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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

November 29, 2005

4:07 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

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P R O C E E D I N G S

THE PRESIDENT: The Senate will
please come to order.

I ask everyone present to please
rise and repeat with me the Pledge of
Allegiance.

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

THE PRESIDENT: With us this
afternoon to give the invocation is the
Reverend Peter G. Young, from Blessed
Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: Let us pray.

Dear God, as we enjoy today's
unseasonably warm weather, we are all well
aware of the change in the cold days ahead.
As we prepare for the temperature change, we
honor, in today's resolution for Rosa Parks,
the courage to make and to spark the necessary
social changes in our society for all
citizens.

O God, we ask You to assist all
those confirmed today to implement their
responsibilities for the citizens of New York
State. We ask You to give them, the

1 confirmandi, the energy, the integrity, and
2 the good health to perform their legislative
3 mandates as members of the Empire State
4 leadership team.

5 O God, bless the members of this
6 Senate body as they gather in this preholiday
7 session in Your name.

8 Amen.

9 THE PRESIDENT: Reading of the
10 Journal.

11 THE SECRETARY: In Senate,
12 Monday, November 28, the Senate met pursuant
13 to adjournment. The Journal of Sunday,
14 November 27, was read and approved. On
15 motion, Senate adjourned.

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

19 Senator Bruno.

20 SENATOR BRUNO: Madam President,
21 can I ask for an immediate meeting of the
22 Finance Committee in Room 130 of the LOB.

23 THE PRESIDENT: There will be an
24 immediate meeting of the Finance Committee in
25 Room 130 of the LOB.

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Presentation of petitions.

I'm going to ask for order, please.

Any conversations should be taken out of the room. Thank you.

Presentation of petitions.

Messages from the Assembly.

I'm going to wait for order, please, members. Thank you. We'll start again.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe, under resolutions, that there is a special resolution at the desk by Senator Paterson. I would ask that it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

1 THE SECRETARY: By Senators
2 Paterson and Parker, Legislative Resolution
3 Number 3027, commemorating the life and legacy
4 of Rosa Louise McCauley Parks.

5 "WHEREAS, It is the practice of
6 this Legislative Body to publicly take note of
7 and acknowledge those rare individuals of
8 exceptional character whose courage and moral
9 fortitude changed for the better the course of
10 our nation's history; and

11 "WHEREAS, Attendant to such
12 concern, and in full accord with its
13 long-standing traditions, this Legislative
14 Body shall pause to honor the contributions of
15 a true American hero, the late Rosa Louise
16 McCauley Parks; and

17 "WHEREAS, Activist, author,
18 educator, mentor, public servant, recipient of
19 the Congressional Medal of Honor, Rosa Parks
20 was, without question, one of the most revered
21 and significant humanitarians of her
22 generation; and

23 "WHEREAS, Born into segregation
24 deep in the Jim Crow South, Rosa Parks spent
25 the next 92 years of her life standing for

1 freedom. This foremother of the civil rights
2 movement died on October 24, 2005; and

3 "WHEREAS, Rosa Parks was a tiny
4 woman -- small in stature, soft-spoken,
5 humble -- who held a strength of conviction so
6 powerful its force would be felt for decades
7 to come; and

8 "WHEREAS, We have come to know well
9 that historic day, 50 years ago, on the first
10 of December, when Rosa Parks ignited a
11 movement of justice through the utterance of
12 one single word: no; and

13 "WHEREAS, When she said no, when
14 she refused to relinquish her seat for a white
15 passenger, she was saying no to unequal
16 treatment, no to passive acceptance, no to
17 racial hatred. In refusing to stand, Rosa
18 Parks, in fact, rose up high over an
19 oppressive regime; and

20 "WHEREAS, The resulting 381-day
21 Montgomery Bus Boycott amounted to a movement
22 of justice of such paramount importance, the
23 likes of which had never been seen before; at
24 personal sacrifice, and with extraordinary
25 grace, Rosa Parks marched into battle against

1 Jim Crow and arose, eventually, triumphant;
2 and

3 "WHEREAS, The year 2005 marks 50
4 years since the Montgomery Bus Boycott. It
5 also chronicles the loss of Rosa Parks and a
6 great number of other luminaries of the civil
7 rights movement; and

8 "WHEREAS, This is a time for
9 reflection and recommitment, a time to
10 remember what Rosa Parks offered to us. Hers
11 was a vision of pure democracy, of one nation
12 where we stand together as equals, united in
13 solidarity as citizens of this great United
14 States; and

15 "WHEREAS, As we celebrate Rosa
16 Parks's memory, let us pledge to aspire to
17 live as honorable a life as she lived; now,
18 therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to commemorate
21 the life and legacy of Rosa Louise McCauley
22 Parks."

23 THE PRESIDENT: Senator Paterson.

24 SENATOR PATERSON: Thank you,
25 Madam President.

1 Many years ago, Madam President,
2 the first person invented fire. And although
3 I think it's likely that they were burned at
4 the stake that they taught their brothers and
5 sisters to light, nonetheless, they offered
6 the world a gift that had never been perceived
7 and forever lifted darkness from the face of
8 the earth.

9 Throughout the centuries, there
10 have been women and men who have taken first
11 steps down new roads armed with nothing but
12 their own vision. They fought, they suffered,
13 and they paid -- but they won. What they won
14 was freedom. And today we're here to
15 celebrate one of those people.

16 Rosa Parks, who died 38 days before
17 the fiftieth anniversary of the Thursday
18 afternoon while riding home from work when she
19 refused to relinquish her seat on the bus to a
20 white customer and move to the back of the
21 bus, which had been the custom and tradition
22 in the deep South, was laid to rest on
23 October 24th of her 92nd year, but not before
24 having changed the 20th century and all
25 centuries to follow, as the great lady of

1 freedom that she was.

2 An interesting side note, Madam
3 President, is that Rosa Parks was not the
4 first person to refuse to relinquish her seat
5 on a bus that year. The first woman, who was
6 taken off the bus in July of 1955, got into a
7 fight with the police, and therefore the
8 advocates didn't think this was a particularly
9 good case to make the issue of segregation
10 when in fact this person had assaulted some of
11 the police officers.

12 The second woman was taken off the
13 bus in September of 1955. She was an unwed
14 mother, and at that time it was believed that
15 that moral issue would supersede the
16 humanitarian issue of equality.

17 And so it was only when Rosa Parks
18 took this decisive action on December 1st that
19 many in the civil rights movement saw her --
20 as an educator, a mentor, a public servant, a
21 member of organizations that were trying to
22 bring freedom to that area -- as the perfect
23 test case.

24 But to some degree, the meaning was
25 lost down through the decades that Rosa Parks

1 had planned on doing this. Her statement, the
2 honest statement, was that that day she had
3 just basically gotten tired of being abused
4 and oppressed under that system. It gave rise
5 to 381 days of boycotts from people whose
6 names we don't know, whose families we don't
7 remember, but whose gestures were just as
8 important and are symbolically recognized as
9 we do here today with Rosa Parks.

10 One of those people who went to and
11 fought on behalf of those in the boycotts was
12 the late Justice Constance Baker Motley, who
13 lost her life just a few weeks before Rosa
14 Parks. And we celebrate her as well.

15 It is a different culture that we
16 live in. It seems so long ago. But there are
17 people in this room who were in the South
18 during that time who remember those oppressive
19 conditions. We even have a New York state
20 senator, Senator Bill Larkin, who actually was
21 part of the Selma March, when he was sent by
22 the National Guard to make sure that the
23 marchers could get from Selma to Montgomery
24 without losing their lives.

25 So though it may seem a long time

1 ago to the young people of society today, they
2 really need to know the story of Rosa Parks
3 and all those who struggled unremittingly and
4 courageously -- black and white, young and
5 old, throughout the South and throughout
6 America -- to bring economic, political, and
7 social justice to this land.

8 We're not all the way there yet,
9 Madam President, but certainly we'd be
10 significantly further back had it not been for
11 the contribution of this great lady of
12 freedom. And I'm happy that we pause in our
13 deliberations to celebrate her moment at this
14 time.

15 THE PRESIDENT: Does any other
16 member wish to be heard?

17 Then the question now is on the
18 resolution. All in favor please signify by
19 saying aye.

20 (Response of "Aye.")

21 THE PRESIDENT: Opposed, nay.

22 (No response.)

23 THE PRESIDENT: The resolution is
24 adopted.

25 Senator Paterson.

1 SENATOR PATERSON: Madam
2 President, Senator Parker and I would be
3 delighted to open the resolution so that all
4 members who are interested can go on the
5 resolution. And we open the resolution at
6 this time, with your permission.

7 THE PRESIDENT: Senator Bruno, do
8 you have any objection?

9 SENATOR BRUNO: Thank you,
10 Senator Paterson, for that honor.

11 And I would recommend to the chair
12 that all of the members in the Senate be added
13 to the resolution unless they would approach,
14 privately, the desk.

15 And thank you very much, Senator
16 Paterson and Senator Parker.

17 THE PRESIDENT: Thank you,
18 Senator Bruno and Senator Paterson.

19 Any member who does not want to
20 cosponsor the last resolution, please notify
21 the desk.

22 Senator Bruno.

23 SENATOR BRUNO: Madam President,
24 can we at this time adopt the Resolution
25 Calendar in its entirety.

1 THE PRESIDENT: All in favor of
2 adopting the Resolution Calendar please
3 signify by saying aye.

4 (Response of "Aye.")

5 THE PRESIDENT: Opposed, nay.

6 (No response.)

7 THE PRESIDENT: The Resolution
8 Calendar is adopted.

9 SENATOR BRUNO: Madam President.

10 THE PRESIDENT: Senator Bruno.

11 SENATOR BRUNO: If we can return
12 to reports of standing committees.

13 THE PRESIDENT: Reports of
14 standing committees.

15 SENATOR BRUNO: And I believe in
16 the resolution that we just adopted there are
17 a number of appointees that do not require
18 appearances for confirmation. And can we
19 start taking those up at this time.

20 THE PRESIDENT: The Secretary
21 will read.

22 THE SECRETARY: Senator Johnson,
23 from the Committee on Finance, reports the
24 following nominations:

25 As a member of the Crime Victims

1 Board, Jacqueline C. Mattina, Esquire, of
2 Orchard Park.

3 As members of the Metropolitan
4 Transportation Authority, John H. Banks III,
5 of Brooklyn, and Mark Page, of Brooklyn.

6 As members of the New York State
7 Housing Finance Agency, Herbert E. Berman,
8 Esquire, of Brooklyn, and John L. Dimarco, of
9 Pittsford.

10 As members of the Central New York
11 Regional Transportation Authority, Robert E.
12 Colucci, Jr., of Syracuse; Nicholas F. Laino,
13 of New Hartford; and Darlene De Rosa
14 Lattimore, of Auburn.

15 As a member of the Port of Oswego
16 Authority, William F. Shannon, of Oswego.

17 As a member of the
18 Rochester-Genesee Regional Transportation
19 Authority, Frank Vitagliano, Jr., of Warsaw.

20 As a member of the New York State
21 Olympic Regional Development Authority, J.
22 Patrick Barrett, of Manilus.

23 As a member of the State Board of
24 Historic Preservation, Elizabeth L. Watson, of
25 Cold Spring Harbor.

1 As a member of the Albany Pine Bush
2 Preserve Commission, Steven K. Rice, Ph.D., of
3 Rexford.

4 As a member of the Allegany State
5 Park, Recreation and Historic Preservation
6 Commission, Wendy Myers Brand, of Allegany.

7 As a member of the Saratoga-Capital
8 District State Park, Recreation and Historic
9 Preservation Commission, Thomas O. Maggs, of
10 Scotia.

11 As a member of the Fire Fighting
12 and Code Enforcement Personnel Standards and
13 Education Commission, Gerald W. Lynch, of
14 New York City.

15 As members of the Lake George Park
16 Commission, James T. Kneeshaw, of Queensbury,
17 and Thomas J. Morehouse, of Ticonderoga.

18 As members of the Medical Advisory
19 Committee, Stoner E. Horey, of Canisteo;
20 Norman R. Loomis, M.D., of Ontario; and Gavin
21 Setzen, M.D., of Slingerlands.

22 As director of the Municipal
23 Assistance Corporation for the City of
24 New York, Jonathan A. Ballan, Esquire, of
25 Scarsdale.

1 As director of the New York State
2 Environmental Facilities Corporation, Francis
3 T. Corcoran, of Bedford Corners, and Robert J.
4 Fischer, of Pittsford.

5 As a member of the Advisory Council
6 on Agriculture, Maureen J. Torrey Marshall, of
7 Elba.

8 As members of the State Council on
9 the Arts, Elaine Wingate Conway, of
10 Bronxville, and Laurie Tisch Sussman, of
11 New York City.

12 As a member of the Mental Health
13 Services Council, Eli B. Hoch, Ph.D., of
14 Rego Park.

15 As a member of the Minority Health
16 Council, Maggie Blackburn, M.D., of
17 Harpersfield.

18 As members of the State Hospital
19 Review and Planning Council, Howard S.
20 Berliner, of New York City; Renee Garrick,
21 M.D., of Bedford; Kevin N. Hill, of Pittsford;
22 Jeffrey A. Kraut, of East Meadow; and Stephens
23 Marshall Mundy, of Plattsburgh.

24 As a member of the Board of
25 Visitors of the Bronx Psychiatric Center,

1 Sandra Unger, of the Bronx.

2 As members of the Board of Visitors
3 of the Finger Lakes Development Disabilities
4 Services Office, Sue Lesage, of Rochester, and
5 Patricia Ann Power, of Palmyra.

6 As a member of the Board of
7 Visitors of the Middletown Psychiatric Center,
8 Ann Marie Maglione, of Middletown.

9 As a member of the Board of
10 Visitors of the Metro New York Developmental
11 Disabilities Services Office, Joan S. Laufer,
12 of New York City.

13 As a member of the Board of
14 Visitors of the New York State Home for
15 Veterans and Their Dependents at St. Albans,
16 Denis J. McEneaney, of Broad Channel.

17 And as a member of the Board of
18 Visitors of the South Beach Psychiatric
19 Center, Linda B. Wilson, of Staten Island.

20 THE PRESIDENT: Senator Johnson,
21 to move the nominations.

22 SENATOR JOHNSON: Move the
23 nominations.

24 THE PRESIDENT: All in favor of
25 the nominees as read by the Secretary, please

1 signify by saying aye.

2 (Response of "Aye.")

3 THE PRESIDENT: Opposed, nay.

4 (No response.)

5 THE PRESIDENT: The nominees are
6 all so confirmed as read by the Secretary.

7 Senator Bruno.

8 SENATOR BRUNO: Madam President,
9 can we at this time take up the nominees that
10 were required to appear before the committee
11 and before the Senate.

12 THE PRESIDENT: The Secretary
13 will read.

14 THE SECRETARY: Senator Johnson,
15 from the Committee on Finance, reports the
16 following nomination:

17 As Commissioner of Environmental
18 Conservation, Denise M. Sheehan, of Niskayuna.

19 THE PRESIDENT: Senator Johnson.

20 SENATOR JOHNSON: Move the
21 nomination.

22 THE PRESIDENT: Senator
23 Marcellino.

24 SENATOR MARCELLINO: Madam
25 President, as chairman of the Committee on

1 Environmental Conservation in the Senate, it
2 was my pleasure to interview, with the entire
3 committee this morning, then acting
4 Commissioner Sheehan and soon to be
5 Commissioner Sheehan.

6 She has served the department well
7 and will continue to serve the department
8 well. This is one of Governor Pataki's finest
9 nominations.

10 And I'm pleased to move the
11 nomination and second it and yield the floor
12 to Senator Farley.

13 THE PRESIDENT: Senator Farley.

14 SENATOR FARLEY: Thank you,
15 Mr. Chairman, whose voice is leaving him.

16 Let me just say that Denise
17 Sheehan, who is my constituent from Niskayuna,
18 has served for 11 years in the Division of the
19 Budget. She's eminently qualified. She's
20 been an acting commissioner.

21 And during the Finance Committee,
22 member after member said how they had dealt
23 with her personally and how she had solved
24 every problem and was very diligent.

25 And incidentally, I think the DEC

1 commissioner's job is one of the most
2 difficult ones in government. It has all
3 kinds of competing interests, and she has
4 handled that with great grace and
5 effectiveness.

6 Denise is a very, very
7 well-qualified person who has come up through
8 the ranks of government and has served us
9 well. Her husband and so forth is also in the
10 Legislature. And she's an outstanding mother
11 and a great asset to government. And it's
12 another example of Governor Pataki's wonderful
13 appointments.

14 And I enthusiastically second her
15 nomination.

16 THE PRESIDENT: Senator Breslin.

17 SENATOR BRESLIN: Thank you,
18 Madam President.

19 I have -- Senator Farley talks
20 about the commissioner living in his district.
21 The commissioner was born and raised in my
22 district and is the daughter of -- smart
23 enough to move?

24 (Laughter.)

25 SENATOR BRESLIN: Particularly if

1 you happen to have an "R" after your name.

2 But she's the daughter of public
3 school teachers. I happen to know her father
4 very well, who is a frequent visitor to my
5 office and exemplifies what volunteerism is in
6 his retirement years.

7 And Denise, in her role as acting
8 commissioner, has exemplified what being a
9 good commissioner is. And I think she will --
10 I know she will continue to prove herself at
11 the commissioner level, and I commend the
12 Governor for the nomination.

13 THE PRESIDENT: Senator Bruno.

14 SENATOR BRUNO: Madam President,
15 can I add my comments and congratulations to
16 Denise.

17 She is not a mystery to anyone.
18 She's been serving, as has been mentioned, as
19 acting commissioner since February '05, when a
20 vacancy occurred. Ten years as a budget
21 examiner with EnCon. Worked with the Clean
22 Indoor/Outdoor Act, helped with the Bond Act.
23 Just has really an extraordinary record.

24 And it's all recognized that it's
25 quite a challenge, as has been mentioned, to

1 manage 3,350 people and a budget of a little
2 under a billion dollars.

3 So this is a very wise appointment
4 by our great Governor George Pataki. I
5 commend him, commend Denise on her good work
6 presently and in the future.

7 Thank you, Madam President.

8 THE PRESIDENT: The question now
9 is on the nomination of Denise M. Sheehan, of
10 Niskayuna, as Commissioner of Environmental
11 Conservation. All in favor please signify by
12 saying aye.

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed, nay.

15 (No response.)

16 THE PRESIDENT: The nominee is
17 hereby confirmed.

18 Congratulations and best wishes.

19 (Applause.)

20 THE PRESIDENT: The Secretary
21 will continue to read.

22 THE SECRETARY: As Commissioner
23 of Transportation, Thomas J. Madison, Jr., of
24 Waterford.

25 THE PRESIDENT: Senator Johnson,

1 to move the nomination.

2 SENATOR JOHNSON: Move the
3 nomination.

4 THE PRESIDENT: Senator Libous.

5 SENATOR LIBOUS: Thank you, Madam
6 President.

7 It is indeed an honor for me to
8 stand before this body this afternoon and talk
9 about a native son from Broome County who will
10 be our next transportation commissioner.

11 Tom Madison has been a friend of
12 mine for the last 19 years and certainly has
13 worked for this administration and worked for
14 many of you in this room over the course of
15 the last ten years.

16 Earlier today, when the nominee was
17 before the Transportation Committee, it was
18 great to hear a number of my colleagues share
19 stories about how Acting Commissioner Madison
20 had already jumped in, worked with them
21 one-on-one to solve little and large problems
22 that existed.

23 He was on the job just a couple of
24 days, and there was a terrible mudslide in the
25 North Country. Then I believe there was

1 another mudslide down in New York City, and
2 then the closure of the Dunn Memorial Bridge.
3 So he was thrown in immediately, and he
4 handled each one of those situations with
5 great temperament and great management and
6 leadership skills.

7 So it is an honor for me to stand
8 before this body and move the Governor's
9 nomination. The Governor has made a great,
10 great appointment here.

11 And I'm pleased to see that Tom is
12 joined by his wife, Tracy, his mother, Pat,
13 and his father, Tom.

14 THE PRESIDENT: Senator Bruno.

15 SENATOR BRUNO: Thank you, Madam
16 President.

17 And I also commend and congratulate
18 Tom Madison. Tom knows the roads of New York
19 State extremely well. And he, by the way, is
20 my constituent, living in the great 43rd
21 Senatorial District. And that's wisdom and
22 vision by itself. Rides his motorcycle to
23 work, checks out the roads, and does all of
24 the right kinds of things.

25 You talk about a challenge; here,

1 he has a challenge. He has met challenges.
2 So we can all be proud of the good work that
3 he does on behalf of the entire constituency
4 of New York State.

5 So congratulations to Tom, his
6 wife, Tracy, who is very supportive --
7 probably rides on the back of that motorcycle,
8 a very brave lady -- and I believe Brooks, his
9 son, is here, and daughter, Morgan.

10 Congratulations to all of you and
11 your parents, Tom, who I'm sure are proud, and
12 your mom, Pat. Congratulations to all of you.
13 Thank you.

14 (Applause.)

15 THE PRESIDENT: The question now
16 is on the nomination of Thomas J. Madison,
17 Jr., of Waterford, as Commissioner of
18 Transportation. All in favor signify by
19 saying aye.

20 (Response of "Aye.")

21 THE PRESIDENT: Opposed, nay.

22 (No response.)

23 THE PRESIDENT: The nominee is
24 hereby confirmed.

25 Congratulations and best wishes.

1 (Applause.)

2 THE PRESIDENT: The Secretary
3 will continue to read.

4 Senator Bruno.

5 SENATOR BRUNO: Madam President,
6 can we at this time recognize Senator
7 Paterson.

8 THE PRESIDENT: Senator Paterson.

9 SENATOR PATERSON: Madam
10 President -- and, Madam President, I'd like to
11 thank the Majority Leader for just this
12 moment.

13 I would just like to commend to my
14 colleagues a great accomplishment that one of
15 us has achieved in the last few weeks.
16 Senator Byron Brown, who was elected to the
17 Senate in the year 2000 and served from 2001
18 to 2005, is going to leave us at the end of
19 the year and become the mayor of one of our
20 largest cities, Buffalo, New York.

21 I just wanted to recognize that and
22 congratulate Senator Brown at this time.

23 (Extended applause.)

24 SENATOR PATERSON: Madam
25 President.

1 THE PRESIDENT: Senator Paterson.

2 SENATOR PATERSON: I'm not sure
3 if that collective enthusiasm was because of
4 Senator Brown's great achievements, which we
5 all concede, or that there's one less Democrat
6 in the Senate. But we appreciate it all the
7 more.

8 (Laughter; applause.)

9 THE PRESIDENT: The Secretary
10 will please continue to read.

11 THE SECRETARY: As a member of
12 the New York State Employment Relations Board,
13 Dean H. Leith, Jr., of Troy.

14 THE PRESIDENT: Senator Bruno.

15 SENATOR BRUNO: Madam President,
16 I'm proud to stand on behalf of the nomination
17 of Dean Leith.

18 Dean Leith is from Troy, a neighbor
19 of mine. He is a man who goes back a lot of
20 years in community service and in public
21 service. Co-partner of a company that many of
22 us knew around here that started as a startup
23 and over the years, with Dean mentoring that
24 company, grew to employ about 1,100 people,
25 had sales of about 150 million.

1 Dean left the company in, I think,
2 1990 and went on into an early retirement from
3 business but an active, more active life in
4 the community, starting up in supporting
5 community gardens in the Capital Region, the
6 Rensselaer Historic Society, I think past
7 chair of the board, and just has done an awful
8 lot of good things and good work.

9 So there isn't a better nominee to
10 take the position that Dean will be taking to
11 help arbitrate and to help settle some
12 important issues in people's lives.

13 I'm proud to move the nomination.

14 THE PRESIDENT: Senator Johnson.

15 SENATOR JOHNSON: Move the
16 nomination.

17 THE PRESIDENT: All in favor of
18 the nomination of Dean H. Leith, Jr., of Troy,
19 as a member of the New York State Employment
20 Relations Board, please signify by saying aye.

21 (Response of "Aye.")

22 THE PRESIDENT: Opposed, nay.

23 (No response.)

24 THE PRESIDENT: The nominee is
25 hereby confirmed.

1 Congratulations, Dean. Best wishes
2 for continued success.

3 (Appause.)

4 THE PRESIDENT: The Secretary
5 will read.

6 THE SECRETARY: As a member of
7 the Metropolitan Transportation Authority,
8 Donald Cecil, of Harrison.

9 THE PRESIDENT: Senator Johnson.

10 SENATOR JOHNSON: Move the
11 nomination.

12 THE PRESIDENT: All in favor of
13 Donald Cecil, of Harrison, as a member of the
14 Metropolitan Transportation Authority, please
15 signify by saying aye.

16 (Response of "Aye.")

17 THE PRESIDENT: Opposed, nay.

18 (No response.)

19 THE PRESIDENT: The nominee is
20 hereby confirmed.

21 Congratulations and best wishes to
22 you. Please stand.

23 (Appause.)

24 THE PRESIDENT: The Secretary
25 will read.

1 THE SECRETARY: As a member of
2 the Board of Trustees of the State University
3 of New York, Michael E. Russell, of East
4 Setauket.

5 THE PRESIDENT: Senator Johnson.

6 SENATOR JOHNSON: Move the
7 nomination.

8 THE PRESIDENT: Senator Flanagan.

9 SENATOR FLANAGAN: Thank you,
10 Madam President.

11 I'd just like to speak briefly on
12 behalf of Mike Russell, who is not Senator
13 Bruno's constituent, he is my constituent.

14 And just briefly about Mike, one of
15 the things that we're all going to enjoy is he
16 has a tremendous experience in the business
17 sector, he's been on a lot of boards, working
18 with not-for-profits all across Long Island.
19 He has talent and expertise and experience
20 that will serve not only the university but
21 its students and all the people of New York
22 very well.

23 He's a great guy, he's a hard
24 worker. I'm proud to call him my friend, and
25 I will be proud to call him trustee, hopefully

1 very soon.

2 And Senator LaValle.

3 THE PRESIDENT: Senator LaValle.

4 SENATOR LaVALLE: Thank you,
5 Senator Flanagan.

6 Madam President, it's with great
7 pleasure that I rise to move the nomination of
8 Mike Russell. This is indeed one of the
9 Governor's best picks for the SUNY board.

10 At a time when the system is
11 expanding opportunities for students, Mike
12 will use his expertise that he gained on the
13 Stony Brook council, the work that he's done
14 for students and student athletes at the
15 university, his interest in health care -- and
16 we have three university hospitals that are
17 very important to the SUNY system, and Mike
18 will use that expertise.

19 But most important is that he is
20 truly a great humanitarian. And I often say
21 to him he should have been a social worker.
22 Instead, he went out into the business world
23 and made his way in finance. And he will
24 bring that expertise to the board.

25 So he is really so well-rounded.

1 He knows how to be a good board member. He
2 has the students' interest at heart. And I
3 know he is extremely energetic, and we are
4 lucky to have that energy and wisdom that he
5 will bring to the board.

6 Good luck to you, Mike.

7 (Applause.)

8 THE PRESIDENT: The question now
9 is on the nomination of Michael E. Russell, of
10 East Setauket, as a member of the Board of
11 Trustees of the State University of New York.
12 All in favor please signify by saying aye.

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed, nay.

15 (No response.)

16 THE PRESIDENT: The nominee is
17 hereby confirmed.

18 Will you please stand. And best
19 wishes for success.

20 (Applause.)

21 THE PRESIDENT: The Secretary
22 will continue to read.

23 THE SECRETARY: As Commissioner
24 of the Tax Appeals Tribunal, Charles H.
25 Nesbitt, of Albion.

1 THE PRESIDENT: Senator Johnson.

2 SENATOR JOHNSON: Move the
3 nomination.

4 THE PRESIDENT: Senator Bruno.

5 SENATOR BRUNO: Thank you, Madam
6 President and colleagues.

7 Charlie, Charles Nesbitt, Charlie
8 Nesbitt we all know as one of the leaders here
9 in the Legislature. Charlie was in business,
10 served 14 years in elective office, a lot of
11 those years as a leader in the Assembly.

12 Charlie distinguished himself,
13 really, in the military. Part of the Air
14 Force, Charlie, and he actually got the
15 prestigious Air Medal for ten years of
16 service, served in Vietnam, flew helicopters.
17 Courageous, a patriot.

18 And he goes on now to another
19 challenge, having worked diligently on behalf
20 of the public, recognizing the need for taxes
21 and also recognizing that to keep businesses
22 and people here in the state and competitive,
23 that everything has to be in balance.

24 So he will serve there just as he
25 served in the service, just as he served in

1 the Assembly and as leader, he will serve with
2 great distinction.

3 And I'm proud to move Charlie's
4 nomination and also proud of the Finance
5 Committee, who unanimously moved him to the
6 floor, Madam President.

7 THE PRESIDENT: Senator Maziarz.

8 SENATOR MAZIARZ: Thank you very
9 much, Madam President.

10 In keeping with the spirit of the
11 day, Charlie Nesbitt happens to be a
12 constituent of mine.

13 I want to say that in the 11 years
14 that I have been here in the rough-and-tumble
15 world of governing and of politics, you could
16 not have a better partner than Charlie
17 Nesbitt.

18 As all of us who are members of the
19 Legislature and those who work here in the
20 Legislature know that sometimes, believe it or
21 not, there are challenges between members;
22 sometimes it goes as far as to say there are
23 ill will between members.

24 And I can tell that you every day,
25 from the day I announced I was running for the

1 New York State Senate until this very day,
2 today, Charlie has never been anything but
3 professional, been straight with me in
4 everything that we've done.

5 He's worked very hard for his
6 constituents in Orleans County and Niagara
7 County, in Monroe and in Genesee County.

8 I know Charlie -- and I'm going to
9 miss you in the Legislature, but I know this
10 is a challenge that you look forward to and I
11 know that Kim looks forward, I think, to you
12 not spending as much time in Albany, and your
13 kids. And I just wish you well.

14 This is a great appointment by the
15 Governor. And, Charlie, you're going to do a
16 good job. And I just want to thank you
17 publicly for the years that you and I have
18 worked together. And this isn't an ending,
19 it's just a new beginning. Thank you,
20 Charlie.

21 THE PRESIDENT: Senator Paterson.

22 SENATOR PATERSON: Madam
23 President, when I became the Minority Leader
24 of the Senate in the beginning of 2003,
25 Assemblyman Nesbitt became the minority leader

1 of the Assembly. And for the last three
2 years, the two of us have tried to prevail on
3 the majorities that we can make a contribution
4 in our respective houses.

5 And the pinnacle of that moment was
6 early earlier this year when Governor Pataki,
7 Senator Bruno, and Speaker Silver invited the
8 two of us to be part of the budget
9 negotiations.

10 During that time and all the time I
11 served with him, I found that Leader Nesbitt
12 showed the great skills that he had
13 demonstrated as a fighter pilot in Vietnam, as
14 a businessman in Orleans County, and as a
15 legislator before his elevation to minority
16 leader.

17 But we should really consider that
18 as he leaves, he may be the only leader of a
19 legislative conference who, the one time he
20 was part of the negotiations, we passed the
21 budget on time. It will be a challenge for
22 the rest of us to try to keep that streak
23 going.

24 But I would like to commend to all
25 of you, look at the difference that it made

1 when the old three-men-in-a-room negotiated
2 the budget with the three men, an officer, and
3 a gentleman. Thank you.

4 (Laughter; applause.)

5 THE PRESIDENT: Senator Diaz.

6 SENATOR DIAZ: Thank you, Madam
7 President.

8 I just came to Albany because my
9 son, Assemblyman Reuben Diaz, Jr., who happens
10 to be my boss, he ordered me to come here to
11 congratulate you and to wish you well.

12 And on behalf of my son and my
13 family, we wish you well. And this is a good
14 appointment from Governor Pataki.

15 Thank you.

16 THE PRESIDENT: The question is
17 on the nomination of Charles H. Nesbitt, of
18 Albion, as Commissioner of the Tax Appeals
19 Tribunal. All in favor please signify by
20 saying aye.

21 (Response of "Aye.")

22 THE PRESIDENT: Opposed, nay.

23 (No response.)

24 THE PRESIDENT: The nominee is
25 hereby confirmed.

1 Best wishes for continued success,
2 and congratulations to you.

3 (Applause.)

4 THE PRESIDENT: Senator Bruno.

5 SENATOR BRUNO: Madam President,
6 is there any further business at the desk that
7 should come before the Senate?

8 THE PRESIDENT: No, there isn't,
9 Senator.

10 SENATOR BRUNO: There is not?

11 THE PRESIDENT: There is not,
12 Senator Bruno.

13 SENATOR BRUNO: We are happy that
14 we have done the people's work here this
15 afternoon.

16 And let me just make a couple of
17 observations and comments.

18 THE PRESIDENT: I'm going to ask
19 for order, please.

20 Senator, go ahead.

21 SENATOR BRUNO: One, we are in
22 this room because, unlike the imaginary
23 Chicken Little thinking the sky was falling,
24 our ceiling was actually falling in the Senate
25 chamber.

1 And it was pointed out to me that
2 the first drops of that ceiling landed in my
3 chair. And I was a little bit uncomfortable
4 until I thought it through and realized that
5 Senator Skelos sits there most of the time.

6 (Laughter.)

7 SENATOR BRUNO: It will be
8 repaired, Dean. It will be repaired. And we
9 will be in session, hopefully, when we convene
10 in January. They're working diligently, and
11 with historic preservation being what it is,
12 it is a slow, expensive, and tedious process,
13 but necessary.

14 I want to just, while I'm on my
15 feet, commend Assemblyman Jim Tedisco, the new
16 minority leader in the Assembly. Jim is a
17 colleague, and he is a friend. And Jim is
18 just an outstanding individual that will
19 follow in the leadership role that is vacated
20 by Charlie.

21 Jimmy distinguished himself, as you
22 all know, as a scholar, as an athlete at Union
23 College, an outstanding athlete, a great road
24 runner. Just does everything extremely well.
25 And I am sure that he is going to lead the

1 Assembly as well as he has accomplished
2 himself throughout his life in everything that
3 he has done.

4 So I know all of you join me in
5 congratulating Assemblyman Jimmy Tedisco in
6 assuming his new leadership role in the
7 Assembly.

8 Thank you, Madam President.

9 (Applause.)

10 THE PRESIDENT: Senator Bruno.
11 Motion?

12 SENATOR BRUNO: And, Madam
13 President, there being no further business, I
14 don't expect that the Senate will be back in
15 session before January regular session '06.

16 So -- aw -- there being no further
17 business to come before the Senate, I would
18 move that everyone -- we stand adjourned and
19 that we enjoy the holidays in a safe and
20 healthy and happy way.

21 And we are going to adjourn subject
22 to the call of the Majority Leader, with
23 intervening days to be legislative days. Safe
24 passage, and I move that we adjourn.

25 THE PRESIDENT: On motion, the

1 Senate now stands adjourned until the call of
2 the Majority Leader. Happy holidays.

3 (Whereupon, at 4:50 p.m., the
4 Senate adjourned.)

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