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

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.

Reports of standing committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Golden.

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

ACTING PRESIDENT MEIER: The Secretary will read.

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

ACTING PRESIDENT MEIER: Senator Golden.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

Senator Golden.

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

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT MEIER: Senator Schneiderman.

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

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

introduced earlier in the session.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

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

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

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

The Senate will stand at ease

pending the report of the Finance Committee.

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

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

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: Motions and resolutions.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted.

Senator Skelos.

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

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

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

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

She came before the New York State

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

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

An excellent nomination, and I fully support it.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Farley.

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

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Skelos.

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

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

sand in your shoes you never really leave.

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

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

ACTING PRESIDENT MEIER: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Mr. President.

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

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

aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: All those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

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

Senator Nozzolio.

SENATOR NOZZOLIO: -- have a

little time to do that, Senator.

ACTING PRESIDENT MEIER: I know.

(Laughter.)

SENATOR NOZZOLIO: Thank you, Senator, my colleagues.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Maltese.

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

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

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

ACTING PRESIDENT MEIER: Senator Sabini.

SENATOR SABINI: Mr. President, I

rise in support of this nomination.

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

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

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

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

juncture.

And I want to congratulate the Governor for this appointment.

Thank you, Mr. President.

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

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Standing ovation.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT MEIER: Senator Nozzolio.

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

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

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

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

Thank you, Mr. President.

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

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

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

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

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

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

ACTING PRESIDENT MEIER: Senator Maltese.

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

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

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

ACTING PRESIDENT MEIER: Senator Sabini.

SENATOR SABINI: Thank you,

Mr. President. On the nomination.

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

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

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

ACTING PRESIDENT MEIER: Senator Savino.

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

In my previous life as a municipal

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

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

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

As a member of the New York State

Bridge Authority, Richard A. Gerentine, of Marlboro.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Buchanan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Vanderbeek, of Suffern.

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

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

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

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

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

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

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

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

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

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

Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

Senator Fuschillo.

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

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

Senator Fuschillo.

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

ACTING PRESIDENT MEIER: The Senate will stand at ease.

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

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

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

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

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

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

All bills ordered direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report is accepted.

Senator Skelos.

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

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

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill

is passed.

Senator Skelos.

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

ACTING PRESIDENT MEIER: That's correct, Senator.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: Lay the bill aside.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT MEIER: Senator Balboni.

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

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

THE SECRETARY: Calendar Number

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

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

ACTING PRESIDENT MEIER: Yes, there is.

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: The Senate will stand at ease.

Senator Schneiderman.

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

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

ACTING PRESIDENT MEIER: Happy birthday, Senator.

The Senate will stand at ease.

(Whereupon, the Senate stood at

ease at 3:01 p.m.)

ACTING SENATOR FLANAGAN: Senator Skelos.

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

ACTING SENATOR FLANAGAN: Thank you.

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

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

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

ACTING PRESIDENT MAZIARZ: Reports of standing committees.

The Secretary will read.

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

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

ACTING PRESIDENT MAZIARZ: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Those opposed, nay.

(No response.)

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

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

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

(Applause.)

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

Senator Skelos.

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

ACTING PRESIDENT MAZIARZ: The Secretary will read.

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

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

ACTING PRESIDENT MAZIARZ: Senator Johnson.

SENATOR JOHNSON: Move the nominations.

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

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

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

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

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

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

whom were placed with him for extended periods of time.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Thank you, Senator.

Senator Balboni.

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

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

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

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

I support both of them heartily, Mr. President.

ACTING PRESIDENT MAZIARZ: Thank you, Senator Balboni.

Senator Parker.

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

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

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

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

ACTING PRESIDENT MAZIARZ: Thank you, Senator Parker.

Senator Maltese.

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

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

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

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

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

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

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

ACTING PRESIDENT MAZIARZ: Thank you, Senator Maltese.

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

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

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

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

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

Thank you.

ACTING PRESIDENT MAZIARZ: Thank

you, Senator Morahan.

Senator Stavisky.

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT MAZIARZ: Thank

you, Senator Stavisky.

Senator Carl Kruger.

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

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

Thank you.

ACTING PRESIDENT MAZIARZ: Thank you, Senator Kruger.

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Those opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The nominations are confirmed.

Gentlemen, congratulations.

Oh, I'm sorry. Senator Krueger.

SENATOR LIZ KRUEGER: Thank you very much.

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

Thank you.

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

SENATOR LIZ KRUEGER: On Jeffrey Wiesenfeld.

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

Senator Schneiderman.

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

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

SENATOR SCHNEIDERMAN: Yes on Mr. Sutton.

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

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

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

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

(Applause.)

ACTING PRESIDENT MAZIARZ:

Senator Skelos.

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

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

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

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: The Senate will stand at ease.

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

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

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

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

at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read the report of the Judiciary Committee.

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

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Applause.)

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

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

ACTING PRESIDENT MEIER: Senator Maziarz.

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

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

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

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

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

And I proudly second this nomination, Mr. President.

ACTING PRESIDENT MEIER: Senator Rath.

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

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

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

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

ACTING PRESIDENT MEIER: Senator Coppola.

SENATOR COPPOLA: Thank you, Mr. President.

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Volker.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

ACTING PRESIDENT MEIER: Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

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

I've had the opportunity to know

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any

other Senator wish to be heard on the nomination?

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

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

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Hannon.

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

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

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

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

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

Congratulations, Tom.

ACTING PRESIDENT MEIER: Senator Fuschillo.

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

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

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

ACTING PRESIDENT MEIER: Senator LaValle.

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

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

And I'm very, very happy that the

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Thank you, Senator DeFrancisco.

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

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

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

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

Thank you, Mr. President.

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

(Laughter.)

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

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

Judge, congratulations.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

ACTING PRESIDENT MEIER: Senator Bruno.

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

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

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

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

(Applause.)

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Maziarz.

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

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

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

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

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

Thank you.

ACTING PRESIDENT MEIER: Senator Volker.

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Little.

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

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

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

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

Thank you.

ACTING PRESIDENT MEIER: Senator Libous.

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

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

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

ACTING PRESIDENT MEIER: Any

other Senator wish to be heard on the nomination?

Senator Paterson.

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

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

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

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

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

Thank you.

ACTING PRESIDENT MEIER: Senator Skelos.

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

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

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

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

(Laughter.)

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

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

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

SENATOR DeFRANCISCO: Thank you, Mr. President.

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

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

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

So congratulations. I'm very happy for you.

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

(Standing ovation.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Judge O'Connor is with us in the

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

Judge O'Connor, congratulations.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

ACTING PRESIDENT MEIER: Senator Spano.

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

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Volker.

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

yet."

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

Good luck to you in your future as a judge.

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

And we wish you well, judge.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

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

ACTING PRESIDENT MEIER: Any

other Senator wish to be heard on the nomination?

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

Congratulations, Judge.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

the Court of Claims.

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

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

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

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

Congratulations, Gina. I move the nomination.

ACTING PRESIDENT MEIER: Senator Robach.

SENATOR ROBACH: Yes,

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

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

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

I'm happy to second and move the

nomination.

ACTING PRESIDENT MEIER: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Mr. President.

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

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

ACTING PRESIDENT MEIER: Senator Maltese.

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

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

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

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

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

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

ACTING PRESIDENT MEIER: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

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

chamber.

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

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

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

Thank you.

ACTING PRESIDENT MEIER: Senator Marcellino.

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

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

ACTING PRESIDENT MEIER: Senator Volker.

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

So I just wanted to second her nomination.

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those

opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

Congratulations, Your Honor.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

ACTING PRESIDENT MEIER: Senator Rath.

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

to second the nomination of Judge Walker.

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

And congratulations, Judge.

ACTING PRESIDENT MEIER: Senator Maziarz.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Volker.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

Judge, congratulations.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will read.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

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

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

ACTING PRESIDENT MEIER: Senator Bruno.

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

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

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

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

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

by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

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

Judge, congratulations and best wishes to you.

(Applause.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

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

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

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

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

ACTING PRESIDENT MEIER: The Senate will please come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, can you gavel us back into regular session.

Oh, that's what you did?

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

(Laughter.)

ACTING PRESIDENT MEIER: The Senate will come to order.

Senator Bruno.

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

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

ACTING PRESIDENT MEIER: Motions and resolutions.

The Secretary will read.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Bruno.

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

Thank you, Mr. President.

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

The Senate will stand at ease

pending the return of the Finance Committee report.

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

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

ACTING PRESIDENT MEIER: Senator Bruno.

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

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

ACTING PRESIDENT MEIER: Reports of standing committees.

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

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

Reports of standing committees.

The Secretary will read.

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

As a member of State Council on the

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

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: All those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Senator Paterson.

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

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

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

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

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

(Laughter.)

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

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

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

the next coming years.

(Laughter.)

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

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

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

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

Thank you.

ACTING PRESIDENT MEIER: Senator Bruno.

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

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

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

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

(Laughter.)

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

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

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

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

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

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

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

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

abilities.

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

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

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

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