NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 27, 2007

3:09 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I would ask everyone assembled to please rise and recite with me the Pledge of Allegiance.

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

THE PRESIDENT: Our invocation today will be delivered by the Reverend Robert Richardson, of the North Central Assembly of God, in North Syracuse.

REVEREND YOUNG: Let us pray.

Good afternoon, Father. This is the day that You have made; we will rejoice and be glad in it.

We acknowledge, Father, that You govern in the affairs of men and that there is no authority but what comes from You.

And so I pray, Father, that this body is -- they exercise the authority that You've granted them, that they would do so as those under authority, that they would serve with humility and also with wisdom. And we know that the fear of the Lord is the

beginning of wisdom.

We pray that they would rule with integrity and to bring justice and to prosper the people of this great state.

In Jesus' name, I pray. Amen.

THE PRESIDENT: Thank you, Father.

And thank you, Senator DeFrancisco, who wanted to inform this chamber that Syracuse University has won another game.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, February 26, the Senate met pursuant to adjournment. The Journal of Sunday, February 25, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate 858.

THE PRESIDENT: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, I move that we adopt the Resolution Calendar, with the exception of Resolutions 517 and 616.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, excepting Resolutions 517 and 616, please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar, with exceptions, is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 517, by Senator

Winner, have the title read, move for its immediate adoption and open it up for sponsorship.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Winner, Legislative Resolution Number 517, memorializing Governor Eliot Spitzer to proclaim May 21 through May 28, 2007, as Mitochondrial Disease Awareness Week in the State of New York.

THE PRESIDENT: All in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, we'll put everybody on the resolution. If they wish not to sponsor it, they should notify the desk.

And if we could take up Resolution 616, by Senator Maltese, have the title read

and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Maltese, Legislative Resolution Number 616, memorializing Governor Eliot Spitzer to proclaim Tuesday, March 6, 2007, as Arts Day in the State of New York.

THE PRESIDENT: All those in favor.

(Response of "Aye.")

THE PRESIDENT: Those opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. We'll put all members on the resolution. If they wish not to cosponsor, they should notify the desk.

And if we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: All members will be included in Resolutions 517 and 616. Those

members wishing not to be on the resolutions please indicate so at the desk.

SENATOR SKELOS: Mr. President, I believe there's one substitution at the desk. If we could make it at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 15, Senator Golden moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 4697 and substitute it for the identical Senate Bill Number 2509, Third Reading Calendar 177.

THE PRESIDENT: Substitution ordered.

We will now have the noncontroversial reading of the calendar. The Secretary will read.

THE SECRETARY: Calendar Number 11, by Senator Skelos, Senate Print 432, an act to amend the Penal Law, in relation to sexual assault.

THE PRESIDENT: The Secretary will read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the first of November.

THE PRESIDENT: The Secretary will please call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 56, by Senator Rath, Senate Print 675A, an act to amend the Penal Law and others, in relation to establishing the offense of aggravated murder of a child.

THE PRESIDENT: Last section.

THE SECRETARY: Section 24. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 39. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 59, by Senator Flanagan --

THE PRESIDENT: Senator Rath, why do you rise?

SENATOR RATH: I wanted to explain my vote.

THE PRESIDENT: Without objection, Senator Rath to explain her vote on Senate 675A.

SENATOR RATH: Thank you, Mr. President.

I want to thank all of my colleagues for their support. This bill, you may recall when we talked about it on the floor last year, was Nixzmary's Bill. The kind of circumstance that happened to that child should never happen to any child anywhere, any time.

This piece of legislation will act as a deterrent. It will act as a model piece of legislation, I think, for other places in the country that have not experienced such a heinous crime as happened here in New York State. And I am very proud to see the Senate get behind this thing the way we have today.

Thank you.

THE PRESIDENT: Senator Rath will

be recorded in the affirmative.

The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 59, by Senator Flanagan, Senate Print 697, an act to amend the Penal Law and the Correction Law, in relation to endangering the welfare of a child.

THE PRESIDENT: Last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 43.

THE PRESIDENT: The bill is passed.

Could we have a little order in the chamber before I have to find out if this thing really works.

(Laughter.)

THE SECRETARY: Calendar Number 115, by Senator Maziarz, Senate Print 510, an act to amend Section 1 of Chapter 536 of the Laws of 2006.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 116, by Senator Maziarz, Senate Print 520, an act to amend the Real Property Tax Law, in relation to the small claims assessment review program.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 120, by Senator Skelos, Senate Print 2271A, an act to amend Chapter 20 of the Laws of 2006, amending the Real Property Tax Law.

THE PRESIDENT: The Secretary will read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 151, by Senator Flanagan, Senate Print 832, an act to amend the Penal Law, in relation to the commission of aggravated sexual abuse.

THE PRESIDENT: Last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 154, by Senator Saland, Senate Print 1072, an

act to amend the Criminal Procedure Law, in relation to expanding.

THE PRESIDENT: Last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of the calendar month next succeeding.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 155, by Senator Saland, Senate Print 1073, an act to amend the Criminal Procedure Law, in relation to authorizing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 158, by Senator Saland, Senate Print 1085, an act to amend the Penal Law, in relation to consecutive sentencing.

THE PRESIDENT: Last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 159, by Senator Saland, Senate Print 1086, an act to amend the Penal Law and others, in relation to offenses involving sexual performances by a child.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 177, substituted earlier today by Member of the Assembly Silver, Assembly Print Number 4697, an act to amend the General Municipal Law and others, in relation to accidental death benefit.

THE PRESIDENT: Last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

That completes the noncontroversial reading of the calendar, Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

There will be an immediate meeting

of the Rules Committee in the Majority Conference Room.

And the Senate will stand at ease pending the report of the Rules Committee.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

The Senate will stand at ease at this time.

(Whereupon, the Senate stood at ease at 3:22 p.m.)

(Whereupon, the Senate reconvened at 3:30 p.m.)

THE PRESIDENT: 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 at this time.

THE PRESIDENT: The Secretary will read.

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

Senate Print 3122, by the Senate

Committee on Rules, an act to amend the Civil Service Law and the State Finance Law;

And Senate Print 3123, by the Senate Committee on Rules, an act to amend Chapter 113 of the Laws of 2006.

Both bills ordered direct to third reading.

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

THE PRESIDENT: All those in favor.

(Response of "Aye.")

THE PRESIDENT: Opposed.

(No response.)

THE PRESIDENT: Without objection, the Rules report is accepted.

SENATOR SKELOS: Mr. President, if we could take up Calendar 182, Senate 3122 at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 182, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 5843 and substitute it

for the identical Senate Bill Number 3122, Third Reading Calendar 182.

THE PRESIDENT: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 182, by Member of the Assembly Abbate, Assembly Print Number 5843, an act to amend the Civil Service Law and the State Finance Law.

SENATOR SKELOS: Mr. President, is there a message of appropriation at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: All in favor.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

SENATOR SKELOS: Mr. President, if we could take up Calendar Number 183, Senate 3123.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 183, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 5844 and substitute it for the identical Senate Bill Number 3123, Third Reading Calendar 183.

THE PRESIDENT: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 183, by Member of the Assembly Abbate, Assembly Print Number 5844, an act to amend Chapter 113 of the Laws of 2006, amending the

Civil Service Law and others.

SENATOR SKELOS: Mr. President, is there a message of appropriation at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: All in favor.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could continue with reports of standing committees, I believe there's a Finance report

at the desk. I ask that it be taken up at this time.

THE PRESIDENT: The Secretary will read.

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

As commissioner of the Department of Agriculture and Markets, Patrick M. Hooker, of Richfield Springs.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President, move the nomination.

And if you would recognize Senator Young, please.

THE PRESIDENT: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I am so pleased and proud to second the nomination of Patrick Hooker as commissioner of the Department of Agriculture and Markets in New York State.

And as someone who is chair of the Senate Agriculture Committee, I have never seen so much excitement in the farming

community across the state to have Patrick's leadership as far as dealing with some of the very significant issues that we're facing in agriculture right now.

Patrick is someone who grew up on a farm. He currently lives on a farm. He says he still has a few horses around. But he understands thoroughly the challenges that we are facing.

Agriculture is still the number-one industry in New York State, and we have many difficulties that we have to iron out. Things, for example, in the dairy industry, where we're facing a crisis right now. We have several blights and diseases that are attacking our crops.

We have to solve those issues. But at the same time we have so many wonderful opportunities -- things like biofuels. We were talking about ethanol this morning during the confirmation process. Things like getting our upstate products, our vegetables and fruits, in New York City markets.

We have the opportunities and I believe that we have the leadership, with

Commissioner Hooker, to get the job done.

He has a wonderful background. He graduated from SUNY Morrisville with an associate's agricultural science degree in May of 1982, a couple of years ago, and then he went on to Cornell University, where he earned his bachelor's degree in 1984.

But what I like very much about Mr. Hooker is the fact that he has worked in state government for many, many years, first in the Assembly and also in the Senate, as the Agriculture Committee director. And that is invaluable experience that he will put forward.

And on top of that, he has worked at the Farm Bureau, public policy director, led their efforts in dealing with the Legislature and the Governor's office to make sure that we thoroughly understood what the farming community wanted and needed.

He lives in Otsego County. And one thing that I did not know about him until just this very minute is that he's a triathlete and he's earned the title of Adirondack Tin Man, which is great.

Pat is joined by his family today. His wife is here, Karen Hooker, who is spokesperson for Bassett Hospital. He also has brought along his two children, Mitchell and Erica. And I asked them earlier if they were going to call him "the Commish," and they said they weren't sure yet, at home.

And his mom, Trudy Hooker, is here. And I know this is a very meaningful day for the entire family, but especially for mom, because Patrick's dad passed away within recent years. And I know that this is something that he's looking down on and he's very proud of today too.

I also want to point out that my former colleague in the Assembly, Dan Hooker, is here today. And so I send my greetings to you too, Dan.

But I look forward to working very closely with you to make sure that we're paying enough attention to agriculture and that it not only survives in New York State but that it thrives. And I know that you know the industry up and down, inside and out. And I think -- in fact, I know that we will get a

lot done for agriculture in the coming years.

THE PRESIDENT: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

I rise to enthusiastically second the confirmation of Patrick Hooker to be our next commissioner of Agriculture and Markets. He's a resident of the 51st Senatorial District. But even if he was not, I would still rise in support of this great confirmation.

And I congratulate the Governor for making this nomination, because Pat Hooker is eminently well qualified to lead agriculture at this very critical juncture in New York State.

As Senator Young has indicated, Pat Hooker is a product of two great colleges here in New York State, SUNY Morrisville and Cornell University. He honed his skills as a staffer here in the Senate and also with the Assembly -- I think that's really where he got the great skills that he has, right here in the Legislature as a staff member -- then went on to be a great spokesman and representative

of the agriculture community through his years at the Farm Bureau.

He's a well-known quantity here at the Capitol and throughout state government, but also he's very well known and respected in the agricultural community as well, through his years of service in the various capacities impacting agriculture.

And I know those contacts and that confidence that everyone in the agricultural industry -- whether it be the farmers on the farm right up through the food processors -- everyone associated with that industry respects Pat Hooker. And I think that's going to be a great thing moving forward.

But Pat not only talks the talk, he walks the walk in terms of agriculture. He and his wife, Karen, and their children live on a 360-acre farm near Richfield Springs. They raise hay, board horses, produce maple syrup. That sap ought to be running out today, isn't it, Pat?

And there's no question that agriculture today faces many challenges, not the least of which is the price of milk, which

is very, very low at a time when expenses on the farm are very high. That's a tremendous challenge, and there are many others.

But it's also a time of great opportunity for agriculture, whether it be in expanding markets for agricultural products, having farmers participate in moving our state forward in the alternative fuel business. That's going to mean some great opportunities on the farm.

And it's very important for our economy that we meet these challenges and take advantage of these opportunities. Because as agriculture goes, so goes our New York economy, particularly upstate. So it's critically important that we meet these challenges and take advantage of these opportunities.

And I know Pat Hooker, as our next commissioner, he is going to help us a great deal along these lines, because he's energetic, articulate and very able. And he's going to be a great commissioner of Ag and Markets.

So I'm very proud to stand to

support this confirmation. I congratulate Pat, the entire Hooker family, as well as the Governor for making this nomination. This is a great day for agriculture. It's a great day for New York State.

THE PRESIDENT: Thank you, Senator Seward.

The chair recognizes Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President. I too want to rise and join my colleagues Senator Young and Senator Seward.

And just to add my voice of support, I have a great deal of farming communities in my Senate district. And in the past, when Pat was a staffer here and then when he went over to the Farm Bureau, he was always on top of issues involving farms.

As Senator Seward pointed out, there's a lot of challenges out there today, particularly at dairy farms, small dairies, and fruit and vegetable growers, with invasive species that we have and various organisms that are coming into play today.

But really to have somebody with the experience of Commissioner Hooker is, I think, a great move on the part of this Governor -- and Lieutenant Governor, by the way.

And I know that we around this arena know of Pat's abilities and everything, but it's great that his mom and his wife and his kids are here too, because I think it shows you how much respect and admiration that we have on both sides of the aisle, and across the board here in both houses, that we have for your husband and your son and your father.

Thank you, Mr. President.

THE PRESIDENT: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

We all know that it has to start somewhere. And though Pat is not a resident of my county -- he's a neighbor -- I know that he got his start in my district when he attended the Oswegatchie Camp for Future Farmers of America in Croghan. And I'm sure that he had some fond memories from that time, and I know it really developed his leadership

skills, because he was then selected as a New York State Future Farmers of America president.

So I have gotten to know Pat because I knew his wife, Karen, who was a television reporter at WKTV in Utica who covered me as mayor and county executive. And I can say simply that she was one of the finest reporters and journalists that I've had the chance to work with. They are a great family.

He does possess great knowledge and experience. There are many critical issues that are facing agribusiness, and it is so vital to the future of this state. But I am confident in his ability and the partnership that he has with his wife and family that we have someone who has the energy. He's a Tin Man who doesn't need oil, and he will be very aggressive in developing new ideas and concepts to face the critical issues that confront this state and this particularly important agribusiness component of our economy.

So I also today am proud to

congratulate the Hooker family and know that we have an outstanding and exceptional public servant but, more importantly, an extraordinary human being here to lead us in the future.

Congratulations to the Hookers, and I look forward to working with you to advance agriculture and to make this a very successful four years.

THE PRESIDENT: Senator Maziarz -- sorry. Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. They mistake us -- a lot alike -- often.

Mr. President and my colleagues, I rise to echo the comments of Senator Young and Senator Seward for their complimenting this outstanding appointment. It is indeed a blessing to see someone so well suited for a particular position, one who is skilled in the realities of our state's number-one industry as well as the policies that affect that industry.

And from his experience -- I didn't realize that he launched his career in your

district, Senator Griffo, but it certainly was a great place from which to launch.

To see him, though, come into this environment in the State Legislature, where I had my first workings with Pat Hooker in the New York State Assembly, then again in the New York State Senate, we really do appreciate having someone who understands the legislative process, who understands real farming, who understands ag policy -- all brought into one very, very intelligent and dynamic individual.

Senator Seward mentioned the challenges of agriculture. And frankly, we see our number-one industry challenged in many different ways. That agriculture bears the brunt first of global competition. The world was flat for agriculture long before it was flat for other manufacturing enterprises.

The challenges of growing product in crop in this state have long been met with the experience of applied researchers at Cornell University. And I know Commissioner Hooker is well aware of what that resource is all about. That we like to think that in the Central Finger Lakes, the swath of territory

between Ithaca, with the situs of Cornell, north into the Experiment Station, which has been doing applied agriculture research in Geneva, New York, for over 150 years, that that region of the state will hold the key to many components of our value-added agriculture of the 21st century.

Pat Hooker, before the Ag Committee, certainly demonstrated his awareness of how food science is the key and then how research in food science can help revitalize the upstate economy.

The other components of agriculture that are becoming new, in the sense that agriculture holds the key -- as the skyrocketing price of oil, now again over $60 a barrel, and we're certainly not going to be seeing oil prices stable or on the decline in the near future. But to see agriculture as the key to our energy production, both through the production of fuels to drive our automobiles, like ethanol, as well as to see commodities that come from the farm be used for other energy production.

That is something that the

commissioner, that Pat Hooker as commissioner, will be well suited to bring us out of the regulatory morass that has existed with the generation and wielding of energy, so that here agriculture can be a key component to our energy needs.

The commissioner is well-stated, well-positioned, well-educated, well-backgrounded for this position. And that I am very proud to cast my vote of support for Pat Hooker, Commissioner of Agriculture.

Thank you, Mr. President.

THE PRESIDENT: Thank you very much, Senator Nozzolio.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

I too rise to join my colleagues in acknowledging the expertise that Pat Hooker brings to the position of Commissioner of Agriculture.

And I've had numerous occasions when Pat has been in the district -- he's no strange to the North Country. He's well aware of the importance of agriculture as the

cornerstone of the economy in the North Country.

I'm particularly pleased to see that the Governor has nominated Pat. I think he brings the expertise to the agency that has long been part of the standard of being Commissioner of Ag in this state, which remains a preeminent state in the nation when it comes to agriculture.

Pat is up to that task of maintaining that strong tradition. He brings the background, the knowledge, the firsthand experience, the day-to-day experience of paying taxes on a farm. He knows what property taxes do to a farmer. He knows what the cost of energy does to a farmer. He's going to bring that firsthand knowledge to assist us in developing the policies that this state needs to move forward, to grow the economy, to change the diversity of agriculture, and to strengthen the upstate economy.

I'm very pleased to rise and join my colleagues in supporting the nomination. Congratulations, Commissioner, and to all of

your family.

THE PRESIDENT: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President. I too rise in support of the nomination of Pat Hooker as Commissioner of the Department of Agriculture and Markets.

I think it is important for all of us as members of this Senate to step back for a moment and realize that today begins the process of confirming a slate of new commissioners who will head the executive agencies of state government under our new Governor.

And we think back only a few short months ago, when the first nominations were being made, and the Governor made very clear that it was his intent to find the best and the brightest to head his executive agencies. And we begin today with certainly one of the best and one of the brightest.

As we have heard from my colleagues on the other side of the aisle, Pat Hooker has a distinguished career working for the New York State Farm Bureau, and in other capacities prior to that, in regard to support

of the agriculture industry. And the Governor would be hard-pressed to find anyone better and brighter than Pat Hooker to serve as Commissioner of the Department of Agriculture and Markets.

So, Pat, congratulations. I very much look forward to working with you. I know all of us do here in this chamber. But certainly the farmers and everyone associated with the agriculture industry is very excited about this nomination today. Congratulations.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

This morning Pat Hooker appeared before the Senate Committee on Agriculture, and it was very, very apparent how knowledgeable he was. I made a comment -- Pat graduated May of 1984 from Cornell. And my comment was, after looking at his resume, that in that May graduation I think he said to himself he wanted to be Commissioner of Agriculture. And he, you could see in a very lockstep way, has moved through, gaining valuable experiences, and will make just a

great commissioner.

And I think the Governor should be congratulated on this appointment. It's really a good one. And the entire farm community will benefit from his expertise. He'll bring a lot of energy to the position and I'm sure, using Governor Spitzer's words, a lot of transparency to the agency as he moves forward.

Thank you, Mr. President.

THE PRESIDENT: Is there any other Senator that would like to speak on this nomination?

Hearing none, the question is on the confirmation of Patrick M. Hooker, of Richfield Springs, as Commissioner of the Department of Agriculture and Markets.

All those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Patrick M. Hooker, of Richfield Springs, you are hereby confirmed as Commissioner of Agriculture and

Markets.

Mr. Hooker is here today with his wife, Karen, his daughter, Erica, his son, Mitchell, and his mother, Trudy.

As per the remarks of Senators Young and Maziarz, Seward, Griffo, Nozzolio, Wright, Valesky and LaValle, congratulations to all of you and best wishes as Commissioner of the Department of Agriculture and Markets.

(Applause.)

THE PRESIDENT: Congratulations to a Tin Man that doesn't need oil.

(Laughter.)

THE PRESIDENT: So says Senator Griffo.

The Secretary will read.

THE SECRETARY: As state director of the Division of Probation and Correctional Alternatives, Robert M. Maccarone, Esquire, of White Plains.

SENATOR SKELOS: Move the nomination, Mr. President.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, here too we have before us an outstanding nominee to be the commissioner or state director of the Division of Probation and Correctional Services.

Robert Maccarone has been before this Senate before. He has served in the capacity that he is now being confirmed for already, so this is a reappointment. But it's a reappointment that the Committee on Crime Victims, Crime and Corrections was extremely impressed that Governor Spitzer would continue the service of Bob Maccarone, because he certainly deserves to continue in his important responsibility.

Bob Maccarone has demonstrated clearly, time and again, his understanding of the criminal justice system, his involvement with parole. His advice and counsel to the committee today was invaluable as we look to legislative measures to make our streets safer, make our prisons and other criminal justice systems work more effectively and efficiently.

This is truly an individual who has done an outstanding job in the job, and that

I'm very pleased that Governor Spitzer, and I know the committee is pleased that Governor Spitzer would continue Bob Maccarone's appointment. It's an excellent one, very well deserved, and we certainly fully support it.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Nozzolio.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I rise to add my nomination to that of Bob Maccarone as someone from Westchester County who had known his work and who has revered the kinds of passion that he brings to this job.

I have not always been a champion of many of our people in parole and corrections in the past, but I think that Bob stands head and shoulders above the crowd, that he understands the job that he has to do and does it with compassion. And somehow that sounds like an oxymoron, but in this individual he's successful in doing both very well.

So I am very pleased to stand and

second this nomination for Bob Maccarone.

Thank you.

THE PRESIDENT: The question is on the confirmation of Robert M. Maccarone, of White Plains, as director of the Division of Probation and Correctional Alternatives. All those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Robert M. Maccarone, Esquire, of White Plains, you are hereby confirmed as the director of the Division of Probation and Correctional Alternatives.

Thank you for your previous service, and good luck in the future.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As commissioner of the Office of Alcoholism and Substance Abuse Services, Karen M. Carpenter-Palumbo, of Albany.

SENATOR SKELOS: Move the nomination, please, Mr. President.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I want to speak on this nominee.

The Governor has picked an excellent choice. And I apologize that I couldn't make the Finance Committee meeting; we were in another meeting. But I would have spoke on Karen Carpenter-Palumbo and talked about the relationship that I've developed working with her over the last 18 years, certainly in state service and out of state service.

I think the setting up of OASAS a number of years ago and working together to make this division and this state agency become more productive is something that she will do an outstanding job at.

I think very often alcoholism is a disease that is sometimes left by the wayside, and it affects a number of individuals. It doesn't matter if you're a professional, it doesn't matter if you're rich or poor. And I

think that this nominee will do an excellent job in bringing to the forefront the issues that need to be addressed as we move forward.

And Governor Spitzer has done a great job here. I look forward to working with Karen. And certainly this body, I think, will see that she will be a tremendous asset to his cabinet and the State of New York.

THE PRESIDENT: Senator Sampson.

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

I too rise to congratulate the Governor for this nomination of Karen M. Carpenter-Palumbo. She came before the Health Committee today, which Senator Hannon chairs. And, you know, what she talked about was the issue of prevention, making sure that we take the needed resources that are needed to make sure we concentrate on prevention, but also treatment. But the most important thing is prevention.

She will definitely be at the forefront of what needs to be dealt with, especially this whole issue of alcoholism, drug abuse, but most of all prescription drugs

that our young children are using at this point in time in this era in their lives.

So I see that she's going to bring vitality to this administration. But most of all, she understands the cares and the concerns that all of my colleagues have when we're talking about the status of our young people.

So once again I want to congratulate the Governor, I want to congratulate Ms. Palumbo on doing an excellent job.

Thank you very much, Mr. President.

THE PRESIDENT: The question is on the confirmation of Karen M. Carpenter-Palumbo, of Albany, as commissioner of the Office of Alcoholism and Substance Abuse Services.

All those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Karen Carpenter-Palumbo, of Albany, you are hereby

confirmed as commissioner of the Office of Alcoholism and Substance Abuse Services.

Ms. Palumbo has with us in the gallery today her husband, Bob Palumbo, her children, Kyle and Kyra, her mother, Mary Ellen Carpenter, and her sisters, Christine, Colleen, and C.J. Carpenter. Welcome to all of you.

Karen Carpenter-Palumbo, you've been distinguished in the field of substance abuse services for a very long time. Congratulations on this confirmation.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As director of the Office for the Aging, Michael J. Burgess, of Delmar.

SENATOR SKELOS: Move the confirmation.

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, I'll yield to Senator Golden.

THE PRESIDENT: Senator Maziarz yields to Senator Golden. This was the second

opportunity we gave Senator Maziarz to speak today that he's declined.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

It's a privilege to rise today and to approve and have this process not only nominate but make Michael Burgess the director of SOFA.

He's a highly motivated change agent who made things happen. Over his lifetime he's belonged to many, many different not-for-profit organizations, and some of which that he's just retired from as an advocate, the New York State Alliance for Retired Americans and the New York Statewide Senior Action Council, of which he has been involved over many years.

He was also a past employee, I believe, of SOFA many, many, many years ago. And understanding this system across the state is what we need as a director in SOFA.

If it were up to me -- and it's not, it's up to our good Governor to make sure that the responsibilities given to this new

director are increased and that the dollars allocated to SOFA are also increased. Because we believe a man like Mike Burgess can get the job done. He understands the 3 million seniors we have here today in the state of New York that will grow over the next 10 to 15 years to 5 1/2 million seniors. He knows that the "Silver Wave" is on its way. And he knows that those seniors are going to have a lot of needs, such as housing, such as pharmacy and prescription drugs, such as Medicaid, Medicare. And he is going to play an instrumental role in making sure that the seniors of today and tomorrow are met, with their challenges that they present to this state, by a director that gets it.

So I nominate Michael Burgess for director of SOFA. Thank you.

THE PRESIDENT: Just a little extra quiet in the house as Senator Maziarz will address the house.

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

I want to join my colleague, the chair of the Senate Aging Committee, Senator

Golden. As a former chair of that committee, I had the opportunity for a number of years to work with Michael Burgess in his various roles with senior advocacy groups. And Michael was always professional, he was always well informed, and he always had the best interest of New York's senior population at heart.

Many years ago it was very evident that time had passed the EPIC program by, that the EPIC program rules and regulations were not friendly to seniors. And working with my colleague Senator Morahan and our committee -- and without the invaluable help and research by Mike Burgess, the much better, improved EPIC program that we currently have in New York, which is serving almost, almost four times the number of seniors that it served back in the late 1990s, would not have been possible without the expertise of Michael Burgess.

I commend the Governor, the Lieutenant Governor -- for the second time today -- on this very, very good appointment.

Thank you, Mr. President.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

I rise to join my colleagues in recognizing Michael Burgess. And I want to point out while the record officially shows that he is from Delmar, it should also reflect that he is a native son of the North Country, in Watertown, and is a frequent visitor to the North Country, as his mother still resides there.

And later this week I am -- in fact, I probably will be seeing her as I meet with representatives of the Senior Action Council from St. Lawrence County, who have taught their lessons well to Michael.

I've had occasion to work with him, as I believe most everyone in this chamber has over the last number of years, as he has been a very strong advocate, an advocate that demonstrates passion for his constituency and at the same time passion for their concerns and needs. And he's been a very articulate spokesman, educating each and every one of us in the needs of a population that I think we all prize and hold very sacred.

So I look forward to working with you, Mike. I want to extend my personal congratulations. Everybody back home is very proud of you. You're a success story, coming from the North Country. But more importantly, you will serve the people of this state very well. Congratulations.

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

I rise also in proud support of Mike's nomination and in support of his confirmation.

Mike, it's a great day for you, it's a great day for the Senate, it's a great day for the Governor, it's a great day for our seniors.

Congratulations, best wishes, good luck, and never forget EPIC. Thank you.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I also rise in congratulations and support for the confirmation of Michael Burgess to be our commissioner of the Office

for the Aging.

I've known Michael Burgess since the 1980s, when we were both advocates together working on behalf of social welfare programs and seniors statewide, when he was the director of a group called CENSES, the Statewide Emergency Network for Social and Economic Security. And then I've known him as he went on to the Nonprofit Resource Center, and then to New York State Statewide Action Council, and then the New York State Alliance for Retired Americans.

And what I think is terrific about his history as an advocate for seniors leading him to be the next commissioner on behalf of seniors in this state is that he is both grounded in the issues, he's committed to the issues of seniors, and since he has traveled statewide now for decades, learning what kind of programs are out there, what are the needs of senior citizens throughout the state, the different needs that maybe one thing needed in upstate rural New York, another set of issues needing addressing in big urban areas such as New York City -- he not only has talked to the

people whose lives will be affected in his new position as commissioner, he's also gotten to know intimately the direct service providers, the advocates, the government representatives who he will need to continue to work with.

But he won't be starting as if it's a new job, he will be taking the knowledge and the information and the advocacy and the goals that he has set out for himself for decades and now have an opportunity to implement those ideas on behalf of the people of New York State.

So I don't think that Governor Spitzer could have found a better commissioner for the State Office for the Aging. And as I often say, because I am planning to be a senior, I need to make sure that we have good programs in place for seniors in this state.

And since so many of us, statistically, a much larger and larger percentage of the population in this state is in fact already seniors or going to be seniors, living much longer lives, it is a priority we need to pay more attention to, we need to focus more of our time and resources

towards.

And I know with Michael Burgess as the commissioner of the State Office for the Aging, we can count on him to continue to push us to do better for seniors in this state.

So I also congratulate him and look forward to working with him.

And thank you very much, Mr. President.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

If you've been listening to what the members of this house have said, the one word that keeps recurring is the word "advocate." I think everybody used the word "advocate" in describing Michael Burgess's background and the senior organizations whom he advocated for.

I think this is going to be a terrific nomination. I look forward to wonderful things coming from the State Office for the Aging, SOFA. And I congratulate Governor Spitzer on finding an advocate, an advocate with compassion and intelligence and

judgment.

And I think the people in this state, as the numbers increase, the numbers of the senior or what I prefer to call older adults increase, the responsibilities will increase and hopefully the funding will increase also.

Thank you, Mr. President.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to support the nomination of Mike Burgess as the director of the Office for Aging.

As the first chairman of the Office of Aging, as chairman emeritus, you know how old I'm getting. But I go back way back with Michael for a long time. And I can't think of anybody that has been more devoted to the elderly and more sincere in his efforts on their behalf than Mike Burgess.

I also was born and raised in Watertown, New York. And his father, incidentally -- if Mike is a legend as a young man in aging, his father was a TV and radio

legend as I grew up, Danny Burgess in Watertown. And Mike was nice enough to send me a book on the life of his dad, who was an absolute landmark, if you will, in the Jefferson County area.

Michael, you've done a terrific job on behalf of the elderly. I can't think of anybody who would be a better director than you. I know that for those of us -- and you can see all the members that have spoken on your behalf -- that feel how important it is to represent the elderly, we're very, very proud of you. You've had a sparkling career so far, and you're going on to greater things.

And I wish you well. Thank you for your service, Michael.

THE PRESIDENT: The question is on the confirmation of Michael J. Burgess, of Delmar, as director of the Office for the Aging. All those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Michael J.

Burgess, of Delmar, is hereby confirmed as director of the Office for the Aging.

Mr. Burgess is here today with his wife, Kate, his son, Joseph, and his daughter, Kathleen.

Congratulations, Mr. Burgess, and best wishes in your role in state government.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As chairperson of the Consumer Protection Board, Mindy A. Bockstein, of Brooklyn.

SENATOR SKELOS: Move the nomination, please.

Mr. President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Yes, I'd like to comment on the nominee. I know that she's going to be an excellent chairperson, but I just want to reflect back.

All of us have wonderful staff people that work with us in formulating legislation. And I'm going back 11 years ago -- and I know former Assemblyman Dan

Feldman is there -- when we worked very closely with Mindy in my office in creating Megan's Law.

And at that time there were a number of people that were not sure whether the law would work, it wouldn't work, whether it was constitutional or unconstitutional, whether philosophically it was the wrong way to go.

But I had the pleasure of working with Mindy day after day after day, and I can just say that we came up with what I believe is a very good product. But also I was really impressed by her temperament, her focus, and her ability to work with people.

So, Mindy, I congratulate you on this nomination and I look forward, in several seconds, to confirming you.

THE PRESIDENT: On the nomination, Senator Fuschillo.

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

Today the Committee on Consumer Protection met and moved the nomination to the Finance Committee. But it was clear from the

onset that this nominee has the necessary experience and qualifications, based on her over 25, 26 years of experience in public affairs in the policy area, and with Assemblyman Dan Feldman. Although Senator Flanagan said we shouldn't hold that against her.

But her work in the AG's office in the past couple of years ago has given her the necessary ability to run this office. And there's no on-the-job training for this nominee.

I commend the Governor. She'll be an excellent chairperson. I look forward to working with her.

Congratulations.

THE PRESIDENT: The question is on the confirmation of Mindy A. Bockstein, of Brooklyn, as chairperson of the Consumer Protection Board. All those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Mindy A.

Bockstein, of Brooklyn, New York, is hereby confirmed as chairperson of the Consumer Protection Board.

Supporting her today in the gallery is former Assemblyman Dan Feldman.

Ms. Bockstein, as was pointed out earlier by Senator Fuschillo and also Senator Skelos, has worked for a long period of time on a number of different issues.

And we all wish you well, Chairperson, as our chairperson of Consumer Protection in New York State. Thank you.

(Applause.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President, is there any further business to come before the Senate?

THE PRESIDENT: No, there is not, Senator.

SENATOR SKELOS: There being none, I move we stand adjourned until Wednesday, February 28th, at 11:00 a.m.

THE PRESIDENT: The Senate will reconvene on Wednesday, February 28th, at 11:00 a.m. Senate is adjourned.

(Whereupon, at 4:18 p.m., the Senate adjourned.)