Governors and the Executive Committee of the Greater New York Hospital Association; holds positions of great responsibility in the health system and also has a very rich record interacting with civic associations and cultural associations in the community in which he lives and serves.

So it is with the greatest of pleasure that I am here and able to urge the nomination by a unanimous vote, I trust, of John J. Depierro.

THE PRESIDENT: Thank you, Senator Marchi.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

First of all, I want to thank the chairman of the Health Committee for his cooperation and work with me as the ranking member on these nominees.

I rise today, Madam President, because I've done some additional research since the Health Committee meeting yesterday, and I have a concern about -- not about any of these nominees. I think these are a list of good people that have what appear to be significant and important qualifications, but I rise today because I'm concerned about what appears to be a trend in the nomination process which is evidenced by what goes on in Monroe County and the Finger Lakes Region with respect to the local input on health care decision-making and health care policy in this state.

Let me explain how that's worked in the past in this state so that you get a sense of what I'm talking about. Prior to this

series of nominees, or at least to my understanding prior to this series of nominees, the members of the New York State Hospital Review and Planning Council have been in part nominated by members of the Health Systems Agencies.

The Health System Agencies, as you know, are established by statute. They are created with largely consumer representation. They represent New York State's attempt to decentralize health care planning; that is, giving powers to local communities and local regions to bring together both health care experts and consumers to talk about health care planning in the region.

These HSAs have been recognized in the past as being a component of the New York State Hospital Review and Planning Council because, pursuant to Section 2094 (a) of the - the law, it requires that the nominations - that eight of the nominations come from the Health Systems Agencies.

I've talked about this with the

chairman. There is language in the statute which says that the Planning Council shall include at least one member nominated initially by each of the regional planning councils. That's when the statute was first created in 1964, when the statute was put on the books by this Legislature. The notion was that the regional health planning councils would have a member originally -- would nominate a member to the Hospital Review and Planning Council.

That statute was amended in 1976 by another action of this body in which we substituted the term "Health System Agencies" for the reference to the regional hospital planning councils. In doing that, we continued the same language about "initially nominated" by these regional Health Systems Agencies.

As a consequence, we have almost a 30-year history of relying upon the Health Systems Agencies to nominate one person from their membership or from their region to assist the State Hospital Planning and Review Council in its deliberations.

That pattern is being broken today with respect to the region that I represent, as the nominee of the Finger Lakes Health Systems Agency, the representative of the local community that runs not only through Monroe County but south to the southern -- to our border with Pennsylvania, I believe as far west as a significant portion of the Finger Lakes Region, we are losing our local representative, our representative appointed through the HSA to the Hospital Review and Planning Council.

I believe that this reflects a departure from our past, in which we've used grass roots people to assist the state planning council in its deliberations and, instead, what we're doing is going to a top-down system in which all those appointees will come out of Albany. Although they may be good people and they may be people that have input, nonetheless the community-based input that our prior council was composed of will be missing, and I'm afraid that we will have top-down health care planning

rather than bottom-up health care planning and, at least in my region, in the Finger Lakes area, while it may be hotly contested about the value of the HSA, nonetheless I believe that in part our success in health care has been responsible for some of the activities of that association.

So from my point of view, I believe that this -- by failing to adhere to the nomination process that is both time-honored and I believe incorporated in statute, that this Governor maybe departing from what has been a wise and prudent way of gathering grass roots input into the State Hospital Review and Planning Council.

I don't know, Madam President, how to present this objection and to reflect it in this record -- excuse me, Mr. President. I would simply ask that -- I had voted for all the prior nominees in the health care committee when it was considered, as I said. I don't have any particular grievance against any one of these individuals who may all have something to be promoted and something to be given to this

Council, but because I believe this is a departure from our past, an unwise departure from our past -- it may also be illegal under the current draft of the Public Health Law -- I would vote no on Robert B. Glock, of Altamont, who I understand is replacing Paul Haney who is the nominee of the Finger Lakes Health Systems Agency, and, therefore, for that reason I intend to vote against Mr. Glock.

I will vote in favor of the other nominees. I would hate to think that this Council may run into a legal problem in the future, and I would hope that the second floor would review this issue again and, if a change in statute is necessary, we can process that change, but at least as I read the law and at least as my legal research indicates, these nominees should be coming from the regional based Health Systems Agencies and not necessarily from the second floor.

Thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Hannon.

SENATOR HANNON: Yes, Mr. President.

I'd like to support the ratification of all these nominations to the State Hospital Review and Planning Council.

It certainly is difficult to come up with a group that is representative of such a large state which has such a diverse and intricate health care system, especially when we have a statute that appears to, in all charity, be the product of several committees and councils being melded together. It's certainly a convoluted set of words.

In regard to the point that my esteemed colleague, who has served so well as the ranking member of this committee, has made in regard to the word "initial", I can only say that, to the best extent that we have the research and the lawyers available, that the word "initial appointment" refers to the appointment at the beginning. It does not mean that each subsequent appointment must originate from the health care councils, and it's also

mirrored, the use of the word "initial" later on in statute, refers to the length of terms so that obviously many times when people look at how these things are constructed, they're thinking at the beginning and not of the ongoing nature of it.

I would point out that I think the point is well taken, Mr. Dollinger, that we ought to have diversity, and especially all parts of the state ought to be represented, especially all important the central part of the state, and I would call to your attention among this group of nominees, we have Howard Berman, who has already served in distinguished fashion and hopefully will do so again, from the county of Monroe, heading the local Blue Cross corporation for that county, as well as the addition of Ms. Bonnie Howard Howell, who is the head of a hospital in Ithaca and has a very distinguished record on the health care system in terms of HANYS, of significant achievements in her own right, and I think would lend a major viewpoint in regard to that area of the state.

So I think we have, in a sense, achieved that diversity that you seek and hopefully we will continue. There are other appointments that are coming due. There are expirations this week, so I would say that as people have mentioned, the other members of this committee, all have very distinguished backgrounds, all good individuals, and I am certain we have already -- we did not fund these HSAs last year in the budget as one indication of where we're going, but we do need -- we do need to take a look at this in an ongoing nature, especially as I'm sure we're going to be reacting to so many of the challenges in faith in front of us in the next few months.

So this is something that would be a continuing question, but I am confident that what we are doing here today is well grounded and well reasoned.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leichter.

SENATOR LEICHTER: Mr. President, it's good to see you.

Mr. President, I think that Senator Dollinger makes a valid point. Frankly, I'd like to go beyond it. I think that the diversity that is lacking here is not only geographically. I think there is a lack of diversity of the various interests that have to play a role in the health care system.

I think what essentially we're finding here is that the Governor is appointing health care providers. Take a look: There's Mr. Adler is a hospital president; Mr. Berman is Blue Cross and Blue Shield; Durante is another hospital administrator; Glock is a nursing home; Howell is the Cayuga Medical Center, another medical center. Then there's somebody, a Mr. Streck, of Bassett Health Care; Mr. Tonkel is again Blue Cross. We do have somebody who is a professor and chairman of a medical school; Miss Dicker owns a nursing home. Where's the diversity?

And also, if you take a look at the people and their background and their situation in society, I think what we're seeing

is the continuing narrowing of the base of who is part of this government, who is part of the Pataki administration, as well as a narrowing of the base for whom the Pataki administration governs. Certainly, it's not the whole breadth and scope of the people of New York when you see these sort of nominees.

In the past, I've had occasion, and others, to criticize the Governor because his nominees seem very much focused on who had done what for the Republican Party and particularly how much money he or she may have raised. I don't believe that's a factor with us today, but really what we're seeing is sort of like a country club government.

You take a look at these particular nominees, and I will talk about some other ones. But where are the advocates? Where are the consumers? Where are people whose interests in the system is other than somebody who lives off the system? Where are the people who need to be serviced by this system? And this Council is incredibly important in making

decisions and choices which affect the health care of all New Yorkers and affect what we pay for health care.

I think the people of New York have a right to demand greater breadth and greater diversity of the people appointed and I think that, if not the letter of the law, certainly I think the spirit of the law is not being carried out with this group of nominees.

Individually they all seem like fine people, but when you -- when in total they encompass the whole scope of what the Governor's presenting to us, I think it fails really the test of whether we're getting a Council that's going to be able to serve the people of the state of New York.

I will join Senator Dollinger just to make the point, and in voting against Mr. Glock.

ACTING PRESIDENT KUHL: Senator Jones.

SENATOR JONES: Yes, Mr. President.

I also just very late received the same information from our Finger Lakes Health Systems Agency, and while I, you know, concur certainly Mr. Berman is a very good representation and will continue to serve well, I feel as though they have made a valid point that the person that represented them in the past is now from Rochester is being replaced now by a person from Albany. So for that reason, not because of his qualifications or the fact that he certainly is not competent, I will also register a "no" vote against Mr. Glock.

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

Senator Hannon.

SENATOR HANNON: I just wanted to address myself to the point raised by Senator Leichter.

I really take strenuous objection to his -- to his attempt to perpetuate some type of myth of a class type of selection here. He made reference to "country club". This is an

extraordinarily weird statute. If he was sincere about it, he's had many years, decades, to offer amendments to change the make-up of this statute.

The statute itself requires providers to be a party, requires people from nursing homes, requires hospital administrators, requires physicians. It would probably have been far easier to have amended it and start over again than to try to meet all these pigeonholes, plus there's rolling vacancies that come up, and there are peculiar things as to who can be appointed and reappointed.

So I would say -- I would argue that, on the merits, that this group of appointees is a very strong group, is a very knowledgeable group. I think it represents a number of diverse viewpoints. We've had extensive opportunities for every member and a couple of hours for everybody to come and meet them and talk to them yesterday. Took a long time during the confirmation process to have their views aired, and you would be overwhelmed

with, I think, the amount of achievement and intellect that they bring to these jobs.

So I think that it is not fair to make these usual criticisms when it comes to this group or the people with the Public Health Council. So I strongly disagree with you, Senator, on all of these.

Thank you.

ACTING PRESIDENT KUHL: The question is on the confirmation of the thirteen nominees to become members of the New York State Hospital Review and Planning Council. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

SENATOR DOLLINGER: No.

ACTING PRESIDENT KUHL: Senator Dollinger, the record will reflect that both you and Senator Leichter will be recorded on the - in the negative on the nomination of Robert B. Glock, and along with Senator Jones.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT KUHL: The

nominees are confirmed.

Secretary will read.

THE SECRETARY: Member of the State Harness Racing Commission, Louis R. Riccio, of Amsterdam.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

Let me say what an outstanding privilege it is for me to nominate Lou Riccio to the State Harness Racing Commission. So often the people that we get to serve in these jobs without compensation do so somewhat reluctantly; but this person has really sought this job, and what a background he has in harness racing.

He loves the sport. He's been a lifelong devotee of it. He was a licensed driver. He was an owner of over 26 horses. He's a charter member of the Saratoga Harness Hall of Fame. He's a member of the Saratoga Harness Old Timers Club. He's raced at all New York State harness tracks and numerous county

fairgrounds, and he was the owner of a two-year old Trotter of the Year.

Lou Riccio has had a disting uished -- been a distinguished community servant in Amsterdam and Montgomery County, involved in the insurance business, a graduate of Siena College, and also a former Marine. I know that the United States Marines that are Senators here, Hoblock, and so forth, they always stick together, and incidentally he's a green belt karate person, and Lou Riccio is truly a -- he's up in the gallery, and let me just say how proud I am to nominate Lou to the State Harness Commission or the State Racing Commission.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nominee? Hearing none, the question is - Senator Farley -- excuse me. Senator Bruno.

SENATOR BRUNO: Mr. President, I would just like to add a word on behalf of Louis Riccio. He really -- and Senator Farley has said it right. He is truly a gentleman and has contributed so much to all that has gone on in

this state as relates to harness racing. He is distinguished. He is accomplished. He makes people in the industry proud of his participation.

So I'm proud to be here in this chamber in his support.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Seward.

SENATOR SEWARD: Yes. I also would like to rise in support of Louis Riccio to be a member of the State Harness Racing Commission. Mr. Riccio comes from Montgomery County, which is right next door to my home county of Otsego, and I would just point out that, of course, we have the Baseball Hall of Fame in Cooperstown, but our nominee for the Harness Racing Commission, I would point out, is a Hall of Famer himself. He's a charter member of the Saratoga Harness Hall of Fame.

And so I rise in support of Louis Riccio and wish him well in his new capacity. I know that he will do well.

ACTING PRESIDENT KUHL: The question is on the nom...

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: I would just incorporate my past remarks and endorse the nomination. Thank you.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Louis R. Riccio of Amsterdam to become a member of the State Harness Racing Commission. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed. Louis Riccio, who is in the chamber here, congratulations.

(Applause)

Secretary will read.

THE SECRETARY: Members of the Public Health Council, Joseph A. Cimino, of North Tarrytown; Judith Dicker, of Floral Park; Susan G. Regan, of Buffalo.

ACTING PRESIDENT KUHL: Question is on the nominations. All those in favor of the three nominees becoming members of the Public Health Council, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominees are confirmed. Secretary will read.

THE SECRETARY: Member of the Life Care Community Council, Craig A. Duncan, of Averill Park.

ACTING PRESIDENT KUHL: Is there any Senator wishing to speak on the nomination? Hearing none, the question on the nomination of Craig A. Duncan to become a member of the Life Care Community Council is before us. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Public members of the State Banking Board, William P. Brosnahan, of Snyder; Michael D. Grosso, of Coxsackie; Edward B. Kramer, of New Rochelle; Jeffrey Moerdler of Riverdale, the Bronx.

ACTING PRESIDENT KUHL: Chair recognizes Senator Leichter on the nominations.

SENATOR LEICHTER: Mr. President, the Banking Board is an extremely important state body. I'm sorry. I see that the distinguished chairman -

SENATOR FARLEY: I'll yield.

SENATOR LEICHTER: -- of the Banking Committee is standing up. Maybe when he hears the word "banking" he stands up, but if you want to speak in favor of the nominees, I'll yield to the chairman.

SENATOR FARLEY: You have the floor. I'll speak after you.

ACTING PRESIDENT KUHL: Senator Leichter, on the nomination.

SENATOR LEICHTER: The Banking Board, as I was saying, is an extremely important board. We know particularly at this time with the changes that are occurring in banking, the mergers, the branch bank closings, the increase in fees, we need a banking board that is truly reflective of all of the interests that people may have in banking, but here again as we saw with the health -- the hospital and planning council, we have a board that really represents the industry.

Now, what makes it particularly questionable in connection with the Banking Board is the statute provides for public members. The people being nominated and that we are asked to confirm are being chosen as public members. Yet, if you take a look at their background, with maybe one exception, they really tend to reflect the industry; they tend to reflect financial interests closely connected with the banking industry.

What we don't have is representation for the consumers. Where are the advocates? Where are the people who say, Make banking more accessible, make banking easier for our senior citizens? Where are the people who are fighting for the banking consumers? They're certainly not among the nominees that this Governor has sent up to us.

So once again, we find a very narrow group of people representing, by and large, established wealth, success in business if you will, but many, many New Yorkers being totally left out of the process and really being left unrepresented. I think it's unfortunate.

I'm going to vote against just one of these nominees to make the point, but I think he makes the point very well. These are supposed to be, again let me emphasize, public members. They're not supposed to come from the industry. The statute provides that the indus try will have certain members on the Banking Board. Some will be commercial bankers. There's one banker comes from a foreign bank.

There's a number of bankers come from the thrifts, and there are to be six public members so that the public interest, not the banking interest, the public interest is represented.

Take a look at the background of this nominee, Edward D. Kramer. Presently he's with the TriArt Financial Services which is an insurance brokerage firm that specializes in collateral protection programs for mortgage banks and financial institutions. Before then for some ten years or more he was a senior vice-president of the Dime Savings Bank. Before that he worked for the Savings Association League of New York State.

His whole life has been part of the industry. How can this person be said to qualify as a public member? I think, again, we see this narrowing of the scope of government and narrowing of who government serves in the Pataki administration. It's really just a very few people that this Governor seems to want to bring into his administration. His nominees certainly don't reflect all of the interested

groups, all the different people that we have in New York State.

President Clinton said, when he appointed his cabinet, "I want a cabinet that looks like this country." Unfortunately, Governor Pataki seems to want a government that reflects the people of a country club, and that's what we have with these nominees, and I'd like to be recorded, Mr. President, voting against the confirmation of Edward B. Kramer.

ACTING PRESIDENT KUHL: The Chair recognizes the chairman of the Senate Banking Committee, Senator Farley.

SENATOR FARLEY: Thank you very much.

Let me just say about these nominees to non-paid jobs on the state Banking Board as members, I couldn't have been more impressed with them and, incidentally, Senator Onorato who was there when they came before the Banking Committee -- unfortunately, Senator Leichter, I think, had you been there you would have been very impressed with Mr. Kramer. He

has a particularly fascinating background. Yes, he is in the insurance business right now, but he does have some background in banking and understands the very sophisticated industry, and I think the questions that you're concerned about also concern him, and I thought he addressed them very, very well during the committee hearing.

These are all very capable people and, incidentally, Michael Grosso, who is just down the road here with an $11 million firm, his only connection, I think, is having taken a lot of banks -- loans to -- for a very large business that he's successfully managed, and the others I think are outstanding public members.

I -- they were here and open for questions. As a matter of fact, Jeffrey Moerdler, who might be a constituent of yours from Riverdale, a brilliant lawyer and somebody who is very, very articulate and impressed me with -- with his answers to all the questions, and so forth, I think they'll make outstanding public members, and I think that again, we're

very fortunate to -- to get somebody to serve in a non-paying position, to serve government and to serve the community, and they expressed, all of these members expressed concerns about some of the concerns that you're talking about, about branches that might be closed and a few other things, and I think that they will serve the state of New York and the financial industry well.

We are the financial center of the world, and I know that you and I differ on a number of banking issues, namely, the mergers and a few other things which were addressed at that committee meeting, and I wish you had been there, but I think you would have been impressed with these nominees, and I move them forward with enthusiasm.

SENATOR VOLKER: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Volker.

SENATOR VOLKER: Mr. President, I didn't mean to speak, but I think in fairness, sometimes, you know, Franz, I'll be the first to

admit to you, sometimes you hit on a point and even though sometimes I think, even though we don't particularly appreciate it, there are times it's hard to admit that you're right, very hard to admit sometimes, but I would just like to point out to you if you look at the totality of these nominees, that I guess I would have to point out that it would seem to me that it would be a little bit logical to have somebody from a banking background on the Banking Board.

I may be wrong, but I would point out to you, of these nominees here, take a look, one is a lawyer. Now, some could argue that maybe a lawyer is a bad person to be on the Banking Board, has no connection that I can see with the Banking Board or anything. Second one's a reappointment, in other words, was appointed by Governor Cuomo from 1992, and the third one of the five here is Bill Brosnahan who is an executive with COLAD, in fact, I think is one of the founding members of COLAD, which is a printing operation. Far as I know, he has nothing to do with banking.

What I'm pointing out, on one more by the way, one more reappointment is a fellow from the credit union. Now, if you know anything about credit unions, and I know you do, they're sort of rivals of the banks and, in fact, that presents, it seems to me, some sort of balance.

I guess what I'm pointing out to you is I'm not so sure, and this is only part of the Banking Board and Hugh is much more cognizant of this than I am, I would point out that there is more diversity on this board. These are not just banking people, and I think that, in this case, it seems to me and although you could certainly make an argument that other groups should be represented, and I would think in future appointments to the Banking Board that they would be.

ACTING PRESIDENT KUHL: Chair recognizes Senator Leichter.

SENATOR LEICHTER: Yeah, Mr. President.

I want to apologize, Senator

Farley, who's not here -- oh, he is here, because clearly I obviously didn't make myself clear. Senator, I wasn't saying that these people didn't have banking understanding or background. My very objection was that, like Mr. Kramer, they had banking background to the extent that they could not be considered public members.

We're dealing with a statute. The statute provides that the consumers are also to have representation, and it seems to me Mr. Kramer doesn't qualify as a public member. He may be a perfectly fine individual and may be very knowledgeable in banking.

Senator Volker, you mentioned somebody from a credit union. You're right, that's not a traditional bank, but nevertheless it certainly is, and this happens to be a very large financial institution, I'm just saying that we need to get on, as the statute provides, people who are public members and, Senator Farley, I'm sorry that I couldn't attend the meeting. I know these meetings are scheduled by

you at a time which makes it convenient for people who are in the Capital District to get to the meeting in time, but some of us who come from the far corners of the state find it a little more difficult, although I see my good friend, George Onorato, got up at 3:00 a.m. to be here in time for when you called the meeting early in the morning.

But, Senator, I know you run very good meetings, and I'm sure that the nominees were there to answer questions. I'm sorry I didn't get to ask them questions, but again let me just say again it isn't their expertise that I'm concerned about. In fact, I'm concerned about their viewpoint, and that the many consumers, banking consumers in your district that are unhappy about some of the things that are happening in banking, the higher fees, the branches that are closing, the ATMs that are now going to charge a higher fee, the interest rates are so high, maybe they would like to see somebody who looks like them, acts like them, lives like them, has their outlook to be on the

Banking Board as a public member.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nominations? Hearing none, the question is on the nomination of William P. Brosnahan, Michael D. Grosso, Edward B. Kramer, Jeffrey A. Moerdler, to become members, public members of the State Banking Board. All those in favor of the nominations, signify by saying aye.

(Response of "Aye.")

All those opposed, nay.

(There was no response.)

Senator Leichter, you're negative with regard to -

SENATOR LEICHTER: Kramer.

ACTING PRESIDENT KUHL: -- Edward B. Kramer; will be noted for the record. The nominees are confirmed.

Secretary will read.

THE SECRETARY: Banking member of the State Banking Board, Thomas Siciliano, of Commack.

ACTING PRESIDENT KUHL: Question

of is on the nomination of Thomas Siciliano, to become a banking member of the State Banking Board. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Member of the New York State Financial Control Board, Robert G. Smith of Mattituck.

ACTING PRESIDENT KUHL: Question is on the nomination of Robert G. Smith, of Mattituck, to become a member of the New York State Financial Control Board. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Joel B. Mounty,

of Scarsdale, as a Director of the Municipal Assistance Corporation for New York City.

ACTING PRESIDENT KUHL: Question is on the nomination of Joel B. Mounty to become a Director of the Municipal Assistance Corporation of the city of New York. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Members of the Board of Directors of the Roosevelt Island Operating Corporation, Francis R. Angelino, of New York City; Joan O. Dawson, of New York City.

ACTING PRESIDENT KUHL: Question is on the nomination of Francis R. Angelino and Joan O. Dawson to become members of the Board of Directors of the Roosevelt Island Operating Corporation. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominees are confirmed.

Secretary will read.

THE SECRETARY: Louis P. Ciminelli, of Buffalo as a Trustee of the State Power Authority.

ACTING PRESIDENT KUHL: Chair recognizes Senator Maziarz on the nomination.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, I'm not personally acquainted with Louis P. Ciminelli, but one could not live in western New York and not be familiar with the Ciminelli family and the Ciminelli name. Louis Ciminelli took over as currently the Chief Executive Officer of Ciminelli Construction Company, a company founded by his father back in the 1950s. This construction company has consistently been ranked as one of the top 200 construction firms -- management construction firms in the

nation.

Mr. Ciminelli is very active in many charitable causes in western New York. He is always in the newspaper as being at the fore front of fund drives for the Buffalo Philhar monic and like organizations, and I could think of no name from western New York to succeed Commissioner John Daly and former Senator John Daly, my predecessor, than Louis P. Ciminelli.

Thank you, Mr. Chairman.

ACTING PRESIDENT KUHL: Chair recognizes Senator Nanula.

SENATOR NANULA: Thank you, Mr. President.

Lou Ciminelli is, first of all, a constituent of mine. He lives in the city of Buffalo. Second of all, he's a good and very close friend of mine. I've worked with Mr. Ciminelli in a variety of capacities. We've worked together in business. We've worked together in terms of various fund-raising capacities, mostly for charitable purposes, and as Senator Maziarz pointed out, Lou Ciminelli

and his entire family have been great pillars of the entire western New York community and have really enhanced the quality of life for western New Yorkers at the hand of the great things they've done, the great contributions they've made as business people and as good community citizens.

Right now we're going through a very challenging time in regards to the distribution of power, of energy, in this state, a lot of proposed changes, a time when the New York City Power Authority is going to need qualified people who have a vested interest and concern in the quality of life of New Yorkers. I'm certain that Mr. Ciminelli is going to do an excellent job not only for protecting the interests of people from western New York but the interests of people of New York State in bringing his dynamic background to the role of trustee of the New York State Power Authority.

Mr. President, I urge this body to move forward his nomination.

Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Volker on the nomination.

SENATOR VOLKER: Mr. President, I too know Lou Ciminelli very well, but I think it should be said, and it was mentioned by Senator Maziarz that Mr. Ciminelli replaces a former Senator and now Commissioner John B. Daly, who will probably go down in history as the shortest serving member of the Power Authority.

I think you remember what happened here was that John was enlisted to be a member of the Authority when we were short a member here not too long ago. I talked to John last night, and he said he really wasn't insulted because he was happy to have been serving there even for the short time that he was serving, but I do want to say that while Lou Ciminelli probably runs one of the largest construction companies in the nation, he is certainly a classic western New York person who, as Anthony has said and also Senator Maziarz, has been a major pillar of strength in western New York, and we're happy to have him on the

Power Authority.

He certainly knows a great deal about those kinds of things that need to be done in -- in moving the Power Authority even farther into the 20th Century.

ACTING PRESIDENT KUHL: Chair recognizes Senator Rath.

SENATOR RATH: Thank you, Mr. President.

I, too, rise as a member of the western New York delegation to second Lou Ciminelli's nomination to the position of Trustee of the Power Authority.

I've known the Ciminelli family for a long, long time. I knew Mrs. Ciminelli before she was Mrs. Ciminelli. That's how far back I go with the family and with knowing their commitment to western New York -- not for just the last 10, 15 or 20 years but longer than that.

Lou Ciminelli comes from people who care about western New York, and indeed all of New York State, as is evidenced by their

long-standing reputation for community service on boards, agencies, societies, all of the thankless jobs that people do, and Lou Ciminelli -- and I have served on boards with Lou -- is one of the people that brings a quiet, thoughtful, considered opinion to every group that he's in and then carries forth the task that he's asked to do as he leaves the room again, these thankless, endless ongoing boards, agencies, organizations that we all belong to and that are part of the fabric of our communities.

Lou will be a wonderful addition, certainly a very clear representative of western New York, and someone I believe that we will all be proud of, and I am very proud to second his nomination.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Louis P. Ciminelli to become a Trustee of the Power Authority of the state of New York. All those in favor, signify by saying

aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Member of the New York State Energy Research and Development Authority, William R. Howell, of Rockville Centre.

ACTING PRESIDENT KUHL: Question is on the nomination of William R. Howell, of Rockville Centre to become a member of the New York State Energy Research and Development Authority. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Member of the New York State Olympic Regional Development

Authority, Janet H. Bliss, of Lake Placid.

ACTING PRESIDENT KUHL: Question is on the nomination of Janet H. Bliss to become a member of the New York State Olympic Regional Development Authority. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Members of the State Board for Historic Preservation, Robert B. Mackay, of Huntington; Charles D. Urstadt, of New York City.

ACTING PRESIDENT KUHL: Question is on the nomination of two members to become members of the State Board for Historic Preservation. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominees are confirmed. Secretary will read.

THE SECRETARY: Member of the State Park, Recreation and Historic Preservation Commission for the city of New York, Theodore Roosevelt IV, of Brooklyn.

ACTING PRESIDENT KUHL: The question is on the nomination of Theodore Roosevelt IV, of Brooklyn, to become a member of the State Park, Recreation and Historic Preservation Commission of the city of New York.

Senator Rath on the nomination.

SENATOR RATH: Mr. Chairman, can anyone from the city of New York tell me if Theodore Roosevelt IV is related to our former president, Theodore Roosevelt?

I would think probably there would have to be a familial relationship there, and I think for this nomination to go -- I don't know the man at all, but Theodore Roosevelt was a member of this august body, and for that many years that have gone by and for his name to come

again in front of this chamber for an appointment for his great great great grandson -- am I correct on the number of "greats"? - maybe only two "greats" and one "grand," I think it would be unconscionable for us not to say that it is wonderful that, in the tradition of the Roosevelt family, yet again another Roosevelt is going to serve the state of New York, and I would like to second his nomination.

Thank you.

ACTING PRESIDENT KUHL: The question is on the nomination of Theodore Roosevelt IV of Brooklyn, New York, the great great grandson of Theodore Roosevelt, to become a member of the State Park, Recreation and Historic Preservation Commission for the city of New York. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Member of the Long Island State Park, Recreation and Historic Preservation Commission, Peter L. Kramer of Locust Valley.

ACTING PRESIDENT KUHL: Question is on the nomination of Peter L. Kramer, of Locust Valley, to become a member of the Long Island State Park, Recreation and Historic Preservation Commission. All those in favor -

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I have to rise to second the nomination of Peter L. Kramer. Peter is a long time volunteer and a long-time resident of my district, served my counties, served both of my counties well and with distinction. He's a member of a distinguished law firm. He has volunteered many, many hours in his community and many, many hours with the Long Island State

Park, Recreation and Historic Preservation Commission. He will serve us well, and I second the nomination.

ACTING PRESIDENT KUHL: The question is on the nomination of Peter L. Kramer to become a member of the Long Island State Park, Recreation and Historic Preservation Commission. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed. Secretary will read.

THE SECRETARY: Members of the Oswego Port Authority, Daniel Dorsey, of Oswego; Frank E. Sayer, of Oswego; Richard J. Tesoriero, of Oswego; Steven W. Thomas, of Oswego.

ACTING PRESIDENT KUHL: Chair recognizes Senator Wright on the nomination.

SENATOR WRIGHT: Thank you, Mr. President.

I rise to move the nominations

for the appointment of members of the Port of Oswego Authority. I know all four of these individuals personally. Mr. Sayer is currently being nominated for reappointment, having served as a member for a number of years. More importantly, the three new appointees are indicative of a new generation of leadership that is coming to the Port of Oswego.

Many of these vacancies have continued for a number of years. I'm very pleased to see that the Governor has chosen to fill these vacancies and they're comprised of individuals who are young individuals within our community, establishing new roles within the business community, and will provide the type of outstanding leadership that we're looking forward to in the vital role that the Port plays in the economic growth of the Oswego area.

So it's my privilege to stand and nominate and recommend to my colleagues all four of these individuals for appointment.

Thank you.

ACTING PRESIDENT KUHL: The

question is on the nomination of the four nominees to become members of the Port of Oswego Authority. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

The nominees are confirmed.

Secretary will read.

THE SECRETARY: Member of the Metropolitan Transportation Authority, Lawrence W. Gamache, of Greenwood Lake.

ACTING PRESIDENT KUHL: Is there any Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Lawrence W. Gamache to become a member of the Metropolitan Transportation Authority. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Alternate non

voting member of the Metropolitan Transportation Authority, Ronnie Ackman, of Chappaqua.

ACTING PRESIDENT KUHL: Any member wishing to speak on the nomination? Hearing none, the question is on the nomination of Ronnie Ackman to be a non-voting member of the Metropolitan Transportation Authority. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed. Secretary will read.

THE SECRETARY: Members of the Stewart Airport Commission, John H. Dippel, of New Paltz; Frances S. Reese, of Hughsonville, and Jean Rowe, of Pine Bush.

ACTING PRESIDENT KUHL: Is there any member wishing to speak on the nominations? Hearing none, the question is on the nominations of three members to become members of the Stewart Airport Commission. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominees are confirmed.

Secretary will read.

THE SECRETARY: Member of the Rochester-Genesee Regional Transportation Authority, William R. Nojay, of Pittsford.

ACTING PRESIDENT KUHL: Is there any member wishing to speak on the nomination? Hearing none, the question is on the -

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, on Mr. Nojay, I guess I'm going to vote in favor of this nominee although, frankly, I'm a bit troubled because Mr. Nojay is going to go to work on the public transportation issues that affect my community. Never spoken to me, never spoken to Senator Jones and, while perhaps I could understand how the political dynamics

suggest he wouldn't necessarily do that, I did call the chairman of the Assembly Transportation Committee, who happens to be right from the heart of the Rochester-Genesee Regional Transportation Authority district, Assemblyman David Gantt, who is the chairman of the Assembly Transportation Committee. Mr. Nojay hasn't contacted him either.

So I guess I'd -- I'd perhaps say bad form to Mr. Nojay and perhaps bad form to the second floor vis-a-vis communication with those of us who are the elected representatives in this body and the body on the other side of this building about nominees and when they come to the floor.

I won't make any comment about Mr. Nojay. He seems to be a competent man, but the process that seems to have been followed here seems to be a little suspect, and I would hope that, in the future, when nominees to the Rochester Regional Authority come up, they will contact perhaps Senator Jones and myself who represent that community, and also Assemblyman

Gantt, who is both the representative of the community and the chairman of the Assembly Transportation Committee.

I will be voting "aye" with reservations, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of William R. Nojay, of Pittsford, New York to become a member of the Rochester-Genesee Regional Transportation Authority, all those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Member of the Port Authority of New York and New Jersey, Madelon Devoe Talley, of New York City.

ACTING PRESIDENT KUHL: Is there any Senator wishing to speak on the nomination?

Hearing none, the question is on the nomination of Madelon Talley to become a member of the Port Authority of New York and New Jersey. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Senator Smith will be recorded in the negative. The nominee -- the resolution - excuse me. The confirmation is approved. The nominee is confirmed. Secretary will read.

THE SECRETARY: Member of the Board of Trustees of Cornell University, Jerold R. Ruderman, of Scarsdale.

ACTING PRESIDENT KUHL: Any member wishing to speak on the nomination? Hearing none, the question is on the nomination of Jerold Ruderman to become a member of the Board of Trustees of Cornell University. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Member of the Dormitory Authority, Patrick P. Lee, of Orchard Park.

ACTING PRESIDENT KUHL: Chair recognizes Senator Rath on the nomination.

SENATOR RATH: Thank you, Mr. President.

Patrick Lee, of Orchard Park, which is a community in what Buffalo calls the "South Town" which is opposed to the "North Town" who got all the snow this week -- the south towns didn't get much -- and those of you who know western New York know that traditionally that's the reverse of what happens and I only bring that to your attention because it seems like every time I stand up on the floor of the Legislature, I sound like someone who is an old friend, and actually that's pretty much what happens in a community like Buffalo and western New York, everyone is an old friend.

There are a number of people who

are very active in the community, and we pretty much know each other, and Pat Lee, although in the South Town has been one of those leaders in our community on any number of organizations to deal with the quality of life in our community, but mostly the business community, I would say.

You can see from his resume that he's an extraordinarily successful businessman. His MCI -- IMC new division that he's put together has sales of well over a hundred million a year and approximately nine hundred plus employees and four hundred of them in western New York and other places around the world, locations in Belgium -- or Germany, pardon me -- and Japan.

So we have a major worldwide businessman here who is going to be going - going to work for us in the Dormitory Authority in a position where he will make all of us very proud because he will be conscientious and will serve there as he has served not only his businesses but his community.

I'm very proud to second the

nomination of Patrick Lee.

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

Senator Volker.

SENATOR VOLKER: Mr. President, as Senator Rath said, that Mr. Lee is from Orchard Park which is represented by myself, formerly represented, by the way, by Senator Stachowski, but I represent Orchard Park now, and he is an old friend of mine that served - in addition to what Senator Rath said, has served with me on a number of boards at Canisius College, in fact right now on the board of trustees and is a Regent Emeritus of Canisius College, which I am not an emeritus, I am on the board of Canisius College.

As Senator Rath said, he's very active in the community, one of the top business leaders of the area and the companies that he has been involved with have been companies that are a very strong part, not only of western New York but I guess in particular part of my

district, and I know Pat Lee.

I think he'll do an excellent job in the Dormitory Authority, and he has talked to me about -- about his activities and which I think, by the way, in deference to Senator Dollinger, I think he makes a point that it would be good, I think, for people to communicate with the legislators that represent the area, and let me just say that all the people in the western New York group that have been appointed have all been discussing with us and talked to us, and I think that is a very good point that they should and they have, and I would like to recommend Pat Lee for the Dormitory Authority.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Patrick P. Lee, of Orchard Park to become a member of the Dormitory Authority. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Commissioner of the State Insurance Fund, Robert H. Hurlbut, of Honeoye Falls.

ACTING PRESIDENT KUHL: Is there any Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Robert H. Hurlbut, of Honeoye Falls, to become a Commissioner of the State Insurance Fund. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Member of the State Council on the Arts, Sara Barclay, of Pulaski.

ACTING PRESIDENT KUHL: Is there

any Senator wishing -- Chair recognizes Senator Marchi.

SENATOR MARCHI: Mr. President, it says Sara, but we know her as Edie, a very distinguished lady whom we, many of us came to know when she came up here with her husband, Doug Barclay, a member, a gracious lady appointed to the Council of the Arts by Governor Cuomo back in 1988 on the basis of a long and distinguished, I won't call it a career but a calling from patronizing so many fine activities that all led to a wholesome basis for cultural activities.

A graduate of the University of Wisconsin, she was on the Executive Committee for both Boy Scouts and Girl Scouts and Junior League and the list is endless, where she gave of her time and her commitment with a great sense of dedication and effectiveness to these services. She continues, and very happy that Governor Pataki has re-submitted her name in the form of renomination, because it -- if the past is prologue, we know what we can continue to

expect from -- from Edie Barclay -- Sara Barclay, when we confirm her.

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

Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President.

Senator Marchi has said it so well. The Barclays are close friends of mine. As Senator Marchi said, really when they don't have to, they spend so much time making things better for other people. I have served on the board of trustees with her at St. Lawrence. One of the hardest working trustees serving or anyone will ever see.

It's a pleasure for me to also join in moving the confirmation of Edie Barclay. I would only say this, that we'll be sure of one thing when she's serving, there'll be one person on that Council working hard, and that's her.

ACTING PRESIDENT KUHL: The question is on the nomination of Sara Barclay of

Pulaski to become a member of the State Council on the Arts. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The the nominee is confirmed.

Secretary will read.

THE SECRETARY: Richard A. Desrochers, of Ballston Lake.

ACTING PRESIDENT KUHL: The question is on the nomination of Richard A. Desrochers, of Ballston Lake, to become a member of the State Council on Youth. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

The nominee is confirmed.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time hand up some changes that we are making in committee chairs and ask that they

be read at this time?

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Senator Bruno hands up the following notice of committee changes:

Senator Marcellino replaces Senator Tully as chair of the Environmental Conservation Committee.

Senator Johnson replaces Senator Marcellino as chair of the Ethics Committee.

Senator Johnson replaces Senator Marcellino as co-chair of the Legislative Ethics Committee.

Senator Rath replaces Senator Larkin as chair of the Local Government Committee.

Senator Maziarz replaces Senator Rath as co-chair of the Administrative Regulation Review Commission.

Senator Rath replaces Senator Cook as a member of the Administrative Regulation Review Commission.

Senator Tully replaces Senator Maziarz as co-chair of the Commission on Water Resource Needs of New York State and Long Island.

Senator Goodman is appointed as a member of the Commission on Water Resource Needs of New York State and Long Island.

ACTING PRESIDENT KUHL: The Chair directs that the hand-up will be filed in the Journal.

Senator Bruno.

SENATOR BRUNO: Mr. President, I would like to also at this time announce that, when we return in January, we in this Senate will be creating a new Standing Committee on Racing, Wagering and Casinos.

We all know that that is an important area that has been under review constantly and continually, and the Assembly has had a Standing Committee on Racing and Wagering and Casinos for several years.

So with the process that is necessary, when we return in January, we will

name Senator William Larkin chair of that standing committee and members will then be announced.

Thank you, Mr. President.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Without redoing it, because we all bade farewell to Senator Solomon last time we met, not realizing we'd be back on this occasion, but today is, I expect -- Senator Solomon, as you know, was successful in the election in the county of Kings and is, on January 1st, assuming the bench, and since this is the last time we will meet in formal session, I would just like to note he is with us today and we all wish him well.

(Applause)

Mr. President, could the Chair recognize Senator Montgomery for an announcement?

ACTING PRESIDENT KUHL: The Chair recognizes Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I would like to announce that immediately following this session, the Senate Democrats will have a conference in the Conference Room of the Minority Leader.

Thank you.

ACTING PRESIDENT KUHL: There will be a Minority Conference immediately following session in the Minority Conference Room.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, there being no further business to come before the Senate, I move that we stand adjourned subject to the call of the Majority Leader and that we move in the memory of our outstanding colleague, Senator Joseph Galiber.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned in memory of our outstanding member departed, until the

further call of the Majority Leader.

(Whereupon, at 3:12 p.m., the Senate adjourned.)