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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

December 13, 2006

12:46 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT MEIER: The
Senate will come to order.

I ask everyone present to please
rise and join me in the Pledge of Allegiance.

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

ACTING PRESIDENT MEIER: In the
absence of clergy, may we bow our heads in a
moment of silence.

(Whereupon, the assemblage
respected a moment of silence.)

ACTING PRESIDENT MEIER: Reading
of the Journal.

THE SECRETARY: In Senate,
Tuesday, December 12, the Senate met pursuant
to adjournment. The Journal of Monday,
December 11, was read and approved. On
motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

1 Reports of standing committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Golden.

6 SENATOR GOLDEN: Mr. President, I
7 wish to call up my bill, Senate Print Number
8 8428, recalled from the Assembly, which is now
9 at the desk.

10 ACTING PRESIDENT MEIER: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 2179, by Senator Golden, Senate Print 8428, an
14 act to amend the Administrative Code of the
15 City of New York.

16 ACTING PRESIDENT MEIER: Senator
17 Golden.

18 SENATOR GOLDEN: Mr. President, I
19 now move to reconsider the vote by which this
20 bill was passed and ask that the bill be
21 restored on the order of third reading.

22 ACTING PRESIDENT MEIER: Call the
23 roll on reconsideration.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT MEIER: The bill
2 is restored to the order of third reading.

3 Senator Golden.

4 SENATOR GOLDEN: Mr. President, I
5 now move to discharge, from the Committee on
6 Rules, Assembly Print Number 11711 and
7 substitute it for my identical bill.

8 ACTING PRESIDENT MEIER:
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 2179, substituted earlier by the Assembly
13 Committee on Rules, Assembly Print Number
14 11711, an act to amend the Administrative Code
15 of the City of New York.

16 ACTING PRESIDENT MEIER: Senator
17 Schneiderman.

18 SENATOR SCHNEIDERMAN: Yes, thank
19 you, Mr. President. On the bill.

20 I just want to make sure it's clear
21 to my colleagues this is simply a recall of a
22 Senate bill and we're now moving to pass the
23 identical Assembly bill. It's a cross, it's
24 something we have to correct, and it passed
25 unanimously, 60 to nothing, when it was

1 introduced earlier in the session.

2 So this is more administrative than
3 anything else, and I would urge my colleagues
4 once again to support this legislation.

5 ACTING PRESIDENT MEIER: Read the
6 last section.

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

9 ACTING PRESIDENT MEIER: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT MEIER: The bill
14 is passed.

15 Senator Bruno.

16 SENATOR BRUNO: Mr. President, I
17 would ask for an immediate meeting of the
18 Finance Committee in the Majority Conference
19 Room.

20 And I would ask that presently the
21 Senate stand at ease.

22 ACTING PRESIDENT MEIER:
23 Immediate meeting of the Finance Committee in
24 the Senate Majority Conference Room.

25 The Senate will stand at ease

1 pending the report of the Finance Committee.

2 (Whereupon, the Senate stood at
3 ease at 12:48 p.m.)

4 (Whereupon, the Senate reconvened
5 at 1:55 p.m.)

6 ACTING PRESIDENT MEIER: Senator
7 Skelos.

8 SENATOR SKELOS: Mr. President,
9 if we could return to the order of motions and
10 resolutions and adopt the Resolution Calendar
11 in its entirety.

12 ACTING PRESIDENT MEIER: Motions
13 and resolutions.

14 All those in favor of adopting the
15 Resolution Calendar in its entirety signify by
16 saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT MEIER: Those
19 opposed, nay.

20 (No response.)

21 ACTING PRESIDENT MEIER: The
22 Resolution Calendar is adopted.

23 Senator Skelos.

24 SENATOR SKELOS: Mr. President, I
25 believe there's a report of the Finance

1 Committee at the desk. I ask that it be read.

2 ACTING PRESIDENT MEIER: The
3 Secretary will read the report of the Finance
4 Committee.

5 THE SECRETARY: Senator Johnson,
6 from the Committee on Finance, reports the
7 following nominations.

8 As a member of the State Board of
9 Parole, Lisa Beth Elovich, of Selkirk.

10 ACTING PRESIDENT MEIER: Senator
11 Johnson.

12 SENATOR JOHNSON: Move the
13 nomination.

14 ACTING PRESIDENT MEIER: The
15 question is on the nomination of Lisa Beth
16 Elovich as a member of the State Board -- I'm
17 sorry.

18 Senator Nozzolio.

19 SENATOR NOZZOLIO: Thank you,
20 Mr. President.

21 Mr. President and my colleagues, I
22 stand with great pride in endorsing the
23 candidacy of Lisa Beth Elovich of Selkirk for
24 nomination to the Board of Parole.

25 She came before the New York State

1 Senate Committee on Crime Victims, Crime and
2 Corrections and was unanimously approved, as
3 she was approved in the Senate Finance
4 Committee.

5 She brings a broad, diverse
6 background of experience and qualification to
7 this board, the Board of Parole, which is
8 extremely important in the criminal justice
9 process in ensuring justice in this state, in
10 her role as a prosecutor, as a judicial
11 hearing officer. Just a wonderful combination
12 of qualifications that will ensure the
13 continued good service on the Parole Board.

14 An excellent nomination, and I
15 fully support it.

16 Thank you, Mr. President.

17 ACTING PRESIDENT MEIER: Senator
18 Farley.

19 SENATOR FARLEY: Thank you,
20 Mr. President. I rise to support the
21 nomination of Lisa Elovich.

22 Let me just say that she's a
23 remarkable young woman, a good lawyer,
24 somebody that served in the Attorney General's
25 office with distinction. Everything she's

1 done, she's done well. A graduate of Hofstra
2 Law School, where my son went, and also the
3 University of Maryland, where I came into the
4 bar.

5 But anyway, she also has a
6 distinction of being, I think, the only woman
7 promoter of boxing matches and has really done
8 a great job with that, with Pugnacious
9 Promotions, and as so many of us that have
10 gone and seen the matches that she's promoted.

11 But we're very fortunate to have
12 somebody of her competence to be able to serve
13 on the Parole Board, and I congratulate the
14 Governor for this great appointment.

15 I wish you well, Lisa. We're lucky
16 to have you. Thank you very much for serving.

17 ACTING PRESIDENT MEIER: Senator
18 Skelos.

19 SENATOR SKELOS: Mr. President, I
20 rise to support the nomination of Lisa
21 Elovich.

22 Senator Farley, it says Lisa
23 Elovich of Selkirk. I guarantee you that her
24 heart is really in Long Beach, which is in my
25 district, because once you have the Long Beach

1 sand in your shoes you never really leave.

2 But I've had opportunity to know
3 Lisa, attended her bat mitzvah a number of
4 years ago, and to know her family very, very
5 well. It's a wonderful family -- her mother,
6 Helen, father, Larry. And certainly she is
7 well qualified for this position.

8 So, Lisa, we're proud of you, and
9 congratulations.

10 ACTING PRESIDENT MEIER: Senator
11 Ada Smith.

12 SENATOR ADA SMITH: Thank you,
13 Mr. President.

14 While it does not reflect on this
15 particular nominee -- I wanted to state for
16 the record that we have some very fine
17 nominees this time, and I know that they will
18 do an excellent job. But as a matter of
19 principle, I will not be voting in the
20 affirmative for any nominee whose term extends
21 past 12/31/07.

22 ACTING PRESIDENT MEIER: The
23 question is on the nomination of Lisa Beth
24 Elovich as a member of the State Board of
25 Parole. All those in favor signify by saying

1 aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT MEIER: All
4 those opposed, nay.

5 (No response.)

6 ACTING PRESIDENT MEIER: The
7 nominee is confirmed.

8 Ms. Elovich is with us today in the
9 gallery. We congratulate you and wish you
10 well with your important duties.

11 (Applause.)

12 ACTING PRESIDENT MEIER: The
13 Secretary will continue to read.

14 THE SECRETARY: As a member of
15 the Crime Victims Board, Alton R. Waldon, Jr.,
16 of Cambria Heights.

17 ACTING PRESIDENT MEIER: Senator
18 Johnson.

19 SENATOR JOHNSON: Move the
20 nomination.

21 ACTING PRESIDENT MEIER: The
22 question is on the -- I'm sorry, Senator
23 Nozzolio. I'll get this right. I'm new here.

24 Senator Nozzolio.

25 SENATOR NOZZOLIO: -- have a

1 little time to do that, Senator.

2 ACTING PRESIDENT MEIER: I know.

3 (Laughter.)

4 SENATOR NOZZOLIO: Thank you,
5 Senator, my colleagues.

6 I rise to support this excellent
7 nomination as appointment to the Crime Victims
8 Board on behalf of the entire Senate Committee
9 on Crime Victims, Crime, and Corrections,
10 which didn't take long to review his
11 qualifications, because the qualifications of
12 Al Waldon are noted by all of us who had the
13 honor of serving with him in this
14 distinguished body as well as the Assembly.

15 The judiciary's loss certainly will
16 be the Crime Victims Board's gain. That Al is
17 passionate about supporting many, many
18 endeavors, and none the least of which are
19 those who are the victims of crime.

20 That it was an honor to serve with
21 him. Many memories across the aisle, great
22 colloquies, great questions. I might not have
23 thought so at the time, but I certainly
24 respected his great acumen and desire to
25 protect crime victims.

1 An excellent appointment,
2 nomination, and that the Crime Victims
3 Committee unanimously endorsed his candidacy
4 for this important position.

5 Thank you, Mr. President.

6 ACTING PRESIDENT MEIER: Senator
7 Maltese.

8 SENATOR MALTESE: Mr. President,
9 I rise to add a second to the nomination of
10 our former colleague, Senator Al Waldon, to
11 this very, very critical board.

12 His background, his humble roots,
13 he has achieved such a great deal in his life;
14 the fact that he is willing to serve on this
15 board, this very important board, is a
16 testament to his public spirit and devotion to
17 the public weal.

18 Certainly as a Congressman, as a
19 Senator, as a commissioner, and as a
20 distinguished jurist, his background is second
21 to none to serve. And I am pleased to support
22 the nomination of Al Waldon.

23 ACTING PRESIDENT MEIER: Senator
24 Sabini.

25 SENATOR SABINI: Mr. President, I

1 rise in support of this nomination.

2 Judge Waldon is a man who has
3 served this state in so many capacities that
4 in fact the squib sheet that our conference
5 got doesn't even list them all because it's so
6 lengthy.

7 He served in both houses in this
8 Legislature, served as a member of the State
9 Investigations Commission, was the first
10 African-American congressman from the borough
11 of Queens, something I had a hand in doing.
12 And I did that knowing that he was a
13 fair-minded, intelligent, and honest public
14 servant. He went on to the Court of Claims,
15 and now this nomination for the Crime Victims
16 Board.

17 While I share the concern that a
18 number of these nominations are for terms too
19 long, in the case of Judge Waldon any service
20 the state gets from him I think is a good
21 thing. I think he's a fantastic public
22 servant.

23 And I know his late wife, Barbara,
24 is looking down today and smiling on this,
25 because she was always with him at every

1 juncture.

2 And I want to congratulate the
3 Governor for this appointment.

4 Thank you, Mr. President.

5 ACTING PRESIDENT MEIER: Any
6 other Senator wish to be heard on the
7 nomination?

8 Senator Maziarz.

9 SENATOR MAZIARZ: Thank you very
10 much.

11 Just very briefly, I just want to
12 say I wholeheartedly support this nomination.

13 It's good to see you back here, Al,
14 and it's good to know that there's life after
15 the Senate, too, Al.

16 ACTING PRESIDENT MEIER: All
17 those in favor of confirming the nomination of
18 Alton R. Waldon, Jr., as a member of the Crime
19 Victims board signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT MEIER: Those
22 opposed, nay.

23 (No response.)

24 ACTING PRESIDENT MEIER: The
25 nominee is confirmed.

1 Senator Waldon is with us in the
2 gallery today. Welcome back home, sir, and
3 congratulations.

4 (Standing ovation.)

5 ACTING PRESIDENT MEIER: The
6 Secretary will continue to read.

7 THE SECRETARY: As a member of
8 the Metropolitan Transportation Authority,
9 Norman Seabrook, of the Bronx.

10 ACTING PRESIDENT MEIER: Senator
11 Johnson.

12 SENATOR JOHNSON: Move the
13 nomination.

14 ACTING PRESIDENT MEIER: Senator
15 Nozzolio.

16 SENATOR NOZZOLIO: Mr. President,
17 I did not want to rise first, but I didn't
18 want this opportunity to go by without
19 thanking the nominee for his wonderful work on
20 behalf of correction officers in this state.

21 That Norman Seabrook has
22 represented the New York City correction
23 officers for many years, and has done so with
24 distinction. We look to him as a tremendous
25 resource so that this conference, and

1 particularly the committees that Senator
2 Volker and I work on, are involved in
3 protecting our correction officers.

4 And that his willingness to serve
5 on the MTA authority is certainly an important
6 step, but it should be noted that his great
7 work on behalf of correction officers in this
8 state is extremely important, and we are
9 extremely grateful for this work.

10 Thank you, Mr. President.

11 ACTING PRESIDENT MEIER: Any
12 other Senator wish to be heard on the
13 nomination?

14 Senator Golden.

15 SENATOR GOLDEN: Thank you,
16 Mr. President.

17 I too rise for Norman Seabrook.
18 He's been a great leader and a great help to
19 us in the City of New York, and he's done
20 great things across this state to enhance the
21 union that he has represented for so many
22 years.

23 And having the knowledge that he
24 does have here in the City of New York will do
25 a great job at the MTA in bringing his

1 managerial skills to that MTA and helping it
2 run a better, more efficient system.

3 My hat is off to him, and I second
4 this nomination myself too, sir.

5 ACTING PRESIDENT MEIER: Senator
6 Maltese.

7 SENATOR MALTESE: Mr. President,
8 I also wish to second the nomination. I
9 commend the Governor on the appointment.

10 Certainly we've seen in the past
11 years a lot of Norman Seabrook lobbying on
12 behalf of his members, as is proper. Earlier,
13 at the Finance Committee, he was termed by
14 Senator Libous a people's representative, and
15 truly he is. What he has accomplished for his
16 fellow officers in the Correction Officers
17 Benevolent Association is legendary.

18 And certainly he never forgot the
19 fact and provided for widows and children as
20 well as scholarships for his members. He is
21 truly a representative of the people and an
22 exemplary nomination for this board.

23 ACTING PRESIDENT MEIER: Senator
24 Sabini.

25 SENATOR SABINI: Thank you,

1 Mr. President. On the nomination.

2 As the ranker on Transportation, I
3 was delighted that the nomination of Norman
4 Seabrook came through. He represents working
5 men and women, New York's bravest in the
6 correction officers' union. And I believe in
7 his role of doing that, he will look out for
8 the ridership, because he represents working
9 men and women in New York City and in the MTA
10 region as a whole.

11 So that I believe he'll have a
12 perspective that will be pro-ridership, and
13 we'll be able to work with the new
14 administration, hopefully, at the MTA to bring
15 about better budgetary practices and better
16 service for the ridership.

17 As someone who represents a large
18 number of members of COBA, I wholeheartedly
19 endorse his nomination.

20 ACTING PRESIDENT MEIER: Senator
21 Savino.

22 SENATOR SAVINO: Thank you,
23 Mr. President. I also am proud to stand in
24 support of this nomination.

25 In my previous life as a municipal

1 labor leader, I had the pleasure of serving
2 with Norman Seabrook on the municipal labor
3 committee, and I know firsthand his
4 dedication, not just to his members of the
5 correction officers but to the rest of the
6 municipal workforce and, in general, the City
7 of New York.

8 And he is going to bring with him
9 to the MTA board something that is sorely
10 lacking, and that is an in-depth understanding
11 of the labor relations process. So I am proud
12 to support the nomination of Norman Seabrook.

13 ACTING PRESIDENT MEIER: Senator
14 Hassell-Thompson.

15 SENATOR HASSELL-THOMPSON: Thank
16 you, Mr. President.

17 Most of the words that I wanted to
18 say on behalf of this nominee have already
19 been spoken. But I would like to reiterate
20 the fact that with the kinds of problems that
21 the MTA has been experiencing, he will bring a
22 clarifying voice. And I know that he will
23 serve us well.

24 And as someone who represents the
25 Bronx, I am always more than happy to see good

1 people come out of the Bronx and do well.
2 Congratulations.

3 ACTING PRESIDENT MEIER: Any
4 other Senator wish to be heard on the
5 nomination?

6 The question, then, is on the
7 confirmation of Norman Seabrook as a member of
8 the Metropolitan Transportation Authority.
9 All those in favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT MEIER: Those
12 opposed, nay.

13 (No response.)

14 ACTING PRESIDENT MEIER: The
15 nominee is confirmed.

16 Mr. Seabrook is with us today in
17 the gallery. Congratulations and best wishes.

18 (Applause.)

19 ACTING PRESIDENT MEIER: The
20 Secretary will continue to read.

21 THE SECRETARY: As members of the
22 Adirondack Park Agency, Frank L. Mezzano, of
23 Lake Pleasant, and William H. Thomas, of North
24 Creek.

25 As a member of the New York State

1 Bridge Authority, Richard A. Gerentine, of
2 Marlboro.

3 As a member of the Niagara Frontier
4 Transportation Authority, Kevin Helfer, of
5 Buffalo.

6 As members of the New York State
7 Energy Research and Development Authority,
8 Frank Bifera, of Slingerlands; Robert B.
9 Catell, of Garden City; and Vincent A.
10 Deiorio, Esquire, of White Plains.

11 As a member of the Ogdensburg
12 Bridge and Port Authority, Roger Leland
13 McBath, of Lisbon.

14 As members of the Port of Oswego
15 Authority, David W. Buske, of Oswego, and
16 Thomas W. Schneider, of Oswego.

17 As members of the Thruway
18 Authority, E. Virgil Conway, of Bronxville,
19 and Kevin J. Plunkett, of Tarrytown.

20 As banking members of the State
21 Banking Board, John M. Scarchilli, of Latham;
22 Alan Shamoon, of Great Neck; and George J.
23 Vojta, of Bronxville.

24 As a public member of the State
25 Banking Board, Daniel J. Hogarty, of Troy.

1 As a member of the Correction
2 Medical Review Board, Robert J. Muller, of
3 Lake George.

4 As members of the Small Business
5 Advisory Board, Terence G. McGlynn, of Sleepy
6 Hollow, and Frank P. Naudus, of Lido Beach.

7 As a member of the State
8 Environmental Board, Robert R. Quinn, of
9 Sackets Harbor.

10 As a member of the board of
11 directors of the Roosevelt Island Operating
12 Corporation, Charlee M. Miller, of New York
13 City.

14 As a member of the board of
15 directors of the Great Lakes Protection Fund,
16 Michael J. Elmendorf, II, of Watervliet.

17 As a member of the Board of
18 Trustees of Cornell University, Jerold R.
19 Ruderman, of Scarsdale.

20 As members of the Board of Trustees
21 of the New York State Higher Education
22 Services Corporation, W. Anthony Goodwin, of
23 Webster, and Thomas J. Murphy, of Latham.

24 As a member of the State Board for
25 Historic Preservation, Joseph J. Ryan, of

1 Buchanan.

2 As members of the Empire State
3 Plaza Art Commission, Joseph G. Perrella, of
4 Niskayuna; Henry J. Schmidt, of Williamsville;
5 and Arete Swartz Warren, of New York City.

6 As members of the Interstate
7 Environmental Commission, Judith Baron, of
8 Brooklyn, and Rose Trentman, of New York City.

9 As a member of the Long Island
10 State Park, Recreation and Historic
11 Preservation Commission, Bernadette Castro, of
12 Lloyd Harbor.

13 As a member of the Palisades
14 Interstate Park Commission, Barnabas McHenry,
15 of New York City.

16 As a member of the Saratoga-Capital
17 District State Parks, Recreation and Historic
18 Preservation Commission, Paul C. Barrett, of
19 Delmar.

20 As a member of the Taconic State
21 Park, Recreation and Historic Preservation
22 Commission, William M. Mooney, III, of
23 Yonkers.

24 As members of the Thousand Islands
25 State Park, Recreation and Historic

1 Preservation Commission, Harold B. Johnson,
2 II, of Watertown, and Debra L. Sephton, of
3 Clayton.

4 As a member of the Republic Airport
5 Commission, Richard H. Grant, of Farmingdale.

6 As members of the Stewart Airport
7 Commission, Drew A. Kartiganer, of Newburgh;
8 Philip J. Singara, of Hurley; and James C.
9 Wright, of New Windsor.

10 As members of the Passenger Tramway
11 Advisory Council, Russell R. Coloton, Jr., of
12 Hunter, and Bernard P. McGarry, of Albany.

13 As a member of the Public Health
14 Council, Francis J. Serbaroli, Esquire, of
15 New York City.

16 As members of the State Hospital
17 Review and Planning Council, Russell W.
18 Bessette, M.D., of Orchard Park; Margaret M.
19 Johnson, Esquire, of New York City; Megan
20 Veronica Kearney, of New York City; Richard H.
21 Ketcham, of Fredonia; Marc I. Korn, of East
22 Amherst; and Joel M. Zinberg, of New York
23 City.

24 As a member of the State Fire
25 Prevention and Building Code Council, Thomas

1 B. Vanderbeek, of Suffern.

2 As a member of the Board of
3 Visitors of the New York State Home for
4 Veterans and their Dependents at Batavia, D.
5 James Mastelenis, of Wyoming.

6 As a member of the Board of
7 Visitors of the Buffalo Psychiatric Center,
8 Harold Fabinsky, of Orchard Park.

9 As a member of the Board of
10 Visitors of the Elmira Psychiatric Center,
11 Patricia Lucas, of Elmira.

12 As a member of the Board of
13 Visitors of the Helen Hayes Hospital, Mary
14 Eileen O'Brien, of Orangeburg.

15 As a member of the Board of
16 Visitors of the Metro New York Developmental
17 Disabilities Services Office, Fredricka J.
18 Pol, of the Bronx.

19 As a member of the Board of
20 Visitors of the New York State Home for
21 Veterans and their Dependents at Oxford,
22 Joseph J. Benenati, Jr., of Oxford.

23 And as a member of the Board of
24 Visitors of the St. Lawrence Psychiatric
25 Center, Imogene Wager, of Ogdensburg.

1 ACTING PRESIDENT MEIER: Senator
2 Bonacic.

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

5 I stand in support of the names
6 that have been recited for the appointments to
7 the various authorities and boards. But in
8 particular, I want to speak to two members of
9 the Thruway Authority, Virgil Conway and Kevin
10 Plunkett.

11 Prior to these two gentlemen being
12 confirmed for the New York State Thruway, we
13 have not had geographical balance on the
14 New York State Thruway. All the members that
15 are presently serving are from Albany north.

16 Just recently, within the past two
17 months, there was a decision made that the
18 New York State Thruway has given a one-year
19 notice not to take care of the maintenance on
20 Interstate I-84, and they want to turn that
21 over to the Department of Transportation.

22 Now, I traveled that road every day
23 when it was maintained by the Department of
24 Transportation, and I can tell you it was not
25 maintained properly. There were safety

1 concerns with snowplowing and ice and poor
2 maintenance throughout the seasons. When the
3 New York State Thruway took it over, we saw a
4 change for the best in the way I-84 was
5 maintained.

6 And as these two gentlemen now
7 serve or will be serving shortly on the
8 New York State Thruway, I am telling them
9 today that I, and I believe other
10 representatives of the Mid-Hudson area, will
11 oppose the New York State Thruway turning over
12 maintenance to the Department of
13 Transportation.

14 I congratulate all of the members
15 that are being appointed today, and I wish
16 them well in their mission.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MEIER: The
19 question is on the confirmation of the
20 nominees. All those in favor signify by
21 saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT MEIER: Those
24 opposed, nay.

25 (No response.)

1 ACTING PRESIDENT MEIER: The
2 nominees are confirmed.

3 Senator Fuschillo.

4 SENATOR FUSCHILLO: Mr.
5 President, there will be a meeting of the
6 Rules Committee in the Majority Conference
7 Room.

8 ACTING PRESIDENT MEIER: Meeting
9 of the Rules Committee in the Majority
10 Conference Room.

11 Senator Fuschillo.

12 SENATOR FUSCHILLO: The Senate
13 will stand at ease pending the report.

14 ACTING PRESIDENT MEIER: The
15 Senate will stand at ease.

16 (Whereupon, the Senate stood at
17 ease at 2:26 p.m.)

18 (Whereupon, the Senate reconvened
19 at 2:46 p.m.)

20 ACTING PRESIDENT MEIER: Senator
21 Skelos.

22 SENATOR SKELOS: Mr. President,
23 if we could return to reports of standing
24 committees, there's a report of the Rules
25 Committee at the desk. I ask that it be read.

1 ACTING PRESIDENT MEIER: Reports
2 of standing committees.

3 The Secretary will read the report
4 of the Rules Committee.

5 THE SECRETARY: Senator Bruno,
6 from the Committee on Rules, reports the
7 following bills:

8 Senate Print 8513A, by Senator
9 Libous, an act to establish the Flood
10 Assessment Relief Act of 2006;

11 8515, by Senator Golden, an act to
12 amend the Penal Law;

13 And Senate Print 8518, by the
14 Senate Committee on Rules, an act to amend the
15 Vehicle and Traffic Law and the Penal Law.

16 All bills ordered direct to third
17 reading.

18 SENATOR SKELOS: Move we accept
19 the report of the Rules Committee.

20 ACTING PRESIDENT MEIER: All
21 those in favor of accepting the report of the
22 Rules Committee signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT MEIER: Those
25 opposed, nay.

1 (No response.)

2 ACTING PRESIDENT MEIER: The
3 report is accepted.

4 Senator Skelos.

5 SENATOR SKELOS: Mr. President,
6 if we could take up the Rules Committee,
7 noncontroversial.

8 ACTING PRESIDENT MEIER: The
9 Secretary will conduct the noncontroversial
10 reading of the Rules report.

11 THE SECRETARY: Calendar Number
12 2268, by Senator Libous, Senate Print 8513A,
13 an act to establish the Flood Assessment
14 Relief Act of 2006.

15 ACTING PRESIDENT MEIER: Read the
16 last section.

17 THE SECRETARY: Section 5. This
18 act shall take effect immediately.

19 ACTING PRESIDENT MEIER: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT MEIER: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 2269, by Senator Golden, Senate Print 8515, an
2 act to amend the Penal Law.

3 ACTING PRESIDENT MEIER: Read the
4 last section.

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

7 ACTING PRESIDENT MEIER: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT MEIER: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 2270, by the Senate Committee on Rules, Senate
15 Print 8518, an act to amend the Vehicle and
16 Traffic Law and the Penal Law.

17 ACTING PRESIDENT MEIER: Read the
18 last section.

19 THE SECRETARY: Section 7. This
20 act shall take effect immediately.

21 ACTING PRESIDENT MEIER: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT MEIER: The bill

1 is passed.

2 Senator Skelos.

3 SENATOR SKELOS: Mr. President, I
4 believe Calendar Number 2268 is not live at
5 this time.

6 ACTING PRESIDENT MEIER: That's
7 correct, Senator.

8 SENATOR SKELOS: So I guess if
9 we'd move to reconsider the vote by which it
10 shouldn't have passed.

11 ACTING PRESIDENT MEIER: The
12 Secretary will call the roll on
13 reconsideration on S2268.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT MEIER: Lay the
17 bill aside.

18 SENATOR BALBONI: Mr. President.

19 ACTING PRESIDENT MEIER: Senator
20 Balboni.

21 SENATOR BALBONI: Yes, could you
22 please take up Calendar Number 2268.

23 ACTING PRESIDENT MEIER: The
24 Secretary will read Senate Bill 2268.

25 THE SECRETARY: Calendar Number

1 2268, by Senator Libous, Senate Print 8513A,
2 an act to establish.

3 SENATOR BALBONI: Mr. President,
4 is there a message of necessity at the desk?

5 ACTING PRESIDENT MEIER: Yes,
6 there is.

7 SENATOR BALBONI: I would move to
8 take up the message.

9 ACTING PRESIDENT MEIER: All
10 those in favor of accepting the message of
11 necessity signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT MEIER: Those
14 opposed, nay.

15 (No response.)

16 ACTING PRESIDENT MEIER: The
17 message is accepted.

18 The bill is before the house.

19 The Secretary will read the last
20 section.

21 THE SECRETARY: Section 5. This
22 act shall take effect immediately.

23 ACTING PRESIDENT MEIER: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT MEIER: The bill
3 is passed.

4 SENATOR BALBONI: Mr. President,
5 after we all say happy birthday to Suzi
6 Oppenheimer, we'd like to just stand in recess
7 for a minute.

8 ACTING PRESIDENT MEIER: The
9 Senate will stand at ease.

10 Senator Schneiderman.

11 SENATOR SCHNEIDERMAN: If I could
12 be heard on that, Mr. President.

13 Indeed, this is a day where we're
14 facing many difficulties. But certainly those
15 difficulties would be harder to face if we
16 were not in the presence of our wonderful
17 colleague, Senator Oppenheimer, who has to
18 leave now for a round-the-world tour of
19 birthday festivities, I believe, but will be
20 with us for a while longer today. Happy
21 birthday.

22 ACTING PRESIDENT MEIER: Happy
23 birthday, Senator.

24 The Senate will stand at ease.

25 (Whereupon, the Senate stood at

1 ease at 3:01 p.m.)

2 ACTING SENATOR FLANAGAN: Senator
3 Skelos.

4 SENATOR SKELOS: Mr. President,
5 there will be an immediate meeting of the
6 Finance Committee in the Majority Conference
7 Room.

8 ACTING SENATOR FLANAGAN: Thank
9 you.

10 (Whereupon, the Senate reconvened
11 at 4:15 p.m.)

12 SENATOR SKELOS: Mr. President.

13 ACTING PRESIDENT MAZIARZ:
14 Senator Skelos.

15 SENATOR SKELOS: Mr. President,
16 if we could return to reports of standing
17 committees, there's a report of the Finance
18 Committee at the desk. I would ask that it be
19 read at this time.

20 ACTING PRESIDENT MAZIARZ:
21 Reports of standing committees.

22 The Secretary will read.

23 THE SECRETARY: Senator Johnson,
24 from the Committee on Finance, reports the
25 following nomination.

1 As Welfare Inspector General, Brian
2 P. Sanvidge, of Troy.

3 ACTING PRESIDENT MAZIARZ:
4 Senator Johnson.

5 SENATOR JOHNSON: Move the
6 nomination.

7 ACTING PRESIDENT MAZIARZ: All
8 those in favor of the confirmation of Brian P.
9 Sanvidge, of Troy, as Welfare Inspector
10 General signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT MAZIARZ: Those
13 opposed, nay.

14 (No response.)

15 ACTING PRESIDENT MAZIARZ: The
16 nominee, Brian P. Sanvidge, is hereby
17 confirmed as Welfare Inspector General.

18 We are joined today by the nominee,
19 Brian, of course; his mom, Edna Sanvidge; his
20 brother Kelly; his brother Jack; his friend
21 Christina Spinelli; and his sister-in-law,
22 Kathleen Sanvidge.

23 Brian, congratulations. You have a
24 very big job --

25 (Applause.)

1 ACTING PRESIDENT MAZIARZ: You
2 have a very big job ahead of you. And you've
3 done a great job in the Department of Labor,
4 and we certainly wish you all the best. Thank
5 you.

6 Senator Skelos.

7 SENATOR SKELOS: Mr. President,
8 if we could continue with the Finance
9 Committee nominations.

10 ACTING PRESIDENT MAZIARZ: The
11 Secretary will read.

12 THE SECRETARY: Senator Johnson,
13 from the Committee on Finance, reports the
14 following nominations.

15 As members of the Board of Trustees
16 of the City University of New York, Sam
17 (Solomon A.) Sutton, of Brooklyn, and Jeffrey
18 S. Wiesenfeld, of Great Neck.

19 ACTING PRESIDENT MAZIARZ:
20 Senator Johnson.

21 SENATOR JOHNSON: Move the
22 nominations.

23 ACTING PRESIDENT MAZIARZ: All
24 those in favor of the confirmation of Sam
25 Sutton, of Brooklyn, and Jeffrey Wiesenfeld,

1 of Great Neck, as trustees of the City
2 University of New York --

3 Senator Golden.

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

6 I rise today to second the
7 nomination of my good friend Sam Sutton as a
8 member of the City University Board of
9 Trustees.

10 When I met Sam some years ago, I
11 was deeply moved by his dedication to
12 education and his philanthropic work in the
13 Sephardic community. Sam Sutton has a highly
14 regarded reputation in the community due to
15 his dedication to improving and expanding
16 educational opportunities for working
17 families. As president of Bikur Holim, a
18 premier community-based social service
19 organization, Sam takes time from his
20 successful business to volunteer over 20 hours
21 per week to help those in need.

22 Sam's work extends to his home --
23 beyond his home and also into his home, for
24 him and his family, as he's touched the lives
25 of nearly a dozen foster children, many of

1 whom were placed with him for extended periods
2 of time.

3 Vision is an appropriate term to
4 describe his philosophy in helping New York's
5 working families to afford the cost of an
6 education. Last year, Sam and I, along with
7 thousands of parents, students and educators,
8 worked to help the parents pay for educational
9 expenses by working to get a childcare tax
10 credit here in the State of New York.

11 These acts of philanthropy
12 exemplify the vision and commitment that Sam
13 Sutton will bring to the CUNY Board of
14 Trustees. And today it's my honor to support
15 Sam Sutton as a member of the CUNY Board of
16 Trustees, as well as Jeff Wiesenfeld, who I
17 also second today his nomination as a member
18 of the City University Board of Trustees.

19 And since 1999, Jeff has played an
20 active role in restoring the City University
21 of New York back into a premier system of
22 higher education. Today CUNY is once again
23 attracting and producing the best and the
24 brightest students, from Rhodes Scholars Lev
25 Sviridov and Eugene Shenderov to recent Truman

1 Fellows in Intel Science first-prize winners.
2 Jeff Wiesenfeld shares the accolades of those
3 fine students.

4 In addition to his extensive
5 background in higher education, Jeff's service
6 to the State of New York has been exemplary
7 and makes him worthy of being named to the
8 City University Board of Trustees. Jeff has
9 been active for many years in our community
10 and is a strong voice for those causes in
11 which he believes. Active with many local and
12 national organizations, he possesses a high
13 level of caring and involvement.

14 I congratulate Jeff and Sam and
15 wish them both great success as they are named
16 to the City University of New York Board of
17 Trustees.

18 Thank you, Mr. President.

19 ACTING PRESIDENT MAZIARZ: Thank
20 you, Senator.

21 Senator Balboni.

22 SENATOR BALBONI: Mr. President,
23 as you know, the island of Manhattan is
24 densely populated and a huge place. So what
25 would be the chances of walking down the

1 street and having to run into one of our
2 nominees here just the other day? Well,
3 that's what happened with Jeff and I.

4 And that's the thing about Jeff; he
5 is ubiquitous. He is everywhere. But he is
6 so focused and passionate about education.
7 He's been a huge agent for positive change at
8 CUNY the last couple of years. And I believe
9 that this reappointment is going to continue
10 CUNY's evolution towards excellence, and so I
11 wholeheartedly support that nomination.

12 And for the other nominee, I'd just
13 like to send greetings from a legislator from
14 Nassau County, Craig Johnson, who believes
15 that this is another great reappointment.

16 I support both of them heartily,
17 Mr. President.

18 ACTING PRESIDENT MAZIARZ: Thank
19 you, Senator Balboni.

20 Senator Parker.

21 SENATOR PARKER: Thank you very
22 much, Mr. President.

23 I'm actually rising to add my voice
24 to the chorus of those who are congratulating
25 these new additions to the CUNY board. In

1 particular, Sam Sutton, who has worked very
2 closely in my district, is a leader in the
3 Jewish community and somebody who cares deeply
4 about education.

5 And so I think we're doing a great
6 thing today for the state, for the City
7 University, and for the students who are going
8 to benefit from these new additions to the
9 CUNY board.

10 ACTING PRESIDENT MAZIARZ: Thank
11 you, Senator Parker.

12 Senator Maltese.

13 SENATOR MALTESE: Mr. President,
14 I too commend the Governor on his choice of
15 two distinguishes nominees for the Board of
16 Trustees.

17 I want to speak particularly on
18 Jeff Wiesenfeld. I've known Jeff for very,
19 very many years, through many of his positions
20 of public service, whether it was working for
21 Senator D'Amato or Governor Pataki, Queens
22 Borough President Claire Shulman, Queens
23 Congressman Tom Manton.

24 Through all these stages of his
25 career, he has always been a very dedicated

1 public servant. He shows that again by his
2 service on the many, many nonprofit boards,
3 particularly the Crohn's and Colitis
4 Foundation and the Yiddish theater.

5 As a former resident of downtown
6 Manhattan and a devotee of the Yiddish theater
7 and Molly Picon and Menashe Skolnik, I commend
8 him for that. And it is an important part of
9 education, tradition and background.

10 But his service on the Board of
11 Trustees has been over a great many years --
12 nine years now, I believe, nine-plus years --
13 and he continued in his role as a trustee the
14 great traditions of the chairman of CUNY Anne
15 Paolucci, from 1996 and '97 as chairman,
16 certainly Herman Badillo, and Benno Schmidt.

17 He is a great public servant, a
18 great educator, and I wish to commend the
19 Governor and Jeff Wiesenfeld in his future
20 duties as a trustee of CUNY.

21 ACTING PRESIDENT MAZIARZ: Thank
22 you, Senator Maltese.

23 Senator Morahan.

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

1 I rise also to lend my support to
2 the renomination or to the confirmation,
3 rather, of Jeff Wiesenfeld as a trustee of
4 CUNY.

5 Several years ago, when Jeff was
6 first appointed and nominated by the governor,
7 Governor Pataki, and then confirmed by this
8 Senate, there was great expectation and great
9 challenge for Jeff as to the duties that he
10 would assume and the challenges that he would
11 face.

12 I'm happy to report, from all that
13 I know and all that's been reported to me,
14 that he has continued to do what was expected,
15 he has turned the college around, he has
16 started to bring CUNY back into one of the top
17 schools in the nation. And I think that's a
18 great tradition that we've had in the city of
19 New York.

20 And I just want to congratulate
21 Jeff on this confirmation and say a job well
22 done deserves another term. And
23 congratulations, Jeff.

24 Thank you.

25 ACTING PRESIDENT MAZIARZ: Thank

1 you, Senator Morahan.

2 Senator Stavisky.

3 SENATOR STAVISKY: Thank you,
4 Mr. President. I too want to congratulate
5 these two nominees.

6 To Sam Sutton, who provides
7 recognition not only for himself but the
8 Sephardic community, he has great potential as
9 a CUNY trustee, and I'm convinced he will be
10 an outstanding one.

11 And as far as Jeff Wiesenfeld is
12 concerned, the former borough president,
13 Claire Shulman, called me the other day and
14 said, "Be sure that you consider Jeff's
15 nomination."

16 Jeff has brought passion -- which
17 is the word that Eliot Spitzer has been
18 using -- he has brought passion back to
19 government. Jeff is passionate about Queens
20 College.

21 But I want to relate a little
22 incident that I don't know if Jeff remembers,
23 but I never forgot: his kindness toward my
24 husband about ten years ago. Jeff was working
25 for Governor Pataki at the time. There was --

1 I believe it was a bill signing at the office
2 building on Third Avenue concerning Holocaust
3 survivors. And the people were gathering and
4 Leonard was having some trouble walking. He
5 had just had surgery. And Jeff went out of
6 his way to be kind and considerate toward
7 Leonard, which I never forgot. And neither
8 did Leonard.

9 This was an important issue to him
10 because he is, I believe, the son of Holocaust
11 survivors, and this was for reparation monies
12 provided by the state.

13 So I congratulate Jeff. And I know
14 he's done an outstanding job in the past and
15 he's going to continue to bring passion, which
16 is so sorely missing, as well an intelligent
17 and a good attitude toward CUNY. I am very
18 proud of the CUNY system. I think it is a
19 great institution that's going to be even
20 greater in the years ahead under Chancellor
21 Goldstein.

22 So I look forward to working with
23 these two gentlemen in the years ahead.

24 Thank you.

25 ACTING PRESIDENT MAZIARZ: Thank

1 you, Senator Stavisky.

2 Senator Carl Kruger.

3 SENATOR KRUGER: Mr. President,
4 today, as so many have looked for so long at
5 the City University system with a sense of
6 cynicism and despair and questioned where it
7 was going, we've learned that the leadership
8 that Jeff has offered and now, with the
9 combined efforts that Sam will bring to the
10 table, will further amplify our mission and
11 our statement that City University is moving
12 in the right direction, that it has regained
13 traction, and it has become one of the premier
14 institutions that it all so often was before.

15 So today, as we confirm these two
16 nominees, we send out a very clear and
17 compelling message to all those naysayers for
18 so long that questioned our motives and our
19 intentions of City University. City
20 University is alive, it's doing well, and
21 under this combined leadership will offer a
22 new generation of change and inspiration.

23 Thank you.

24 ACTING PRESIDENT MAZIARZ: Thank
25 you, Senator Kruger.

1 All those in favor of the
2 confirmation of the nomination of Sam (Solomon
3 A.) Sutton, of Brooklyn, and Jeffrey S.
4 Wiesenfeld, of Great Neck, for appointments to
5 the Board of Trustees of the City University
6 of New York signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT MAZIARZ: Those
9 opposed, nay.

10 (No response.)

11 ACTING PRESIDENT MAZIARZ: The
12 nominations are confirmed.

13 Gentlemen, congratulations.

14 Oh, I'm sorry. Senator Krueger.

15 SENATOR LIZ KRUEGER: Thank you
16 very much.

17 I just wanted to make sure I was on
18 record that I am not able to endorse the
19 reappointment of Jeffrey Wiesenfeld to the
20 CUNY board. So I would like to be recorded in
21 the negative on that one individual.

22 Thank you.

23 ACTING PRESIDENT MAZIARZ: I'm
24 sorry, Senator Krueger. Recorded in the
25 negative on which one of the two?

1 SENATOR LIZ KRUEGER: On Jeffrey
2 Wiesenfeld.

3 ACTING PRESIDENT MAZIARZ: That
4 will be noted in the record.

5 Senator Schneiderman.

6 SENATOR SCHNEIDERMAN: I'm going
7 to join my colleague Senator Krueger in voting
8 yes on one nominee and no on Mr. Wiesenfeld.

9 ACTING PRESIDENT MAZIARZ:
10 Senator Schneiderman, could you indicate which
11 one was the affirmative?

12 SENATOR SCHNEIDERMAN: Yes on
13 Mr. Sutton.

14 ACTING PRESIDENT MAZIARZ: Mr.
15 Sutton was in the affirmative or in the
16 negative?

17 Mr. Sutton in the affirmative.
18 Mr. Wiesenfeld is in the negative.

19 Anyone else? Okay. Both of these
20 nominees are confirmed.

21 Congratulations, Sam Sutton and
22 Jeffrey Wiesenfeld, and good luck in your
23 appointments. Thank you very much.

24 (Applause.)

25 ACTING PRESIDENT MAZIARZ:

1 Senator Skelos.

2 SENATOR SKELOS: Mr. President,
3 there will be an immediate conference of the
4 Majority in the Majority Conference Room, and
5 the Senate will stand at ease.

6 ACTING PRESIDENT MAZIARZ:
7 Immediate conference of the Majority in
8 Room 332.

9 And there is also a conference of
10 the Minority in the Minority Conference Room.

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

13 ACTING PRESIDENT MAZIARZ: The
14 Senate will stand at ease.

15 (Whereupon, the Senate stood at
16 ease at 4:35 p.m.)

17 (Whereupon, the Senate reconvened
18 at 7:10 p.m.)

19 SENATOR SKELOS: Mr. President.

20 ACTING PRESIDENT MEIER: Senator
21 Skelos.

22 SENATOR SKELOS: Mr. President,
23 if we could return to reports of standing
24 committees, there's a report of the Judiciary
25 Committee at the desk. If we could take it up

1 at this time.

2 ACTING PRESIDENT MEIER: Reports
3 of standing committees.

4 The Secretary will read the report
5 of the Judiciary Committee.

6 THE SECRETARY: Senator
7 DeFrancisco, from the Committee on Judiciary,
8 reports the following nominations.

9 As Interim Supreme Court Justice of
10 the Tenth Judicial District, Honorable John N.
11 Byrne, of the Bronx.

12 ACTING PRESIDENT MEIER: Senator
13 DeFrancisco.

14 SENATOR DeFRANCISCO: Thank you,
15 Mr. President.

16 Each of the nominees that are going
17 to be put forward this evening, their
18 qualifications have been fully reviewed and
19 they have all appeared before the Senate
20 Judiciary Committee and been unanimously
21 passed on to this full body for our
22 consideration.

23 The first nominee, Honorable John
24 N. Byrne, has more experience in trial work
25 and being a trial judge than just about

1 anybody that I've had come before the
2 committee. He is being nominated by the
3 Governor as an interim Supreme Court justice
4 of the Tenth Judicial District. And I move
5 his nomination before this full body at this
6 time.

7 ACTING PRESIDENT MEIER: All
8 those in favor of the confirmation of
9 Honorable John Byrne as a justice of the
10 Supreme Court signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT MEIER: Those
13 opposed, nay.

14 (No response.)

15 ACTING PRESIDENT MEIER: The
16 nominee is confirmed.

17 Justice Byrne is with us today in
18 the gallery. And we congratulate you and we
19 wish you well with your duties.

20 (Applause.)

21 THE SECRETARY: As Interim
22 Supreme Court Justice of the Eighth Judicial
23 District, Honorable Frank Caruso, of Kenmore.

24 ACTING PRESIDENT MEIER: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: You know, I
2 meant to say this before we got started, and I
3 apologize to all the nominees. But if you
4 remember, when we first spoke before you went
5 through the nomination process, that I gave
6 you all a warning.

7 And believe me, none of the delays
8 were due to your fault; it's just that other
9 business take place in the Senate while people
10 are waiting for their name to come before this
11 full body. So I apologize on behalf of the
12 entire Senate for the delay.

13 Honorable Frank Caruso is being
14 nominated by the Governor as interim Supreme
15 Court justice of the Eighth Judicial District.
16 And I move his nomination and call on Senator
17 Maziarz to second the nomination, if you'd
18 please recognize him, Mr. President.

19 ACTING PRESIDENT MEIER: Senator
20 Maziarz.

21 SENATOR MAZIARZ: Thank you very
22 much, Mr. President and Senator DeFrancisco.

23 It's an honor for me to speak on
24 behalf of this nominee, Frank Caruso. I've
25 known Frank for a number of years now, been

1 associated with him both professionally and
2 personally. And I think that the Governor
3 could not have made a better choice for this
4 position of Supreme Court justice.

5 Judge Caruso has served for many
6 years in the town of Tonawanda as a local
7 justice there, has done an excellent job, and
8 recognized by many organizations throughout
9 all of Western New York for his hard work, not
10 just on the bench but for his work with the
11 community, his community involvement.

12 He's a really topnotch person.
13 He's got a great family; wife, Paula. Just a
14 really good person.

15 And I proudly second this
16 nomination, Mr. President.

17 ACTING PRESIDENT MEIER: Senator
18 Rath.

19 SENATOR RATH: Mr. Chairman, I
20 would also like to second Judge Caruso's
21 nomination.

22 The Governor, in his wisdom, has
23 appointed a very fine jurist, a very fine
24 person, the kind of person that the bench and
25 the bar unanimously were very anxious to be

1 sure that Judge Caruso was here, confirmed,
2 and has an opportunity to serve our community
3 in this new role, as he has served it in the
4 past in so many various roles with such great
5 distinction.

6 So my highest commendation to the
7 Governor. And congratulations, Judge.

8 ACTING PRESIDENT MEIER: Senator
9 Coppola.

10 SENATOR COPPOLA: Thank you,
11 Mr. President.

12 It's my honor and pleasure to rise
13 in support of the nominee, Honorable Frank
14 Caruso, for this position.

15 Frank is a very close personal
16 friend of mine. I've known him for many
17 years. And I can tell you all that he is a
18 wonderful person, family man, a father, a
19 husband. I congratulate him on this
20 appointment; his wife, Paula, who's here with
21 him.

22 I know that he'll make a great
23 addition to the Supreme Court. Anybody who
24 comes in contact with Judge Caruso would tell
25 you that they think he is a great lawyer and a

1 great judge. And as Senator Maziarz said,
2 there is nobody more deserving.

3 And I applaud the Governor for this
4 wonderful appointment, and I congratulate
5 Judge Caruso. And I vote yes.

6 ACTING PRESIDENT MEIER: Senator
7 Volker.

8 SENATOR VOLKER: Let me just say
9 that Frank Caruso is a long-time friend of
10 mine, has been a very good judge up until this
11 time, and I can assure everybody that he'll be
12 a super addition to the Supreme Court.

13 It's a great nomination, and I
14 congratulate you, Frank, and good luck.

15 ACTING PRESIDENT MEIER: The
16 question is on the confirmation of Honorable
17 Frank Caruso as interim justice of the Supreme
18 Court. All those in favor signify by saying
19 aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT MEIER: Those
22 opposed, nay.

23 (No response.)

24 ACTING PRESIDENT MEIER: The
25 nominee is confirmed.

1 Justice Caruso is with us today in
2 the gallery. We congratulate you, Judge, and
3 wish you well.

4 (Applause.)

5 ACTING PRESIDENT MEIER: The
6 Secretary will continue to read.

7 THE SECRETARY: As Westchester
8 County Family Court Judge, Honorable Charles
9 F. Devlin, of Chappaqua.

10 ACTING PRESIDENT MEIER: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: I move the
13 nomination of Honorable Charles F. Devlin, of
14 Chappaqua, as Westchester County Family Court
15 judge.

16 And I'd request that you please
17 recognize Senator Spano for a second.

18 ACTING PRESIDENT MEIER: Senator
19 Spano.

20 SENATOR SPANO: Thank you,
21 Mr. President.

22 It's my pleasure to second the
23 nomination of Charlie Devlin as a Family Court
24 judge from Westchester County.

25 I've had the opportunity to know

1 and work very closely with Judge Devlin for a
2 long time. He has been a career professional
3 in our court system and is an expert on
4 guardianship matters, on elder law, on helping
5 people with disabilities, on dealing with
6 people who are incapacitated. And in each of
7 those areas, he has excelled.

8 As a member of the county court, he
9 has made us proud. Serving as an acting
10 member of the Supreme Court, he has also
11 continued to excel in everything that he has
12 done. And now he will put that same type of
13 experience in dealing with issues that are so
14 sensitive for family members as a member of
15 the Family Court.

16 So it is appropriate and it's a
17 pleasure for me, probably in my final time
18 that I will speak as a member of this body, to
19 speak in favor of someone who has been such an
20 outstanding person, a great member of the bar
21 and a great judge from Westchester County, and
22 second the nomination of Judge Charles Devlin
23 for Family Court judge.

24 Thank you, Mr. President.

25 ACTING PRESIDENT MEIER: Any

1 other Senator wish to be heard on the
2 nomination?

3 The question, then, is on the
4 confirmation of Charles F. Devlin as a judge
5 of the Westchester County Family Court. All
6 those in favor say aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT MEIER: Those
9 opposed, nay.

10 (No response.)

11 ACTING PRESIDENT MEIER: The
12 nominee is confirmed.

13 Judge Devlin is with us today in
14 the gallery. We congratulate you, Judge, and
15 wish you well with your duties.

16 (Applause.)

17 ACTING PRESIDENT MEIER: The
18 Secretary will read.

19 THE SECRETARY: As a judge of the
20 Court of Claims, Honorable Thomas A. Adams, of
21 Rockville Centre.

22 ACTING PRESIDENT MEIER: Senator
23 DeFrancisco.

24 SENATOR DeFRANCISCO: Yes, I rise
25 to move the nomination of Honorable Thomas A.

1 Adams, also known as Adamo, as a judge of the
2 Court of Claims.

3 And I'd request that you call on
4 Senator Skelos to second the nomination.

5 ACTING PRESIDENT MEIER: Senator
6 Skelos.

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

9 It's my pleasure to nominate and
10 second the nomination of Judge Tom Adams.
11 I've had the pleasure of knowing Tom and his
12 wife Joann, who is here, I would say for about
13 30 years. They have a wonderful family.
14 Their two children are attorneys.

15 Tom's entire life has been
16 committed to working within our judicial
17 system -- as a young district attorney, as a
18 law secretary, as a district court judge,
19 Supreme Court judge, served on the appellate
20 division. And now the Governor is appointing
21 him, for which I'm most grateful, to the Court
22 of Claims. And I thank Senator Bruno also for
23 his support.

24 But with all the credentials -- and
25 people can have wonderful qualifications -- I

1 think the most important thing, when you talk
2 about Tom Adams, is his temperament. I have
3 never heard any lawyer, active, practicing
4 attorney say anything bad, harsh about Tom
5 Adams. Anything -- all I've ever heard is how
6 he's treated all litigants with respect. And
7 certainly I think that is most telling on why
8 we should be supporting the nomination of Tom
9 Adams to the Court of Claims.

10 So, Tom, I congratulate you -- we
11 have to vote first -- I congratulate you, and
12 I know you're going to be a great judge on the
13 Court of Claims.

14 ACTING PRESIDENT MEIER: Senator
15 Hannon.

16 SENATOR HANNON: Yes, I'd like to
17 rise and echo the remarks that Senator Skelos
18 has made.

19 I've had occasion in recent years
20 to be in a couple of occasions where Justice
21 Adams was speaking, explaining points of law,
22 explaining points of appellate procedure. And
23 I thought he had both great insight, great
24 learning experience for members of the bar,
25 and he did it in such a clear way to allow

1 people to comprehend the process and
2 understand how, when it's well done, it can be
3 so successful.

4 And this is coming from a judge
5 who's been sitting on a court that has been
6 especially hardworking in recent years, so
7 hardworking they've overcome everybody saying
8 that they're well behind in their workload.
9 They've caught up, they're doing a great job.

10 So I think that one of the most
11 outstanding choices that we have tonight in
12 terms of votes is Tom Adams.

13 And I congratulate you, and I think
14 you've still got to wait till we vote.

15 ACTING PRESIDENT MEIER: Senator
16 Marcellino.

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

19 I rise to congratulate Judge Adams
20 on his appointment. And I think the Governor
21 has made a wise choice.

22 I've known Tom before he became a
23 judge in the Supreme Court and watched him
24 throughout his career on the bench. He's a
25 fine person, good family person. Not such a

1 great golfer, but a good guy. And it's been a
2 pleasure to know him. And I know he will do
3 very, very well in the Court of Claims and
4 serve the state well and the people of this
5 state.

6 Congratulations, Tom.

7 ACTING PRESIDENT MEIER: Senator
8 Fuschillo.

9 SENATOR FUSCHILLO: Let me just
10 concur with the comments from my colleagues.

11 I know he's an outstanding jurist.
12 But as an individual, he's incredible. Him
13 and his family truly care about their
14 community. He's worked hard his entire life
15 to make it a better place.

16 This is an outstanding appointment
17 and recommendation by the Governor, and I'm
18 proud to get up and second the nomination.

19 ACTING PRESIDENT MEIER: Senator
20 LaValle.

21 SENATOR LaVALLE: Mr. President,
22 I would like to add my voice from Suffolk
23 County to those of my colleagues from Nassau
24 about the judge-to-be of the Court of Claims,
25 because he is everything that Senator Skelos

1 said in terms of legal scholarship but,
2 equally as important, he has the right
3 judicial temperament.

4 And his good work has traveled all
5 the way to the far reaches of Suffolk County,
6 so it's a pleasure to second his nomination.

7 ACTING PRESIDENT MEIER: Any
8 other Senator wish to be heard on the
9 nomination?

10 The question, then, is on the
11 confirmation of Thomas A. Adams as a judge of
12 the Court of Claims. All those in favor say
13 aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT MEIER: Those
16 opposed, nay.

17 (No response.)

18 ACTING PRESIDENT MEIER: The
19 nominee is confirmed.

20 Judge Adams is with us today in the
21 gallery, and we congratulate him and wish him
22 well.

23 (Applause.)

24 ACTING PRESIDENT MEIER: The
25 Secretary will continue to read.

1 THE SECRETARY: As a judge of the
2 Court of Claims, John C. Cherundolo, of
3 Syracuse.

4 ACTING PRESIDENT MEIER: Senator
5 DeFrancisco.

6 SENATOR DeFRANCISCO: I'm very
7 proud to move the nomination of John C.
8 Cherundolo for a Court of Claims position.

9 John is from my district. I've
10 known him for as long as I've been practicing
11 law. He's been doing trial work for over
12 30 years. He is an exemplary member of the
13 bar. He's been in "Who's Who in American
14 Lawyers" for the last decade. And he was in
15 the top 8 or 6 percent of his class when he
16 was in law school. He's been selected to be
17 on the judicial screening committee for the
18 Fourth Department for many, many years.

19 And he's just a quality individual.
20 He's a generous man who's been helpful to many
21 causes in our community. And, you know, I'm
22 just happy that he's willing to take this
23 position, because he's been so successful in
24 his chosen career.

25 And I'm very, very happy that the

1 Governor has chosen him and nominated him, and
2 I would urge the full support of the Senate.

3 ACTING PRESIDENT MEIER: Any
4 other Senator wish to be heard on the
5 nomination?

6 The question, then, is on the
7 confirmation of John Cherundolo as a judge of
8 the Court of Claims. All those in favor
9 signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT MEIER: Those
12 opposed, nay.

13 (No response.)

14 ACTING PRESIDENT MEIER: The
15 nominee is confirmed.

16 Judge Cherundolo is with us today.
17 We congratulate you and wish you well.

18 (Applause.)

19 ACTING PRESIDENT MEIER: The
20 Secretary will continue to read.

21 THE SECRETARY: As a judge of the
22 Court of Claims, Gerald W. Connolly, of
23 Watervliet.

24 ACTING PRESIDENT MEIER: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: Yes, I rise
2 to move the nomination of Gerald W. Connolly
3 as a judge of the Court of Claims.

4 And I'd request that you recognize
5 Senator Breslin to second the nomination.

6 ACTING PRESIDENT MEIER: Senator
7 Breslin.

8 SENATOR Breslin: Thank you,
9 Senator DeFrancisco.

10 I rise to second the nomination of
11 Jerry Connolly, Gerald Connolly, who is a
12 deputy counsel in the Governor's office
13 dealing with criminal matters. He's a
14 graduate of Manhattan College, Fordham Law
15 School, has a very rich background with the
16 Westchester County district attorney's office,
17 and well known because -- mostly because of
18 his two brothers.

19 One brother is the law clerk to the
20 Honorable Joe Teresi, who we all know. The
21 other brother, Steven, is the law clerk to
22 Judge McDonough, who we approved only recently
23 in June. And I know that Gerald will be
24 striving, as he assumes his new
25 responsibilities as Court of Claims judge, to

1 in some way equal the output, the dedication,
2 and the legal abilities of his two brothers.

3 And I heartily congratulate the
4 Governor for picking such a quality person to
5 go to the Court of Claims.

6 Thank you, Mr. President.

7 ACTING PRESIDENT MEIER: Senator
8 Breslin, the chair notes that your brothers
9 feel the same way about you.

10 (Laughter.)

11 SENATOR BRESLIN: I'll take care
12 of you later, Mr. President.

13 ACTING PRESIDENT MEIER: The
14 question, then, is on the confirmation of
15 Gerald W. Connolly as a judge of the Court of
16 Claims. All those in favor signify by saying
17 aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT MEIER: Those
20 opposed, nay.

21 (No response.)

22 ACTING PRESIDENT MEIER: The
23 nominee is confirmed.

24 Judge Connolly is with us today in
25 the gallery. He's joined by his wife,

1 Patricia; his daughter, Casey; his parents,
2 Gerald and Ida, and brothers Mike and Steve.

3 Judge, congratulations.

4 (Applause.)

5 ACTING PRESIDENT MEIER: The
6 Secretary will continue to read.

7 THE SECRETARY: As a judge of the
8 Court of Claims, Honorable Mary O. Donohue, of
9 Troy.

10 ACTING PRESIDENT MEIER: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: I rise to
13 move the nomination of Mary O. Donohue, judge
14 of the Court of Claims.

15 And I'd request that you recognize
16 Senator Bruno to second the nomination.

17 ACTING PRESIDENT MEIER: Senator
18 Bruno.

19 SENATOR BRUNO: Thank you,
20 Mr. President. And thank you, Senator
21 DeFrancisco and colleagues.

22 I'm honored to be here moving the
23 nomination for the Court of Claims for our
24 present Lieutenant Governor, presiding officer
25 here in the Senate, who has served a

1 constituency for almost an adult lifetime.
2 First woman elected district attorney in the
3 County of Rensselaer, a teacher, mother, wife,
4 elected to office repeatedly. She is really
5 what we would personify as a public servant.

6 I am proud that the Governor sees
7 fit to submit the nomination, and I am proud
8 to stand in endorsement and ask my colleagues
9 to move a great, outstanding lady, our
10 Lieutenant Governor, our present presiding
11 officer, Lieutenant Governor, our friend Mary
12 Donohue.

13 (Applause.)

14 ACTING PRESIDENT MEIER: Senator
15 Hassell-Thompson.

16 SENATOR HASSELL-THOMPSON: Thank
17 you, Mr. President.

18 I didn't mean to lead the applause
19 so quickly. But I did want the opportunity,
20 like my colleagues, to talk for a moment about
21 Mary Donohue and her role here.

22 Six years ago, when I first came to
23 the Senate, it just felt good to see a woman
24 standing at the head of the Senate. It will
25 be very good to have a different person,

1 perhaps, standing at the head of the Senate in
2 January.

3 But Mary Donohue and I had the
4 opportunity to meet outside of these chambers,
5 and she's an outstanding human being. And I
6 think that the role that she will continue to
7 play on the Court of Appeals will continue to
8 convey that.

9 So I want to add my congratulations
10 on this nomination to her and to wish her the
11 very best of luck in all of her endeavors.

12 Thank you, Mr. President.

13 ACTING PRESIDENT MEIER: Senator
14 Maziarz.

15 SENATOR MAZIARZ: Thank you very
16 much, Mr. President. I rise with pleasure to
17 second this nomination also.

18 You know, we've all come to know
19 Lieutenant Governor Donohue on a personal
20 basis, having worked here in the Senate. And,
21 you know, we all bring guests in here,
22 constituents, friends of ours, sometimes
23 people that are going through very difficult
24 challenges in their lives -- crime victims,
25 parents who've had tragedy with their

1 children. And you always noticed that when
2 the Lieutenant Governor came in, she always
3 took the time to say hello to people, to talk
4 to them, really to care with them.

5 And she's been a great professional
6 here, a very good personal friend. This is a
7 new challenge for you. But as Senator Bruno
8 pointed out, from the DA's office, from the
9 bench, and from that podium to the Court of
10 Claims is just another challenge, and I am
11 sure you will gladly take on and work with as
12 much professionalism and care and concern for
13 those people who appear before you as you
14 always have.

15 So congratulations and best of
16 luck. You've earned this job, and you've
17 earned the respect of both sides of this
18 chamber.

19 Thank you.

20 ACTING PRESIDENT MEIER: Senator
21 Volker.

22 SENATOR VOLKER: Very quickly, I
23 just want to say that it's been a pleasure to
24 have Mary Donohue as the presiding officer of
25 this house.

1 She is a class-act woman. She is
2 the kind of person who I think could do just
3 about any job -- certainly any judgeship. And
4 frankly should have had another judgeship, but
5 that's neither here nor there.

6 She is a person that's become a
7 good friend of mine. And also her husband is
8 a very good guy, because I've come to know
9 him.

10 But I just want to say that
11 wherever life takes you, Mary, that although
12 the Court of Claims is the next step, but
13 there's no question in my mind that whatever
14 you do, you will be super-successful.

15 And thank you for your kindness to
16 me and to all the members of the Senate.

17 ACTING PRESIDENT MEIER: Senator
18 Little.

19 SENATOR LITTLE: Thank you. I
20 would just like to add my comments to my
21 colleagues' as our Lieutenant Governor becomes
22 a judge of the Court of Claims, and to wish
23 her well.

24 Certainly I consider her a friend
25 throughout the years, as I was in the Assembly

1 and here in the Senate. And we have something
2 anything else in common, is that we were both
3 born as O'Connors.

4 So it's really a pleasure for me to
5 congratulate Judge Mary Donohue in her new
6 venture and wish her the best of everything.

7 Thank you.

8 ACTING PRESIDENT MEIER: Senator
9 Libous.

10 SENATOR LIBOUS: Mr. President, I
11 too want to stand and join my colleagues in
12 congratulating Mary Donohue.

13 Over the course of her term as
14 Lieutenant Governor I've had the opportunity
15 to spend some time with her, not only in my
16 district but here in Albany. And when I sat
17 where Joe Robach did, I would often, during
18 recesses, spend time at the chair where you
19 are, Mr. President, and just talk about life
20 in general.

21 She is a wonderful woman. She was
22 a great judge before and will continue and be
23 a great judge again. And I wish her the very
24 best.

25 ACTING PRESIDENT MEIER: Any

1 other Senator wish to be heard on the
2 nomination?

3 Senator Paterson.

4 SENATOR PATERSON: Yes,
5 Mr. President. Unaccustomed as I am to
6 talking about the office of Lieutenant
7 Governor, I'd like to say that for the four
8 years that I've been leader -- and I know that
9 I spoke for Senator Connor, who also served
10 with Mary Donohue -- she was always very
11 gracious, very cooperative with us, is a very
12 fine human being. I would suggest sometimes
13 underutilized, because, as Senator Volker
14 said, she really excels at almost any task
15 that she tends to.

16 And we have really enjoyed this
17 time in the Senate working with her. Some of
18 us have gotten to know her a little bit
19 outside. When the final votes were in, she
20 offered all kinds of advice and assistance to
21 me and my staff over the past six weeks.

22 And we are going to miss her around
23 the immediate area of the Capitol, but hope
24 that on the Court of Claims that they will
25 appreciate her as much as they did in the

1 judiciary before her service here in the
2 Lieutenant Governor's role and certainly after
3 it.

4 She has a very fine family, an
5 adoring son and daughter who are proud of her
6 today. And we're all proud of her and very
7 excited about the new mission in her life, and
8 hope that somebody can partially fill the
9 shoes that she will leave when she leaves at
10 the end of the year.

11 Thank you.

12 ACTING PRESIDENT MEIER: Senator
13 Skelos.

14 SENATOR SKELOS: Mr. President, I
15 just want to echo what so many of my
16 colleagues have said.

17 I've had the pleasure of working
18 with the Lieutenant Governor, judge-to-be
19 soon, for a number of years, and she's always
20 conducted herself with the utmost of
21 professionalism. So I'm honored to second the
22 nomination.

23 But I think it's also important to
24 note, after all the years that we've been
25 listening to Senator Paterson, that as the

1 Lieutenant Governor we will not have to listen
2 to him as much anymore.

3 (Laughter.)

4 SENATOR SKELOS: But I am
5 delighted, Mary, to second your nomination.

6 ACTING PRESIDENT MEIER: Any
7 other Senator wish to be heard on the
8 nomination?

9 Senator DeFrancisco, the chairman
10 of the Judiciary Committee, for the purpose of
11 closing.

12 SENATOR DeFRANCISCO: Thank you,
13 Mr. President.

14 I'm really happy for our Lieutenant
15 Governor. First of all, it's not easy to
16 preside over a group of individuals with very
17 diverse points of view. Sometimes it got
18 contentious. And each time it did, Mary
19 Donohue always acted with dignity and with
20 respect for everyone in this chamber.

21 And as she was saying earlier,
22 she's really going back home to the bench.
23 And I'll tell you, the people who will appear
24 before her will be very well served, and I'm
25 very happy for her that she's going back to

1 something that she really and truly enjoys,
2 being a judge and dispensing justice.

3 So congratulations. I'm very happy
4 for you.

5 ACTING PRESIDENT MEIER: I would
6 just like to say before I call the vote that
7 I'm very privileged that one of the last
8 things I get to do as a member of this body is
9 to preside over the confirmation of a really
10 great person, a great Lieutenant Governor and
11 a great jurist, Mary O. Donohue.

12 The question, then, is on the
13 confirmation of Mary Donohue as a judge of the
14 New York State Court of Claims. All those in
15 favor signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT MEIER: Those
18 opposed, nay.

19 (No response.)

20 ACTING PRESIDENT MEIER: The
21 nominee is confirmed.

22 Judge Donohue is with us in the
23 gallery, with her husband, Tony Ricci, and her
24 daughter, Sara.

25 (Standing ovation.)

1 ACTING PRESIDENT MEIER: The
2 Secretary will continue to read.

3 THE SECRETARY: As a judge of the
4 Court of Claims, Kimberly A. O'Connor, of
5 Guilderland.

6 ACTING PRESIDENT MEIER: Senator
7 DeFrancisco.

8 SENATOR DeFRANCISCO: I'd like to
9 move the nomination of Kimberly A. O'Connor,
10 of Guilderland, as a judge of the Court of
11 Claims.

12 ACTING PRESIDENT MEIER: Any
13 other Senator wish to be heard on the
14 nomination?

15 The question, then, is on the
16 confirmation of Kimberly O'Connor as a judge
17 of the New York State Court of Claims. All
18 those in favor signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT MEIER: Those
21 opposed, nay.

22 (No response.)

23 ACTING PRESIDENT MEIER: The
24 nominee is confirmed.

25 Judge O'Connor is with us in the

1 gallery today. She's accompanied by her
2 husband, Tom; her daughter, Lauren; and her
3 parents, Dottie and Dick Usas.

4 Judge O'Connor, congratulations.

5 (Applause.)

6 ACTING PRESIDENT MEIER: The
7 Secretary will continue to read.

8 THE SECRETARY: As a judge of the
9 Court of Claims, Richard Platkin, of Glenmont.

10 ACTING PRESIDENT MEIER: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: I move the
13 nomination of Richard Platkin as a judge of
14 the Court of Claims and would request that you
15 call on Senator Spano for a second.

16 ACTING PRESIDENT MEIER: Senator
17 Spano.

18 SENATOR SPANO: Thank you,
19 Mr. President. It's my pleasure to second the
20 nomination of Richard Platkin to the Court of
21 Claims.

22 Richard Platkin has had an
23 outstanding career working as a law clerk to a
24 federal judge and has certainly been no
25 stranger to the members of this chamber or the

1 other house, having served as assistant
2 counsel, deputy counsel, and most recently as
3 counsel to the Governor.

4 He has always been a person who you
5 will get a straight answer from, a person who
6 will give you a very intellectual discussion
7 as to why the Governor would always want to
8 veto my bills, even though you were wrong most
9 of the time.

10 But you were accessible and direct,
11 and those are the qualities that certainly
12 will follow you as you continue on to start
13 your career as a member of the bench.

14 You've certainly made us proud,
15 you've served the Governor well, you've served
16 the people of this state very well. And it's
17 my pleasure to second your nomination this
18 evening.

19 ACTING PRESIDENT MEIER: Senator
20 Volker.

21 SENATOR VOLKER: Mr. President, I
22 just want to say that I will miss that great
23 voice of his on the phone telling me: "I'm
24 sorry, Senator, but we've got to veto your
25 bill. It's a great bill, but it's not ready

1 yet."

2 Anyway -- no, seriously, I just
3 want to say that you're probably one of the
4 best attorneys that I've ever been involved
5 with. You do have some strange ideas -- no,
6 no, no. Seriously, you've been an excellent
7 counsel to the Governor. You actually have
8 done an exceptional job. I want to thank you
9 for your courtesy to me and for the fact that
10 you have served George Pataki extremely well.

11 Good luck to you in your future as
12 a judge.

13 ACTING PRESIDENT MEIER: Any
14 other Senator wish to be heard on the
15 nomination?

16 The question is on the confirmation
17 of Richard Platkin as a judge of the Court of
18 Claims. All those in favor signify by saying
19 aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT MEIER: Those
22 opposed, nay.

23 (No response.)

24 ACTING PRESIDENT MEIER: The
25 nominee is confirmed.

1 Judge Platkin is with us today in
2 the gallery. He is accompanied by his wife,
3 Laura.

4 And we wish you well, judge.

5 (Applause.)

6 ACTING PRESIDENT MEIER: The
7 Secretary will continue to read.

8 THE SECRETARY: As a judge of the
9 Court of Claims, Dineen Riviezzo, of Brooklyn.

10 ACTING PRESIDENT MEIER: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: I rise to
13 move the nomination of Dineen Riviezzo as a
14 Court of Claims judge.

15 This candidate has an incredible
16 record of public civil service, from being the
17 Inspector General and also being involved with
18 the New York State Commission of Investigation
19 and previously the office of the New York
20 State Inspector General. Before that, she did
21 a lot of trial work with a major law firm.

22 A great cross-section of ability in
23 order to perform this function, and I move her
24 nomination.

25 ACTING PRESIDENT MEIER: Any

1 other Senator wish to be heard on the
2 nomination?

3 The question, then, is on the
4 confirmation of Dineen Riviezzo as a judge of
5 the Court of Claims. All those in favor
6 signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT MEIER: Those
9 opposed, nay.

10 (No response.)

11 ACTING PRESIDENT MEIER: The
12 nominee is confirmed.

13 Judge Riviezzo is with us today in
14 the gallery. She's accompanied by her mother,
15 Clorinda.

16 Congratulations, Judge.

17 (Applause.)

18 ACTING PRESIDENT MEIER: The
19 Secretary will continue to read.

20 THE SECRETARY: As a judge of the
21 Court of Claims, Gina Lopez Summa, of Syosset.

22 ACTING PRESIDENT MEIER: Senator
23 DeFrancisco.

24 SENATOR DeFRANCISCO: I'd move
25 the nomination of Gina Lopez Summa as judge of

1 the Court of Claims.

2 And I was going to recognize
3 Senator Dilan -- there he is. Okay, I didn't
4 see you.

5 SENATOR DILAN: Mr. President, I
6 am very proud to second the nomination of Gina
7 Lopez Summa to the Court of Claims. Ms. Lopez
8 Summa is a very competent and intelligent
9 attorney who is currently the general counsel
10 for the New York State Human Rights Division
11 since 1999.

12 I have known her for a very long
13 time. And she also was involved in the County
14 of Kings in many professional levels within
15 the judicial system. And I know that she will
16 be an asset to the New York State judicial
17 system.

18 I would also like to congratulate
19 her husband, who's here today, and her very
20 proud father, Assemblyman Vito Lopez.

21 Congratulations, Gina. I move the
22 nomination.

23 ACTING PRESIDENT MEIER: Senator
24 Robach.

25 SENATOR ROBACH: Yes,

1 Mr. President. I too am happy to rise to
2 second this nomination.

3 In addition to Gina's great resume
4 and legal accomplishments, this is one of
5 those nice stories, I think, especially for
6 those of us who come from governmental
7 families. As Senator Dilan pointed out, her
8 dad, our colleague Assemblyman Vito Lopez, is
9 someone who has spent the majority of his
10 adult life contributing in elected office.
11 And I know he always encouraged his children,
12 in this case, his daughter, who's now becoming
13 a judge, to pursue that too, who's gone on to
14 get her legal degree and move on to that.

15 And I know it's not only a happy
16 day for all New Yorkers that we're getting
17 someone of this quality, but I know it's an
18 extreme amount of happiness in the Lopez
19 family as well. And these are nice stories
20 when you see people do the work to get to
21 where they need to be, and they can contribute
22 and continue the great legacy of the Lopez
23 family of contributing to public service here
24 in New York.

25 I'm happy to second and move the

1 nomination.

2 ACTING PRESIDENT MEIER: Senator
3 Ada Smith.

4 SENATOR ADA SMITH: Thank you,
5 Mr. President.

6 I rise to thank the Governor for
7 this wonderful nomination. I've had the
8 privilege to know Gina for many, many years.
9 And as a youngster, she was bright and
10 articulate. And as an adult, she is
11 competent. And as a judge, she will make us
12 all proud.

13 And I am honored to be able to
14 second the nomination of Gina Lopez Summa.

15 ACTING PRESIDENT MEIER: Senator
16 Maltese.

17 SENATOR MALTESE: Mr. President,
18 I'm very pleased to second this nomination.

19 From the beginning, in college,
20 when she graduated St. John's University
21 magna cum laude, to Brooklyn Law School, where
22 she was coeditor of the Law Review, she's
23 indicated this proficiency and expertise in
24 the law. Throughout her career, despite her
25 relative youth, as a court attorney and as a

1 law clerk to a Supreme Court justice, she
2 showed that talent and ability that has stood
3 her in good stead through these years.

4 In her three-year service to the
5 New York City Commission on Human Rights, and
6 in her seven years both as general counsel and
7 as manager with the New York State Commission
8 of Human Rights, she has shown a depth of
9 knowledge and a compassion, a spirit of
10 compassion that will stand her in good stead
11 as a jurist.

12 I congratulate her husband, I
13 congratulate her family, I congratulate her
14 father on having a daughter who will make such
15 a splendid jurist. And I congratulate the
16 Governor on this nomination.

17 I'm very pleased and proud to
18 second the nomination.

19 ACTING PRESIDENT MEIER: Senator
20 Golden.

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

23 I too rise to second the nomination
24 of Gina Lopez Summa and welcome her and her
25 husband and her family to this historic

1 chamber.

2 Gina, working since 1994 in the
3 Brooklyn Law School and getting her graduate
4 degree and working on, as my colleague Senator
5 Maltese pointed out, working for at that time
6 Judge Marsha Steinhardt and Judge Gustin
7 Reichback, and continuing working in her legal
8 degree today at the New York City Commission
9 of Human Rights, she has done a great service
10 for our city and state, and she's done an
11 excellent job, will be an excellent candidate
12 and an excellent judge in the Court of Claims.

13 And once again, I want to
14 congratulate her and her family and of course
15 her father, who's done such great things here
16 in the Assembly and in the County of Kings for
17 the city and the state of New York.

18 God bless the Lopez and the Summa
19 family. Continue your great work.

20 Thank you.

21 ACTING PRESIDENT MEIER: Senator
22 Marcellino.

23 SENATOR MARCELLINO: Thank you,
24 Mr. President. I rise to second the
25 nomination of a fellow resident of Syosset.

1 I don't know the judge-to-be
2 personally, but I do know her father. And I
3 do believe in the adage that apple doesn't
4 fall far from the tree. You've got a very
5 good tree to keep near. Good luck.

6 ACTING PRESIDENT MEIER: Senator
7 Volker.

8 SENATOR VOLKER: I think Carl
9 just took away a line -- I was just going to
10 say that I read her bio, a great bio. But
11 knowing her father as well as I do, I do
12 believe strongly in family trees. And her
13 father is a wonderful man. And I am sure that
14 she'll make a super judge.

15 So I just wanted to second her
16 nomination.

17 ACTING PRESIDENT MEIER: Any
18 other Senator wish to be heard on the
19 nomination?

20 The question is on the confirmation
21 of Gina Lopez Summa as a judge of the Court of
22 Claims. All those in favor signify by saying
23 aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT MEIER: Those

1 opposed, nay.

2 (No response.)

3 ACTING PRESIDENT MEIER: The
4 nominee is confirmed.

5 Judge Lopez Summa is with us in the
6 gallery. She's accompanied by her husband,
7 Keith, and her father, Assemblyman Vito Lopez.

8 Congratulations, Your Honor.

9 (Appause.)

10 ACTING PRESIDENT MEIER: The
11 Secretary will read.

12 THE SECRETARY: As a judge of the
13 Court of Claims, Honorable Timothy J. Walker,
14 of Eden.

15 ACTING PRESIDENT MEIER: Senator
16 DeFrancisco.

17 SENATOR DeFRANCISCO: I move the
18 nomination of Honorable Timothy J. Walker to
19 the Court of Claims and request that you
20 recognize Senator Rath to second the
21 nomination.

22 ACTING PRESIDENT MEIER: Senator
23 Rath.

24 SENATOR RATH: Thank you, Senator
25 DeFrancisco. And I rise with great pleasure

1 to second the nomination of Judge Walker.

2 Although Judge Walker is a
3 constituent of Senator Volker's, I've come to
4 know Judge Walker quite well the last several
5 years, and know him to be a man of integrity
6 with great respect and honor for the law, with
7 great judicial temperament, someone who is
8 highly sought after in Western New York to be
9 continuing as a judge. And so we're very
10 happy to see that he will be with us.

11 And congratulations, Judge.

12 ACTING PRESIDENT MEIER: Senator
13 Maziarz.

14 SENATOR MAZIARZ: Thank you very
15 much, Mr. President. I rise also to second
16 his nomination.

17 Judge Walker has been on the bench
18 now for a short period of time and has done a
19 great job. I know that my very good friend
20 who he's worked very closely with, Judge
21 Richard Kloch in the Court of Claims, has
22 nothing but high praise for Judge Walker's
23 work.

24 And he will do an excellent job,
25 and it's a great appointment on behalf of the

1 Governor. And I just congratulate Judge
2 Walker and his family for this great, great
3 step.

4 Thank you, Mr. President.

5 ACTING PRESIDENT MEIER: Senator
6 Volker.

7 SENATOR VOLKER: I just wanted to
8 say quickly that although Tim Walker is not
9 actually a constituent of mine now, because
10 Senator Stachowski stole Eden from me in the
11 reapportionment, but he is a longtime friend
12 and a good man, a fine judge, has been a fine
13 judge and one of the best lawyers in Western
14 New York.

15 And I just want to say
16 congratulations to the Governor and
17 congratulations, of course, to Tim Walker for
18 getting an appointment to the Court of Claims.

19 ACTING PRESIDENT MEIER: Any
20 other Senator wish to be heard on the
21 nomination?

22 The question, then, is on the
23 confirmation of Timothy J. Walker as a judge o
24 the Court of Claims. All those in favor
25 signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT MEIER: Those
3 opposed, nay.

4 (No response.)

5 ACTING PRESIDENT MEIER: The
6 nominee is confirmed.

7 Judge Walker is with us in the
8 gallery. He is accompanied by his wife,
9 DianaRae; his daughter, Raelynn; his son,
10 Joshua; and his mother, Ellen.

11 Judge, congratulations.

12 (Applause.)

13 ACTING PRESIDENT MEIER: The
14 Secretary will read.

15 THE SECRETARY: As a judge of the
16 Court of Claims, Honorable Henry F. Zwack, of
17 Stephentown.

18 ACTING PRESIDENT MEIER: Senator
19 DeFrancisco.

20 SENATOR DeFRANCISCO: I move the
21 nomination of Honorable Henry F. Zwack as a
22 judge of the Court of Claims.

23 And I would request that you
24 recognize Senator Bruno to second the
25 nomination.

1 ACTING PRESIDENT MEIER: Senator
2 Bruno.

3 SENATOR BRUNO: Thank you,
4 Mr. President and colleagues.

5 Again, I rise with great pleasure
6 to nominate and encourage you all to support
7 Henry Zwack. Henry Zwack has served as town
8 attorney, as a legislator, as county executive
9 of Rensselaer, in community service, an
10 emergency medical technician, volunteer
11 fireman, youth minister at St. Joseph's
12 Church. Henry has really dedicated his life
13 to being in public service.

14 So I am as proud as I can be. He's
15 presently the executive commissioner of OASAS,
16 where he served previously as general counsel.
17 You all know Henry for his public work and his
18 community service. I'm proud to move his
19 nomination.

20 ACTING PRESIDENT MEIER: Any
21 other Senator wish to be heard on the
22 nomination?

23 The question, then, is on the
24 confirmation of Henry Zwack as a judge of the
25 Court of Claims. All those in favor signify

1 by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT MEIER: Those
4 opposed, nay.

5 (No response.)

6 ACTING PRESIDENT MEIER: The
7 nominee is confirmed.

8 Judge Zwack is with us in the
9 gallery today. He's accompanied by his wife,
10 Laura, and his sons Michael and John.

11 Judge, congratulations and best
12 wishes to you.

13 (Applause.)

14 SENATOR BRUNO: Mr. President.

15 ACTING PRESIDENT MEIER: Senator
16 Bruno.

17 SENATOR BRUNO: Can we ask the
18 members to stand at ease in the regular
19 session. And please gavel us back into the
20 extraordinary session.

21 ACTING PRESIDENT MEIER: Members
22 will stand at ease in the ordinary session of
23 the Senate.

24 (Whereupon, the Senate stood at
25 ease at 7:55 p.m.)

1 (Whereupon, the Senate reconvened
2 at 7:58 p.m.)

3 ACTING PRESIDENT MEIER: The
4 Senate will please come to order.
5 Senator Bruno.

6 SENATOR BRUNO: Mr. President,
7 can you gavel us back into regular session.
8 Oh, that's what you did?

9 ACTING PRESIDENT MEIER: I love
10 doing this, so I'll be happy to.

11 (Laughter.)

12 ACTING PRESIDENT MEIER: The
13 Senate will come to order.
14 Senator Bruno.

15 SENATOR BRUNO: Can we return to
16 motions and resolutions, Mr. President.

17 You have a resolution by Senator
18 Hannon. I would recommend the title be read
19 and move for its immediate adoption.

20 ACTING PRESIDENT MEIER: Motions
21 and resolutions.

22 The Secretary will read.

23 THE SECRETARY: By Senator
24 Hannon, Legislative Resolution Number 6664,
25 honoring the Garden City High School Field

1 Hockey Team and Coach Diane Chapman on the
2 occasion of capturing the 2006 New York State
3 Class B Championship.

4 ACTING PRESIDENT MEIER: All
5 those in favor of the resolution signify by
6 saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT MEIER: Those
9 opposed, nay.

10 (No response.)

11 ACTING PRESIDENT MEIER: The
12 resolution is adopted.

13 Senator Bruno.

14 SENATOR BRUNO: Mr. President,
15 can I ask my colleagues to indulge us, please,
16 for an immediate of meeting of the Finance
17 Committee in the Majority Conference Room.
18 And we will return to the chamber in probably
19 three or four minutes to finish up this part
20 of the business.

21 Thank you, Mr. President.

22 ACTING PRESIDENT MEIER:
23 Immediate meeting of the Finance Committee in
24 the Senate Majority Conference Room.

25 The Senate will stand at ease

1 pending the return of the Finance Committee
2 report.

3 (Whereupon, the Senate stood at
4 ease at 8:00 p.m.)

5 (Whereupon, the Senate reconvened
6 at 8:08 p.m.)

7 ACTING PRESIDENT MEIER: Senator
8 Bruno.

9 SENATOR BRUNO: Mr. President,
10 can we return to reports of standing
11 committees.

12 I believe there is a report from
13 the Finance Committee at the desk.

14 ACTING PRESIDENT MEIER: Reports
15 of standing committees.

16 SENATOR BRUNO: Can we have some
17 attention, Mr. President.

18 ACTING PRESIDENT MEIER: Can we
19 have some order in the chamber, please.

20 Reports of standing committees.

21 The Secretary will read.

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

25 As a member of State Council on the

1 Arts, Laura L. Ballori, of New York City.

2 ACTING PRESIDENT MEIER: Senator
3 Johnson.

4 SENATOR JOHNSON: Move the
5 nomination.

6 ACTING PRESIDENT MEIER: The
7 question is on the confirmation of Laura L.
8 Ballori as a member of the State Council on
9 the Arts. All those in favor signify by
10 saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT MEIER: All
13 those opposed, nay.

14 (No response.)

15 ACTING PRESIDENT MEIER: The
16 nominee is confirmed.

17 Senator Paterson.

18 SENATOR PATERSON: Mr. President,
19 I'd just like to recognize some of the members
20 of our conference who are completing their
21 service in the Senate -- Senator Marc Coppola,
22 from Buffalo, who came here earlier this year,
23 and certainly Senator Carl Andrews, who came
24 here in February of 2002, was a Congressional
25 candidate this year, and Senator Ada Smith,

1 who has been among us since 1989, completing
2 18 years of service to the Senate. We knew
3 some of them better than others, but they all
4 served with a great amount of distinction.

5 And I'd just like to thank my
6 deputy, Eric Schneiderman, and the friends I
7 have all through the Senate chamber.

8 I want to wish Senator John Marchi,
9 in his next career, that it be longer than
10 this career.

11 And certainly Senator Dale Volker,
12 who one night over a beverage talked me into
13 capital punishment, but I sobered up by the
14 next day.

15 (Laughter.)

16 SENATOR PATERSON: But he was
17 able to get me to do that one night.

18 And friends of mine, Senator Mike
19 Balboni and Senator Tom Libous, and also
20 Senator Spano, who I consider a friend.

21 And I would like to thank the
22 deputy Majority Leader, Senator Dean Skelos,
23 whose most recent remarks I didn't think were
24 germane to the subject he was speaking on
25 earlier. And he'll learn more about that in

1 the next coming years.

2 (Laughter.)

3 SENATOR PATERSON: And my very
4 dear friend and colleague Senator Joe Bruno,
5 who I spent four years with, and we really
6 never had a cross word during that entire four
7 years.

8 Senator Breslin, our ranker on
9 Finance; Senator Velmanette Montgomery, who
10 came in right before me; and Senator Ruth
11 Hassell-Thompson.

12 I confined it to all the people I
13 can see, but there are many others who I will
14 miss. Even though it's not that great a
15 change for me, it's still a coming out of
16 one's comfort zone.

17 And I've enjoyed serving with all
18 of you. I wish you all the happiest of
19 holidays, and hope to be here and make things
20 happen on day one.

21 Thank you.

22 ACTING PRESIDENT MEIER: Senator
23 Bruno.

24 SENATOR BRUNO: Mr. President,
25 colleagues, Senator Paterson, we're going to

1 be short, direct, to the point, as we usually
2 are.

3 Senator Paterson will be moving his
4 chair. He's moving up in this chamber and in
5 this world. And we're going to look forward
6 to that.

7 And, David, I trust that in law
8 school, among other things, they teach you how
9 to count.

10 (Laughter.)

11 SENATOR BRUNO: And we have
12 Senator Marchi, serving 50 years, the
13 longest-serving legislator in the entire
14 United States. Think about that distinction.

15 We're indebted to him for his
16 public service, for the role model that he
17 really just plays for all of us here in this
18 chamber, in the state, and throughout the
19 United States.

20 And Ray Meier, our presider up
21 here, who is going to be leaving us after
22 10 years. Ray, thanks for your friendship,
23 for your service -- in the district as county
24 exec, here. You really have been among the
25 best, and thank you. And I'm sure that we are

1 going to stay in communication as we progress
2 along with our careers.

3 And Senator Spano, one of our
4 leaders here, 20 years in the Senate, eight
5 years in the Assembly. Public service back --
6 I think the youngest Assemblyman, elected at
7 age 25. Still looks about 25.

8 Nick, thank you. Thanks for your
9 service, thanks for diligence, thanks for all
10 the good things that you have done for your
11 district and the people of this state.

12 And you know, it's kind of a little
13 sadness here as we conclude a legislative
14 year. Did some great things, some wonderful
15 things. But life, life is challenging
16 sometimes, and life changes. So we hope
17 sincerely, both sides of the aisle, as doors
18 close, doors open.

19 And we all look forward to the
20 future this year and into the coming year with
21 great optimism and great expectation that
22 we're going to continue as partners. We're
23 now partners in governing -- here, the other
24 house, with the Executive, to serve the people
25 of this great state to the best of our

1 abilities.

2 So, Senator, colleagues, there
3 being no further business to presently come
4 before the Senate, I would move that we stand
5 adjourned, subject to the call of the Majority
6 Leader, intervening days to be legislative
7 days.

8 And I wish you all safe passage, a
9 happy, healthy coming season, and hopefully we
10 will all meet again on January 3rd.

11 ACTING PRESIDENT MEIER: On
12 motion, the Senate stands adjourned, subject
13 to the call of the Majority Leader.
14 Intervening days will be legislative days.

15 (Whereupon, at 8:15 p.m., the
16 Senate adjourned.)

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