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ALBANY, NEW YORK

December 12, 1995

1:35 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY, President

STEPHEN F. SLOAN, Secretary

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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.

1 Report of standing committees.
2 Reports of select committees.
3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator Bruno.

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

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

13 (Response of "Aye.")

14 Opposed nay.

15 (There was no response.)

16 The Resolution -

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

21 THE PRESIDENT: The Secretary
22 will read.

23 THE SECRETARY: By Senator Bruno,

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

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

9 (Response of "Aye.")

10 Opposed nay.

11 (There was no response.)

12 The resolution is adopted.

13 Senator Bruno.

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

20 THE PRESIDENT: The Secretary
21 will read.

22 THE SECRETARY: By Senator
23 Hoblock, Legislative Resolution commemorating

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

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

6 (Response of "Aye.")

7 Opposed nay.

8 (There was no response.)

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

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

16 THE PRESIDENT: The Secretary
17 will read.

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

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

1 SENATOR HOBLOCK: Mr. President.

2 SENATOR STAFFORD: Mr. President,

3 I have at this time the pleasure to -

4 THE PRESIDENT: Senator Hoblock.

5 SENATOR STAFFORD: -- yield to

6 Senator Hoblock.

7 SENATOR HOBLOCK: Thank you,

8 Madam President.

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

14 Bob is a familiar face to this
15 house and to the Senate for he began his career
16 as a member of the staff of this house back in
17 1967 and spent some ten years in various
18 capacities serving the Senate very well in areas
19 of education. He then moved to the Department
20 of Education and served for a number of years in
21 some very responsible capacities. He was last
22 an executive deputy commissioner at State Ed.,
23 working very closely with the Regents, with the

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

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

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

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

1 Education Services Corporation, Robert J.
2 Maurer.

3 THE PRESIDENT: Thank you,
4 Senator Hoblock.

5 Senator?

6 SENATOR FARLEY: Thank you, Madam
7 President.

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

16 Thank you, Madam President.

17 THE PRESIDENT: Thank you,
18 Senator Farley.

19 Senator Marchi.

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

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

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

18 So I rise again to second this
19 nomination.

20 THE PRESIDENT: Thank you,
21 Senator Marchi.

22 Senator Stafford.

23 SENATOR STAFFORD: Thank you,

1 thank you, Madam President.

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

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

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

1 themselves and then been given responsibility.

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

6 THE PRESIDENT: Thank you.
7 Senator Tully.

8 SENATOR TULLY: Thank you, Madam
9 President.

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

23 Beyond that, he's also been

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

12 Thank you, Madam President.

13 THE PRESIDENT: Thank you.

14 Senator Leichter.

15 SENATOR LEICHTER: Madam

16 President, if it's appropriate, I congratulate
17 you, and it's nice that you took time off from
18 your honeymoon to be with us today.

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

21 SENATOR LEICHTER: Madam

22 President, I'm very pleased to get up on this
23 appointment. Throughout the year, with a few

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

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

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

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

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

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

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

8 THE PRESIDENT: Thank you,
9 Senator Leichter.

10 Senator LaValle.

11 SENATOR LAVALLE: Thank you,
12 Madam President.

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

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

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

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

13 I thank you very much, Madam
14 President.

15 THE PRESIDENT: Thank you,
16 Senator LaValle.

17 Senator Paterson.

18 SENATOR PATERSON: Thank you,
19 Madam President.

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

1 hoping that the nomination will continue.

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

13 Thank you.

14 THE PRESIDENT: Thank you,
15 Senator Paterson.

16 Senator Stavisky.

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

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

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

17 THE PRESIDENT: Thank you.

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

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

23 All in favor signify by saying

1 aye.

2 (Response of "Aye.")

3 Opposed nay.

4 (There was no response.)

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

13 (Applause)

14 The Secretary will read.

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

18 THE PRESIDENT: Senator Bruno.

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

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

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

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

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

1 SENATOR SEWARD: Madam
2 President.

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

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

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

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

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

13 THE PRESIDENT: Thank you,
14 Senator Seward.

15 Senator Farley.

16 SENATOR FARLEY: Thank you, Madam
17 President.

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

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

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

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

15 Thank you.

16 THE PRESIDENT: Thank you,
17 Senator.

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

20 (There was no response.)

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

1 favor, signify by saying aye.

2 (Response of "Aye.")

3 Opposed nay.

4 (There was no response.)

5 Dr. Zeltmann is hereby confirmed

6 as a member of the Public Services Commission.

7 Doctor Zeltmann and his wife Susan are in the

8 gallery.

9 (Applause)

10 The Secretary will read.

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

14 THE PRESIDENT: Senator Bruno.

15 SENATOR STAFFORD: Senator
16 Larkin.

17 THE PRESIDENT: Oh, Senator
18 Larkin, sorry.

19 SENATOR LARKIN: Thank you, Madam
20 President.

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

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

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

1 Appeals.

2 THE PRESIDENT: Thank you,
3 Senator.

4 Senator Cook.

5 SENATOR COOK: Madam President,
6 thank you.

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

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

23 THE PRESIDENT: Thank you. Have

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

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

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

13 THE PRESIDENT: Thank you.

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

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

20 (Response of "Aye.")

21 Opposed nay.

22 (There was no response.)

23 Clifford M. Barber is hereby

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

3 (Applause)

4 The Secretary will read.

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

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

21 SENATOR NOZZOLIO: Madam
22 President.

23 THE PRESIDENT: Yes. I'm sorry.

1 Senator Nozzolio. I didn't see you.

2 SENATOR NOZZOLIO: Madam

3 President, I wish to be heard on the nomination
4 of Howard Berman. Howard Berman is extremely
5 well suited to serve again on this distinguished
6 panel, and I congratulate Governor Pataki for
7 reaching out to him and securing this
8 nomination.

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

17 Thank you, Madam President.

18 THE PRESIDENT: Thank you,
19 Senator Nozzolio.

20 Oh, Senator Abate.

21 SENATOR ABATE: Yes, thank you.

22 I stand in enthusiastic support of two members
23 who work in the district that I represent.

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

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

1 of these individuals over the years to come.

2 Thank you very much.

3 THE PRESIDENT: Thank you,
4 Senator Abate.

5 Senator Marcellino.

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

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

18 Thank you.

19 THE PRESIDENT: Thank you.
20 Senator Marchi.

21 SENATOR MARCHI: Thank you, Mr.

22 -- Madam President. I rise to second the
23 nomination of John Depierro. John Depierro is

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

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

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

22 THE PRESIDENT: Thank you,
23 Senator Marchi.

1 Senator Dollinger.

2 SENATOR DOLLINGER: Thank you,
3 Madam President.

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

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

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

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

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

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

23 I've talked about this with the

1 chairman. There is language in the statute
2 which says that the Planning Council shall
3 include at least one member nominated initially
4 by each of the regional planning councils.
5 That's when the statute was first created in
6 1964, when the statute was put on the books by
7 this Legislature. The notion was that the
8 regional health planning councils would have a
9 member originally -- would nominate a member to
10 the Hospital Review and Planning Council.

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

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

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

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

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

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

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

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

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

21 Thank you.

22 ACTING PRESIDENT KUHL: The Chair
23 recognizes Senator Hannon.

1 SENATOR HANNON: Yes, Mr.
2 President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ACTING PRESIDENT KUHL: Senator
21 Jones.

22 SENATOR JONES: Yes, Mr.
23 President.

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

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

16 Senator Hannon.

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

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

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

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

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

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

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

8 Thank you.

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

14 (Response of "Aye.")

15 Opposed nay.

16 SENATOR DOLLINGER: No.

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

22 SENATOR DOLLINGER: Thank you.

23 ACTING PRESIDENT KUHL: The

1 nominees are confirmed.

2 Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

7 SENATOR SEWARD: Mr. President.

8 ACTING PRESIDENT KUHL: Chair
9 recognizes Senator Seward.

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

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

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

3 SENATOR STAFFORD: Mr.
4 President.

5 ACTING PRESIDENT KUHL: Senator
6 Stafford.

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

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

16 (Response of "Aye.")

17 Opposed nay.

18 (There was no response.)

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

22 (Applause)

23 Secretary will read.

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

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

9 (Response of "Aye.")

10 Opposed nay.

11 (There was no response.)

12 The nominees are confirmed.

13 Secretary will read.

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

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

23 (Response of "Aye.")

1 Opposed nay.

2 (There was no response.)

3 The nominee is confirmed.

4 Secretary will read.

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

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

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

16 SENATOR FARLEY: I'll yield.

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

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

1 ACTING PRESIDENT KUHL: Senator
2 Leichter, on the nomination.

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

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

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

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

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

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

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

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

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

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

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

14 SENATOR FARLEY: Thank you very
15 much.

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

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

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

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

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

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

18 SENATOR VOLKER: Mr. President.

19 ACTING PRESIDENT KUHL: Chair
20 recognizes Senator Volker.

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

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

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

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

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

19 ACTING PRESIDENT KUHL: Chair
20 recognizes Senator Leichter.

21 SENATOR LEICHTER: Yeah, Mr.
22 President.

23 I want to apologize, Senator

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

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

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

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

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

1 Banking Board as a public member.

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

10 (Response of "Aye.")

11 All those opposed, nay.

12 (There was no response.)

13 Senator Leichter, you're negative
14 with regard to -

15 SENATOR LEICHTER: Kramer.

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

19 Secretary will read.

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

23 ACTING PRESIDENT KUHL: Question

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

5 (Response of "Aye.")

6 Opposed nay.

7 (There was no response.)

8 The nominee is confirmed.

9 Secretary will read.

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

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

18 (Response of "Aye.")

19 Opposed, nay.

20 (There was no response.)

21 The nominee is confirmed.

22 Secretary will read.

23 THE SECRETARY: Joel B. Mounty,

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

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

8 (Response of "Aye.")

9 Opposed, nay.

10 (There was no response.)

11 The nominee is confirmed.

12 Secretary will read.

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

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

1 (Response of "Aye.")

2 Opposed, nay.

3 (There was no response.)

4 The nominees are confirmed.

5 Secretary will read.

6 THE SECRETARY: Louis P.

7 Ciminelli, of Buffalo as a Trustee of the State

8 Power Authority.

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

11 SENATOR MAZIARZ: Thank you, Mr.
12 President.

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

1 nation.

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

10 Thank you, Mr. Chairman.

11 ACTING PRESIDENT KUHL: Chair
12 recognizes Senator Nanula.

13 SENATOR NANULA: Thank you, Mr.
14 President.

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

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

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

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

23 Thank you.

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

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

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

1 Power Authority.

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

6 ACTING PRESIDENT KUHL: Chair
7 recognizes Senator Rath.

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

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

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

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

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

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

18 ACTING PRESIDENT KUHL: Is there
19 any other Senator wishing to speak on the
20 nomination? Hearing none, the question is on
21 the nomination of Louis P. Ciminelli to become a
22 Trustee of the Power Authority of the state of
23 New York. 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 confirmed.

6 Secretary will read.

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

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

17 (Response of "Aye.")

18 Opposed, nay.

19 (There was no response.)

20 The nominee is confirmed.

21 Secretary will read.

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

1 Authority, Janet H. Bliss, of Lake Placid.

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

7 (Response of "Aye.")

8 Opposed, nay.

9 (There was no response.)

10 The nominee is confirmed.

11 Secretary will read.

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

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

21 (Response of "Aye.")

22 Opposed, nay.

23 (There was no response.)

1 The nominees are confirmed.

2 Secretary will read.

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

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

13 Senator Rath on the nomination.

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

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

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

11 Thank you.

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

20 (Response of "Aye.")

21 Opposed, nay.

22 (There was no response.)

23 The nominee is confirmed.

1 Secretary will read.

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

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

11 SENATOR MARCELLINO: Mr.
12 President.

13 ACTING PRESIDENT KUHL: Senator
14 Marcellino.

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

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

4 ACTING PRESIDENT KUHL: The
5 question is on the nomination of Peter L. Kramer
6 to become a member of the Long Island State
7 Park, Recreation and Historic Preservation
8 Commission. 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 Secretary will read.

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

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

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

23 I rise to move the nominations

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

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

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

22 Thank you.

23 ACTING PRESIDENT KUHL: The

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

5 (Response of "Aye.")

6 Opposed, nay.

7 The nominees are confirmed.

8 Secretary will read.

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

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

18 (Response of "Aye.")

19 Opposed, nay.

20 (There was no response.)

21 The nominee is confirmed.

22 Secretary will read.

23 THE SECRETARY: Alternate non

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

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

9 (Response of "Aye.")

10 Opposed, nay.

11 (There was no response.)

12 The nominee is confirmed.

13 Secretary will read.

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

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

1 (Response of "Aye.")

2 Opposed, nay.

3 (There was no response.)

4 The nominees are confirmed.

5 Secretary will read.

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

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

12 SENATOR DOLLINGER: Mr.
13 President.

14 ACTING PRESIDENT KUHL: Senator
15 Dollinger.

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

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

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

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

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

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

6 ACTING PRESIDENT KUHL: Is there
7 any other Senator wishing to speak on the
8 nomination? Hearing none, the question is on
9 the nomination of William R. Nojay, of
10 Pittsford, New York to become a member of the
11 Rochester-Genesee Regional Transportation
12 Authority, 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 confirmed.

18 Secretary will read.

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

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

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

5 (Response of "Aye.")

6 Opposed nay.

7 (There was no response.)

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

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

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

21 (Response of "Aye.")

22 Opposed, nay.

23 (There was no response.)

1 The nominee is confirmed.

2 Secretary will read.

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

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

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

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

23 There are a number of people who

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

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

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

23 I'm very proud to second the

1 nomination of Patrick Lee.

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

5 Senator Volker.

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

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

1 district, and I know Pat Lee.

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

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

23 (Response of "Aye.")

1 Opposed, nay.

2 (There was no response.)

3 The nominee is confirmed.

4 Secretary will read.

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

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

15 (Response of "Aye.")

16 Opposed, nay.

17 (There was no response.)

18 The nominee is confirmed.

19 Secretary will read.

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

23 ACTING PRESIDENT KUHL: Is there

1 any Senator wishing -- Chair recognizes Senator
2 Marchi.

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

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

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

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

5 Senator Stafford.

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

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

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

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

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

4 (Response of "Aye.")

5 Opposed, nay.

6 (There was no response.)

7 The the nominee is confirmed.

8 Secretary will read.

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

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

16 (Response of "Aye.")

17 Opposed, nay.

18 The nominee is confirmed.

19 The Chair recognizes Senator
20 Bruno.

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

1 be read at this time?

2 ACTING PRESIDENT KUHL: Secretary
3 will read.

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

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

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

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

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

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

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

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

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

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

11 Senator Bruno.

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

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

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

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

4 Thank you, Mr. President.

5 SENATOR CONNOR: Mr. President.

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

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

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

20 (Applause)

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

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

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

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

9 Thank you.

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

14 Chair recognizes Senator Bruno.

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

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

1 further call of the Majority Leader.

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

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