

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 19, 2013

11 1:53 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR DIANE J. SAVINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT SAVINO: The  
3 Senate will please come to order.

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

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

8 ACTING PRESIDENT SAVINO: Today's  
9 invocation will be delivered by the Reverend  
10 Peter G. Young, of the Mother Teresa Community  
11 here in Albany.

12 FATHER YOUNG: Thank you, Senator.  
13 Let us pray.

14 As the legislative session draws to  
15 a close, we would like to honor all those men  
16 and women from New York State who have made the  
17 ultimate sacrifice in defense of our country.

18 For 54 years I have appreciated the  
19 privilege of offering your invocations. And  
20 now, returning from several leg operations, I  
21 have asked friends to assist me in a chorus  
22 support, to sing with you and join together in  
23 the song: Michael Roche, Michael Doegan, and  
24 Christopher Gil to sing "God Bless America," as  
25 a tribute to those people and for our country

1 and our Senate membership.

2 Amen.

3 (Whereupon, the guest chorus sang  
4 "God Bless America.")

5 (Sustained applause.)

6 ACTING PRESIDENT SAVINO: The  
7 reading of the Journal.

8 THE SECRETARY: In Senate,  
9 Tuesday, June 18th, the Senate met pursuant to  
10 adjournment. The Journal of Monday, June 17th,  
11 was read and approved. On motion, Senate  
12 adjourned.

13 ACTING PRESIDENT SAVINO: Without  
14 objection, the Journal stands approved as read.

15 Presentation of petitions.

16 Messages from the Assembly.

17 Messages from the Governor.

18 Reports of standing committees.

19 Reports of select committees.

20 Communications and reports from  
21 state officers.

22 Motions and resolutions.

23 Senator Libous.

24 SENATOR LIBOUS: Madam President,  
25 I believe, if you call on Senator Gianaris, he

1 has a motion.

2 ACTING PRESIDENT SAVINO: Senator  
3 Gianaris.

4 SENATOR GIANARIS: Thank you,  
5 Madam President.

6 On behalf of Senator Espaillat, I  
7 move to amend Senate Bill 1743B by striking out  
8 the amendments made on June 18th and restoring  
9 it to its previous print, 1743A.

10 ACTING PRESIDENT SAVINO: So  
11 ordered.

12 SENATOR GIANARIS: And on behalf  
13 of Senator Stavisky, I move that the following  
14 bill be discharged from its respective committee  
15 and be recommitted with instructions to strike  
16 the enacting clause: Senate Print 628.

17 ACTING PRESIDENT SAVINO: So  
18 ordered.

19 Senator Libous.

20 SENATOR LIBOUS: Thank you, Madam  
21 President.

22 On behalf of Senator Grisanti, on  
23 page 24 I offer the following amendments to  
24 Calendar Number 821, Senate Print 5054, and ask  
25 that said bill retain its place on the Third

1 Reading Calendar.

2 ACTING PRESIDENT SAVINO: The  
3 amendments are accepted, and the bill will retain  
4 its place on the Third Reading Calendar.

5 SENATOR LIBOUS: Madam President,  
6 at this time could we take up a previously  
7 adopted resolution by Senator Tkaczyk, and it's  
8 Number 3136. Read the title and call on the  
9 Senator, please.

10 ACTING PRESIDENT SAVINO: The  
11 Secretary will read.

12 THE SECRETARY: Legislative  
13 Resolution Number 3136, by Senator Tkaczyk,  
14 honoring the Hunter-Tannersville Central School  
15 District Odyssey of the Mind Team on being named  
16 2013 World Champions.

17 ACTING PRESIDENT SAVINO: Senator  
18 Tkaczyk on the resolution.

19 SENATOR TKACZYK: Thank you, Madam  
20 President.

21 I rise to welcome the 2013 World  
22 Champions to the Senate floor.

23 This is a team from  
24 Hunter-Tannersville Central School District, and  
25 the team members are here with us today: Troy

1 Bates, William Garrison, Neal Statts, Dylan Endy  
2 and Emily Farrell, along with their coaches Rich  
3 and Dawn Outtrim.

4 I really want people to understand,  
5 these are the Odyssey of the Mind world  
6 champions. And not only is this extraordinary in  
7 and of itself, Hunter-Tannersville Central School  
8 District is one of the smallest schools in my  
9 Senate district. They're on the top of Hunter  
10 Mountain, and they have 375 kids in their school,  
11 K through 12. Their senior class is less than  
12 40 members.

13 I was an Odyssey of the Mind coach  
14 when I coached my son's team, so I know how much  
15 time and dedication this competition requires.  
16 Winning the World Finals is a remarkable  
17 achievement.

18 The competition teaches students  
19 cooperation, respect for ideas of others, how to  
20 work together -- skills that will stay with them  
21 for a lifetime. It also teaches students to  
22 learn creative problem-solving methods and  
23 rewards thinking that is outside the box.

24 This team went to Michigan State  
25 University on May 22-25 to compete in the World

1 Finals competition. Before they got there,  
2 though, they had to compete and win in their  
3 regional competition against six other teams.  
4 They then competed in the state competition  
5 against 14 other teams.

6           They went as representatives of  
7 New York State to the world competition and  
8 competed against and defeated 47 teams in the  
9 World Finals, 39 from the U.S. as well as teams  
10 from Singapore, South Korea, Mexico, and Poland.  
11 This is an incredibly remarkable accomplishment  
12 for this team. Most of them are seniors who are  
13 going off to college. But what they accomplished  
14 could not have been done without the dedication  
15 of their coaches, Rich and Dawn Outtrim. This is  
16 not the first Odyssey of the Mind team they've  
17 coached, nor, I expect, will it be the last.

18           And I know that their parents are  
19 also here, and what they accomplished could not  
20 have been done without the support of their  
21 parents.

22           I know the people of  
23 Hunter-Tannersville Central School District,  
24 Greene County, and the State of New York are very  
25 proud of this team for their great achievement,

1 and I ask you all to join me in welcoming and  
2 congratulating them.

3 Thank you.

4 (Standing ovation.)

5 ACTING PRESIDENT SAVINO: This  
6 resolution was previously adopted on June 4th.

7 And we welcome the  
8 Hunter-Tannersville Central School District  
9 Odyssey of the Mind Team and congratulate you on  
10 being named 2013 World Champions.

11 Senator Libous.

12 SENATOR LIBOUS: Thank you, Madam  
13 President.

14 There will be an immediate meeting  
15 of the Energy Committee in Room 332, an immediate  
16 meeting of the Energy Committee in Room 332. And  
17 then we will stand at ease.

18 ACTING PRESIDENT SAVINO: There  
19 will be an immediate meeting of the Energy and  
20 Telecommunications Committee in Room 332.

21 Until then, the Senate will stand at  
22 ease.

23 (Whereupon, the Senate stood at ease  
24 at 2:02 p.m.)

25 (Whereupon, the Senate reconvened at

1 2:49 p.m.)

2 SENATOR LIBOUS: Madam President.

3 ACTING PRESIDENT SAVINO: Senator  
4 Libous.

5 SENATOR LIBOUS: There will be an  
6 immediate meeting of the Finance Committee in  
7 Room 332, an immediate meeting of the Finance  
8 Committee in Room 332.

9 ACTING PRESIDENT SAVINO: There  
10 will be an immediate meeting of the Finance  
11 Committee in Room 332.

12 The Senate will stand at ease.

13 (Whereupon, the Senate stood at ease  
14 at 2:50 p.m.)

15 (Whereupon, the Senate reconvened at  
16 4:09 p.m.)

17 ACTING PRESIDENT SAVINO: Senator  
18 Libous.

19 SENATOR LIBOUS: Madam President,  
20 can we go to reports of standing companies. I  
21 believe there's a report of the Finance Committee  
22 at the desk.

23 ACTING PRESIDENT SAVINO: Reports  
24 of standing committees.

25 The Secretary will read the report

1 of the Finance Committee.

2 THE SECRETARY: Senator  
3 DeFrancisco, from the Committee on Finance,  
4 reports the following nomination.

5 As commissioner of the Office of  
6 Temporary and Disability Assistance, Kristin M.  
7 Proud, of Loudonville.

8 ACTING PRESIDENT SAVINO: Senator  
9 DeFrancisco.

10 SENATOR DeFRANCISCO: Yes, thank  
11 you, Madam President.

12 I proudly, I proudly move the  
13 nomination of Kristin M. Proud for commissioner  
14 of the Office of Temporary and Disability  
15 Assistance.

16 There was a lot of discussion in the  
17 Senate Finance Committee, all extremely positive,  
18 about this nominee. And we're just very pleased  
19 that she's willing to take on this new position,  
20 because we know she's going to serve the State of  
21 New York well.

22 And I'd ask to move this nomination.

23 ACTING PRESIDENT SAVINO: Senator  
24 Farley on the nomination.

25 SENATOR FARLEY: Yes, thank you,

1 Madam President.

2 I'm very pleased to rise to support  
3 and second the nomination of Kristin Proud.

4 Let me just say something. She's a  
5 graduate of the State University of Albany, the  
6 School of Business, where I taught for many  
7 years, and was one of the most brilliant students  
8 they ever had there, graduated summa cum laude.

9 And you know, she not only has been  
10 a product of this Senate, she's been a product of  
11 the Assembly, was a giant over in the Ways and  
12 Means Committee, was described by some of the  
13 other members of this body as one of the most  
14 gifted people that ever served in the Assembly  
15 staff.

16 And you know, Kristin, we are so  
17 fortunate to have somebody of this talent and  
18 ability to literally take a pay cut to serve as  
19 commissioner. You know, the Governor is  
20 fortunate to be able to get people like this to  
21 serve because their salaries are frozen and so  
22 forth. And I know Senator DeFrancisco has  
23 legislation to help these commissioners to at  
24 least make more than the people that are working  
25 for them.

1                   And, Kristin, we are so fortunate to  
2                   have you serving our State of New York. You have  
3                   been described by another member, I think Madam  
4                   President said that Senator Klein said you were  
5                   the smartest woman he ever knew. And I think  
6                   that's quite a compliment too, because he's known  
7                   a lot of smart women.

8                   My colleagues, I urge the support of  
9                   this outstanding nominee because we're very  
10                  fortunate to have her in a position that is very,  
11                  very important.

12                  The best of luck to you, Kristin.

13                  ACTING PRESIDENT SAVINO: Senator  
14                  Gianaris on the nomination.

15                  SENATOR GIANARIS: Thank you, Madam  
16                  President.

17                  I want to add my words of support to  
18                  Kristin Proud. She and I have known each other  
19                  almost two decades, when I worked in the  
20                  Assembly, when she was one of the giants of Ways  
21                  and Means that Senator Farley referred to and I  
22                  was a counsel on the staff.

23                  And this will be one of those  
24                  moments when I agree with Senator Klein: She is  
25                  not only one of the smartest women I have ever

1 known, but one of the smartest individuals of any  
2 gender that I have known.

3 And I'm sure she's going to do an  
4 incredible job as the commissioner and, in the  
5 future, whatever other major responsibilities she  
6 undertakes. So I'm happy to encourage my  
7 colleagues to vote in support of this nomination.

8 ACTING PRESIDENT SAVINO: Thank  
9 you, Senator Gianaris.

10 Are there any other members wishing  
11 to be heard on the nomination?

12 Seeing none, the question is on the  
13 nomination of Kristin M. Proud, of Loudonville,  
14 to be the commissioner of the Office of Temporary  
15 and Disability Assistance. All those in favor  
16 signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT SAVINO: Opposed,  
19 nay.

20 (No response.)

21 ACTING PRESIDENT SAVINO: The ayes  
22 have it.

23 Congratulations, Kristin Proud.

24 (Standing ovation.)

25 ACTING PRESIDENT SAVINO: The

1 Secretary will read.

2 THE SECRETARY: As member and chair  
3 of the State Board of Parole, Tina Marie  
4 Stanford, of Saratoga Springs.

5 ACTING PRESIDENT SAVINO: Senator  
6 DeFrancisco.

7 SENATOR DeFRANCISCO: Yes, I move  
8 the nomination of Tina Marie Stanford, of  
9 Saratoga Springs, as a member and chair of the  
10 State Board of Parole.

11 And I just want to speak generally  
12 about the rest of the members of the Board of  
13 Parole that we'll be dealing with very shortly,  
14 that this is truly a great cross-section of  
15 New Yorkers. Too many people from Buffalo, but a  
16 great cross-section of Central New Yorkers.

17 (Laughter.)

18 SENATOR DeFRANCISCO: And of  
19 diverse backgrounds, ethnic backgrounds, but  
20 experience, diverse experience, from a Secret  
21 Service agent to a former New York City  
22 detective. I mean, this is a group that I can't  
23 wait till they have their Parole Board parties,  
24 because I want to talk to all of them over a  
25 beer.

1                   A very interesting, very great group  
2                   that we have here, and we compliment the  
3                   Governor.

4                   So back to business, I do move the  
5                   nomination.

6                   ACTING PRESIDENT SAVINO:    Senator  
7                   Gallivan on the nomination.

8                   SENATOR GALLIVAN:    Thank you, Madam  
9                   President.

10                  I stand to support the nomination of  
11                  Tina Stanford for the chairwoman of the Board of  
12                  Parole.

13                  I first met Tina back in the Erie  
14                  County days, Buffalo of course being the center  
15                  when she was in the DA's office, but have had a  
16                  long-standing relationship.  Most recently she  
17                  was the chair of the New York State Office of  
18                  Victims Services, did an outstanding job there  
19                  and worked with our committee.  And I look  
20                  forward to working with her in this capacity.

21                  And I also would like to speak in  
22                  general terms about the next six nominees that  
23                  will be placed before the body as members of the  
24                  Parole Board.

25                  Three are reappointments who I had

1 the privilege of working with -- and I think  
2 their renomination or reappointment by the  
3 Governor speaks volumes for their professionalism  
4 and their abilities -- and three new nominees.  
5 When combined, the depth and breadth of  
6 experience is really incredible.

7                   Senator DeFrancisco always says  
8 this, but I'll say it for him this time: Again,  
9 impressed by the Governor's nominees and the  
10 quality of people that they've brought before  
11 us. And I think it will bode well for the Board  
12 of Parole and, of course, the state.

13                   So I will in advance second all  
14 their nominations.

15                   Thank you.

16                   ACTING PRESIDENT SAVINO: Senator  
17 Hassell-Thompson on the nomination.

18                   SENATOR HASSELL-THOMPSON: Thank  
19 you, Madam President.

20                   I rise to echo -- and I very rarely  
21 echo anything that Senator DeFrancisco says. But  
22 today I do have to agree with him. I have to  
23 agree with him that the Governor has made a  
24 phenomenal choice not only in our chairwoman Tina  
25 Stanford, but also in each of the appointees.

1           I think it's important for me to  
2 stand here and make these comments because last  
3 year I'm sure that everybody is well aware of my  
4 displeasure with the Governor's failure to  
5 appoint anyone to this board of color,  
6 particularly with the number of inmates who  
7 represent disproportionately the numbers of  
8 people who are of black and Latino descent.

9           And so from that perspective I was  
10 more than gratified to see that this year the  
11 appointees not only met my expectations but  
12 exceeded them. And as each of people who have  
13 spoken have said today, it was a pleasure to sit  
14 this morning and to listen to each of them talk  
15 about themselves but, more importantly, to look  
16 at the resume and the lifework that each of them  
17 has contributed to doing public service for the  
18 State of New York and their desire to continue to  
19 do so.

20           And so therefore it gives me great  
21 pleasure to support the names of nominees for  
22 today for the Board of Parole and thank the  
23 Governor for a very thoughtful and meaningful  
24 selection of people to serve.

25           Thank you, Madam President.

1                   ACTING PRESIDENT SAVINO:    Senator  
2   Marchione on the nomination.

3                   SENATOR MARCHIONE:    Thank you.

4                   I just wanted to rise to  
5   congratulate Tina Marie Stanford of Saratoga  
6   Springs. I have the good fortune of representing  
7   Saratoga Springs and wanted to personally  
8   congratulate her and wish her well in her new  
9   appointment.

10                  In addition, the members of the  
11   state board, I do know personally one of those  
12   members and know how good she is in serving, one  
13   who is being reappointed at this time. So  
14   congratulations to each and every one of them.  
15   They are good, good selections.

16                  ACTING PRESIDENT SAVINO:    Senator  
17   Nozzolio on the nomination.

18                  SENATOR NOZZOLIO:    Thank you, Madam  
19   President and my colleagues.

20                  I rise with great enthusiasm to echo  
21   the comments of those who spoke on behalf of Tina  
22   Marie Stanford to be the new chairman of the  
23   Parole Board.

24                  I also wish to associate myself with  
25   the remarks of Senator Gallivan and Senator

1 Hassell-Thompson on the quality of service that  
2 the Parole Board members as a rule and as a body  
3 have experienced. And many of them were  
4 confirmed a number of years ago when I was the  
5 chair of the Senate Committee on Crime Victims,  
6 Crime and Corrections. To see reappointments on  
7 the Parole Board of people who have done a very  
8 good job -- in many cases, an outstanding job --  
9 is very, very good to see.

10 I rise specifically to congratulate  
11 chairman Stanford on her appointment to be  
12 chairman of the New York State Board of Parole.  
13 That she was also confirmed in the past by the  
14 Crime Victims, Crime and Corrections Committee in  
15 the capacity of heading up the Victims Services  
16 Unit, then called the Crime Victims Board.

17 The board is a very important group  
18 enterprise in terms of ensuring that crime  
19 victims are given their appropriate support and  
20 considerations, and that for many years always  
21 struggled with the fact that there were  
22 backlogs.

23 And that I'm very pleased to say  
24 that under the chairmanship of Tina Stanford, the  
25 board had no backlogs, virtually none. And that

1 provided justice, because otherwise justice  
2 delayed would be justice denied.

3           So we very much appreciate the  
4 skill, the administrative ability, the leadership  
5 that the nominee now to the Parole Board had  
6 already brought to the criminal justice process  
7 at the state level in her responsibilities to  
8 help crime victims and as chair of the Crime  
9 Victims Board.

10           And now to be chairman of the Parole  
11 Board, bringing that experience as well as a  
12 number of criminal justice experiences, including  
13 being a former prosecutor, I think is a great  
14 combination. A person with ability, with talent,  
15 with professionalism, and with class is what  
16 Governor Cuomo has nominated, and I am very  
17 appreciative of Governor Cuomo making this  
18 appointment, making this nomination.

19           And that I'm also pleased to be  
20 standing here before you, Madam Chair and my  
21 colleagues, to wholeheartedly, enthusiastically  
22 support the nomination.

23           ACTING PRESIDENT SAVINO: Are there  
24 any other members wishing to be heard on the  
25 nomination?

1                   Seeing none, the question is on the  
2 nomination of Tina Marie Stanford, of Saratoga  
3 Springs, as a member and chair of the state Board  
4 of Parole.

5                   All those in favor signify by saying  
6 aye.

7                   (Response of "Aye.")

8                   ACTING PRESIDENT SAVINO:   Opposed,  
9 nay.

10                  (No response.)

11                  ACTING PRESIDENT SAVINO:   The  
12 nomination is approved.

13                  Congratulations to Tina Marie  
14 Stanford, chair of the State Board of Parole.

15                  (Standing ovation.)

16                  ACTING PRESIDENT SAVINO:   The  
17 Secretary will read.

18                  THE SECRETARY:   As members of the  
19 State Board of Parole: Lisa Beth Elovich, of  
20 Rensselaer; Gail I. Hallerdin, of Jamaica; Milton  
21 D. Johnson III, of Hopewell Junction; Julie A.  
22 Smith, of Batavia; Walter William Smith, Jr., of  
23 Clarence Center; and Sally A. Thompson, of  
24 Putnam Valley.

25                  ACTING PRESIDENT SAVINO:   Senator

1 DeFrancisco.

2 SENATOR DeFRANCISCO: I move each  
3 of the nominations for the reasons I set forth  
4 earlier.

5 They were all unanimously approved  
6 in our committee, and they're great appointments.

7 ACTING PRESIDENT SAVINO: Thank  
8 you.

9 Senator Maziarz on the nominations.

10 SENATOR MAZIARZ: Thank you very  
11 much, Madam President.

12 I was at the Crime Victims, Crime  
13 and Corrections meeting today and was most  
14 impressed with these candidates.

15 I specifically want to point out my  
16 good friend Bill Smith from Western New York.  
17 When the Governor wants talent and intelligence,  
18 he goes to Buffalo. That was for Senator  
19 DeFrancisco's comment.

20 (Laughter.)

21 SENATOR MAZIARZ: But I do want to  
22 just say that Bill Smith has been a member of the  
23 Board of Parole for several years now, since  
24 1996. He's done an excellent job, and it's a  
25 great reappointment.

1                   Congratulations, Bill.

2                   ACTING PRESIDENT SAVINO:    Thank  
3                   you.

4                   Senator Ranzenhofer on the  
5                   nominations.

6                   SENATOR RANZENHOFER:    Thank you.

7                   I'd also like to commend the  
8                   Governor on his very good selection and  
9                   cross-selection of reappointments and  
10                  appointments to the board.  It represents great  
11                  diversity, not only in gender, geographic area --  
12                  although I will concur that many of them are from  
13                  Western New York.

14                  Two of them I would like to comment  
15                  on particularly, and not related to each other,  
16                  but one is Bill Smith and the other is Julie  
17                  Smith.

18                  Julie Smith has been the director of  
19                  probation for over 20 years in Genesee County,  
20                  and she had a very wide and broad breadth of  
21                  experience.  She also has the disposition, the  
22                  training, the education and the experience and  
23                  has been through a very long two-year process for  
24                  this day to finally come.

25                  I think the community will be very

1 well served by her nomination, and I think she'll  
2 do great work for the Parole Board and for the  
3 people of the State of New York.

4 I'd like to echo Senator Maziarz's  
5 comments with respect to Bill Smith, the most  
6 experienced member of the board. I think the  
7 Governor was wise in reappointing him. He's been  
8 reappointed by a number of governors, and I think  
9 that is because of his experience, his training,  
10 but most importantly his disposition and  
11 temperament as he deals with those very, very  
12 sensitive issues that come before the Parole  
13 Board.

14 I just wanted to comment on those  
15 two. I think our community will be very well  
16 served by all of them, but especially the two  
17 that I happen to know and from my area.

18 Thank you, Madam President.

19 ACTING PRESIDENT SAVINO: Thank  
20 you.

21 Senator Farley on the nominations.

22 SENATOR FARLEY: Yes, I'd like to  
23 speak that all of these nominees are eminently  
24 qualified.

25 I just want to pay attention to one

1 nominee, Lisa Elovich, who I've known. A  
2 brilliant prosecutor and lawyer that is a  
3 reappointment, has done a great job. She also  
4 has another facet. She was an outstanding  
5 promoter of boxing, many matches of which I went  
6 to and enjoyed. Lisa is a multi-talented woman  
7 and one that we're very lucky to have as a member  
8 of the Parole Board.

9 And, Lisa, I wish you well in your  
10 new term, and best wishes.

11 ACTING PRESIDENT SAVINO: Thank  
12 you.

13 Are there any other members wishing  
14 to be heard on the nominations?

15 Seeing none, the question is on the  
16 nominations of the members that have been read by  
17 the Secretary. All those in favor signify by  
18 saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT SAVINO: Opposed,  
21 nay.

22 (No response.)

23 ACTING PRESIDENT SAVINO: The  
24 nominations have been approved.

25 Congratulations to Lisa Beth

1 Elovich, Gail I. Hallerdin, Milton D. Johnson  
2 III, Julie A. Smith, Walter William Smith, Jr.,  
3 and Sally A. Thompson. Congratulations.

4 (Standing ovation.)

5 ACTING PRESIDENT SAVINO: Senator  
6 DeFrancisco.

7 SENATOR DeFRANCISCO: Yes, the next  
8 group of nominees that will be read in a moment  
9 is about two and a half pages long. And in the  
10 interests of time, without objection, we would  
11 like to have them all read. And if anyone wants  
12 to comment on any specific nominee, none of whom  
13 had to appear, and none of them are here, if  
14 they'd save their remarks to the end.

15 Thank you.

16 ACTING PRESIDENT SAVINO: The  
17 Secretary will read.

18 THE SECRETARY: As member and chair  
19 of the New York State Energy Research and  
20 Development Authority, Richard L. Kauffman, of  
21 New York.

22 As member and chairman of the State  
23 Board for Historic Preservation, Robert B.  
24 MacKay, Ph.D., of Cold Spring Harbor.

25 As director and chair of the

1 New York State Convention Center Operating  
2 Corporation, Henry R. Silverman, of New York.

3 As member and chair of the  
4 Adirondack Park Agency, Leilani Crafts Ulrich, of  
5 Old Forge.

6 As member of the Great Lakes  
7 Protection Fund, Vita DeMarchi, of Manlius.

8 As member of the Citizens Policy and  
9 Complaint Review Council, Nicholas A. LaBella, of  
10 New Hartford.

11 As trustee of the New York Power  
12 Authority, Eugene L. Nicandri, of Massena.

13 As member of the New York State  
14 Housing Finance Agency, Joyce L. Miller, of  
15 New York.

16 As member and chair of the Dormitory  
17 Authority of the State of New York, Alfonso L.  
18 Carney, Jr., of New York.

19 As director of the New York State  
20 Environmental Facilities Corporation, Charles J.  
21 Kruzansky, of Voorheesville.

22 As commissioner of the Tax Appeals  
23 Tribunal, Roberta Moseley Nero, of Hudson.

24 As member of the State Park,  
25 Recreation and Historic Preservation Commission

1 for the City of New York, Leisle Lin, of  
2 New York.

3 As member of the Niagara Frontier  
4 State Park, Recreation and Historic Preservation  
5 Commission, Thomas J. Yots, of Buffalo.

6 As member and chairman of the  
7 Genesee State Park, Recreation and Historic  
8 Preservation Commission, Peter G. Humphrey, of  
9 Scottsville.

10 As member of the Allegany State  
11 Park, Recreation and Historic Preservation  
12 Commission, Michael K. Lyons, of Bemus Point.

13 As members of the Dormitory  
14 Authority of the State of New York: John B.  
15 Johnson, Jr., of Watertown, and Beryl L. Snyder,  
16 of New York.

17 As members of the Adirondack Park  
18 Agency: Arthur S. Lussi, of Lake Placid; Daniel  
19 Wilt, of Lake Pleasant; Karen M. Feldman, of  
20 Hudson; and William H. Thomas, of North Creek.

21 As commissioners of the New York  
22 State Insurance Fund: Joseph W. Canovas, of  
23 Staten Island, and Barry J. Swidler, of  
24 Brookville.

25 As directors of the New York

1 Convention Center Operating Corporation: Daniel  
2 F. DeVita, of Syosset; David Emil, of New York;  
3 Edward Kane, of New York; and Andrew M. Murstein,  
4 of New York.

5 As members of the Albany Pine Bush  
6 Preserve Commission: Harvey J. Alexander, of  
7 Schenectady; John K. Brust, of Central Bridge;  
8 Nancy A. Pierson, of Slingerlands; and Steven K.  
9 Rice, Ph.D., of Rexford.

10 As members of the Advisory Council  
11 on Agriculture: Samuel J. Casella, of  
12 Canandaigua; David Haight, of Malta; and Lesa  
13 Sobelewski, of Avon.

14 As members of the Genesee State  
15 Park, Recreation and Historic Preservation  
16 Commission: Frank X. Allkofer, of Rochester, and  
17 Thomas Jennings, of Albion.

18 And as members of the State Board  
19 for Historic Preservation: John W. Aldrich, of  
20 Albany, and Randall T. Crawford, of Syracuse.

21 ACTING PRESIDENT SAVINO: The  
22 question is on the nominees as read by the  
23 Secretary. All those in favor signify by saying  
24 aye.

25 (Response of "Aye.")

1                   ACTING PRESIDENT SAVINO:    Opposed,  
2    nay.

3                   (No response.)

4                   ACTING PRESIDENT SAVINO:    The  
5    nominees are approved.

6                   Senator Libous.

7                   SENATOR LIBOUS:    Madam President,  
8    allow me to stand.

9                   (Laughter.)

10                  SENATOR LIBOUS:    We are going to  
11    have another Finance Committee meeting, but not  
12    yet, because the teapot is not boiling.  So I  
13    would ask that we stand at ease temporarily.

14                  I apologize for the day, but it's  
15    just the end of session.  And I think all of you  
16    who have been here a while understand that the  
17    mechanics of doing things take a little bit of  
18    time, and sometimes it's not good for us because  
19    it wastes our time.  But it is what it is, and  
20    I'm doing the best I can.  And I would suggest  
21    that you bring folders with work in it so that  
22    you can read or do things that are beneficial to  
23    your constituents.

24                  But before we stand at ease, I would  
25    ask you to go back to motions and call on

1 Senator Gianaris.

2 ACTING PRESIDENT SAVINO: Motions  
3 and resolutions.

4 Senator Gianaris.

5 SENATOR GIANARIS: On behalf of  
6 Senator Gipson, Madam President, I move that the  
7 following bill be discharged from its respective  
8 committee and be recommitted with instructions to  
9 strike the enacting clause: Senate Number 5521.

10 ACTING PRESIDENT SAVINO: So  
11 ordered.

12 Senator Libous.

13 SENATOR LIBOUS: Madam President,  
14 we will stand at ease.

15 ACTING PRESIDENT SAVINO: The  
16 Senate will stand at ease.

17 (Whereupon, the Senate stood at ease  
18 at 4:31 p.m.)

19 (Whereupon, the Senate reconvened at  
20 6:26 p.m.)

21 ACTING PRESIDENT SAVINO: The  
22 Senate will come to order.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: Yes, there  
25 will be an immediate meeting of the Finance

1 Committee in the Majority Conference Room,  
2 Room 332.

3 ACTING PRESIDENT SAVINO: There  
4 will be an immediate meeting of the Senate  
5 Finance Committee in Room 332.

6 SENATOR DeFRANCISCO: If we get a  
7 quorum, we could get moving, all those out there  
8 in listening land.

9 (Laughter.)

10 ACTING PRESIDENT SAVINO: The  
11 Senate will stand at ease pending the return of  
12 the Finance Committee.

13 (Whereupon, the Senate stood at ease  
14 at 6:27 p.m.)

15 (Whereupon, the Senate reconvened at  
16 7:12 p.m.)

17 ACTING PRESIDENT SAVINO: Senator  
18 Libous.

19 SENATOR LIBOUS: Madam President,  
20 if we can go to reports of standing committees, I  
21 believe there's a report of the Finance Committee  
22 at the desk.

23 ACTING PRESIDENT SAVINO: Reports  
24 of standing committees.

25 There is a report of the Finance

1 Committee at the desk. The Secretary will read.

2 THE SECRETARY: Senator  
3 DeFrancisco, from the Committee on Finance,  
4 reports the following nomination.

5 As a member of the Public Service  
6 Commission, Audrey Zibelman, of Philadelphia,  
7 Pennsylvania.

8 ACTING PRESIDENT SAVINO: Senator  
9 DeFrancisco.

10 SENATOR DeFRANCISCO: Thank you,  
11 Madam President.

12 In the interests of time, I'd like  
13 to just make a general statement about all the  
14 nominees coming before us this evening.

15 Another set of great, great  
16 appointments, many very, very accomplished  
17 individuals, some of whom have been serving in  
18 public service for years in other capacities,  
19 others from private industry, some combinations  
20 of both. But all highly competent and capable of  
21 doing the job in an extraordinary way to which  
22 they have been nominated.

23 And I again praise the Governor for  
24 his appointments, and I praise them for being  
25 willing to serve.

1                   So with respect to the first  
2 nominee, I move her nomination.

3                   ACTING PRESIDENT SAVINO:   Are there  
4 any members wishing to be heard on the  
5 nomination?

6                   Seeing none, the question is on the  
7 nomination of Audrey Zibelman as a member of the  
8 Public Service Commission. All those in favor  
9 signify by saying aye.

10                   (Response of "Aye.")

11                   ACTING PRESIDENT SAVINO:   Opposed,  
12 nay.

13                   (No response.)

14                   ACTING PRESIDENT SAVINO:   The  
15 nomination is confirmed.

16                   Congratulations to Audrey Zibelman,  
17 member of the Public Service Commission.

18                   (Applause.)

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

21                   THE SECRETARY:   As executive  
22 director of the Justice Center for the Protection  
23 of People with Special Needs, Jeffrey A. Wise,  
24 J.D., of Saratoga Springs.

25                   ACTING PRESIDENT SAVINO:   Senator

1 DeFrancisco.

2 SENATOR DeFRANCISCO: Ditto on what  
3 I said before, and I move the nomination.

4 ACTING PRESIDENT SAVINO: Are there  
5 any members wishing to be heard on the nomination  
6 of Jeffrey A. Wise as executive director of the  
7 Justice Center for the Protection of People with  
8 Special Needs?

9 Senator Tkaczyk.

10 SENATOR TKACZYK: I would just like  
11 to note that I knew Jeffrey Wise when he worked  
12 for the Coalition for the Homeless. I can think  
13 of no better advocate for this center.

14 This is a very important new entity,  
15 and I'm very confident that he will lead it with  
16 great leadership.

17 Thank you.

18 ACTING PRESIDENT SAVINO: Senator  
19 Marchione.

20 SENATOR MARCHIONE: Thank you.

21 As the Senator who represents  
22 Saratoga Springs, I want to extend my personal  
23 congratulations to Mr. Wise on this appointment,  
24 knowing that he'll do a great job.

25 ACTING PRESIDENT SAVINO: Are there

1 any other members wishing to be heard on the  
2 nomination?

3 Seeing none, the question is on the  
4 nomination of Jeffrey A. Wise, J.D., as executive  
5 director of the Justice Center for the Protection  
6 of People with Special Needs. All those in favor  
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT SAVINO: Opposed,  
10 nay.

11 (No response.)

12 ACTING PRESIDENT SAVINO: The  
13 nomination is approved.

14 Congratulations to Jeffrey Wise, of  
15 Saratoga Springs.

16 (Applause.)

17 ACTING PRESIDENT SAVINO: The  
18 Secretary will continue to read.

19 THE SECRETARY: As members of the  
20 New York State Gaming Commission: John A.  
21 Crotty, of New York; John J. Poklemba, of  
22 Clifton Park; Barry C. Sample, of Albany; and  
23 Todd R. Snyder, of New York.

24 ACTING PRESIDENT SAVINO: Senator  
25 DeFrancisco.

1                   SENATOR DeFRANCISCO:    I move the  
2 nominations.

3                   ACTING PRESIDENT SAVINO:    Senator  
4 Bonacic on the nominations.

5                   SENATOR BONACIC:    Briefly.

6                   These four gentlemen appeared before  
7 the Racing and Wagering Committee. They were  
8 unanimously approved. I want to thank the  
9 Governor for sending us these four gentlemen.

10                  When we look at their backgrounds,  
11 they are well suited for the job that they're  
12 going to be appointed to. Some are lawyers, some  
13 have worked in the financial field, some have  
14 experience in racing and wagering.

15                  And they're going to face quite a  
16 bit of responsibility. And the question we've  
17 asked them is will they be independent, will they  
18 use their best judgment on issues that come  
19 before them and they will not be influenced by  
20 any political forces, whether from the  
21 Legislature, the Governor or outside.

22                  And keep in mind, this Gaming  
23 Commission will be responsible for the Lottery,  
24 the horse race industry, charitable gaming, and  
25 non-Native and Native gaming if the referendum is

1 approved.

2 So I thank them for their sacrifice,  
3 and I wholeheartedly support their confirmation.

4 Thank you, Madam President.

5 ACTING PRESIDENT SAVINO: Thank  
6 you, Senator Bonacic.

7 Senator Larkin.

8 SENATOR LARKIN: Thank you, Madam  
9 President.

10 Of the four nominees, I had the  
11 privilege of working with three of them for many  
12 years. John and Barry, we were young in those  
13 days.

14 But during the times that I had the  
15 privilege of working with various agencies in the  
16 years that I've been here, I've always found them  
17 to be up-front. When they can't do something,  
18 they would tell you. If there was a problem,  
19 they would help you resolve it. But they were  
20 always interested in the fact that what we do, we  
21 should do in the best interests of the people of  
22 the State of New York.

23 I think the choice by the Governor  
24 is outstanding, and I wish you good luck.

25 ACTING PRESIDENT SAVINO: Thank

1     you.

2                   Are there any other Senators wishing  
3     to be heard on the nominations?

4                   Seeing none, the question is on the  
5     nominations of John A. Crotty, John J. Poklemba,  
6     Barry C. Sample, and Todd R. Snyder as members of  
7     the New York State Gaming Commission. All those  
8     in favor signify by saying aye.

9                   (Response of "Aye.")

10                  ACTING PRESIDENT SAVINO:    Opposed,  
11     nay.

12                  (No response.)

13                  ACTING PRESIDENT SAVINO:    The  
14     nominations are hereby confirmed.

15                  Congratulations, gentlemen.

16                  (Applause.)

17                  ACTING PRESIDENT SAVINO:    The  
18     Secretary will continue to read.

19                  THE SECRETARY:    As member and chair  
20     of the Justice Center Advisory Council, William  
21     T. Gettman, Jr., of Glenmont.

22                  SENATOR DeFRANCISCO:    Move the  
23     nomination.

24                  ACTING PRESIDENT SAVINO:    Thank  
25     you.

1                   Are there any members wishing to be  
2                   heard on the nomination?

3                   Seeing none, the question is on the  
4                   nomination of William T. Gettman, Jr., as member  
5                   and chair of the Justice Center Advisory  
6                   Council. All those in favor signify by saying  
7                   aye.

8                   (Response of "Aye.")

9                   ACTING PRESIDENT SAVINO:   Opposed,  
10                  nay.

11                  (No response.)

12                  ACTING PRESIDENT SAVINO:   The  
13                  nomination is confirmed of William T. Gettman,  
14                  Jr., as member and chair of the Justice Center  
15                  Advisory Council.

16                  The Secretary will continue to read.

17                  THE SECRETARY:   As members of the  
18                  Justice Center Advisory Council: Michael Arsham,  
19                  of New York; Mary E. Bonsignore, of the Bronx;  
20                  Norwig Debye-Saxinger, of Kinderhook; Eva S.  
21                  Dech, of Albany; S. Earl Eichelberger, of  
22                  Guilderland; Denise A. Figueroa, of Cohoes;  
23                  Shirley B. Flowers, of Brooklyn; Lisa Gerbasi  
24                  Goring, of Manhasset; Tanya L. Hernandez, of  
25                  Buffalo; Gabrielle Horowitz-Prisco, of Brooklyn;

1 Leslie A. Hulbert, of Victor; Walter J. Joseph,  
2 Jr., of Rhinebeck; Alfred H. Kingon, of  
3 Bronxville; Jeremy E. Klemanski, of Clay; David  
4 Allen Lamphere, of Albany; Ronald S. Lehrer, of  
5 Poughkeepsie; Belinda Lerner, of Long Island  
6 City; Glenn Liebman, of Albany; Delores McFadden,  
7 of Monroe; Brian P. McLane, of Syracuse; Judith  
8 A. O'Rourke, of Lackawanna; Clint S. Perrin, of  
9 Schenectady; Peter Pierri, of New York; Joseph L.  
10 Rich, of Watertown; Harvey B. Rosenthal, of  
11 Greenwich; Scott Salmon, of Tappan; Euphemia  
12 Strauchn-Adams, of Staten Island; Christopher  
13 Tavella, Ph.D., of Putnam Valley; and Robert L.  
14 Weisman, D.O., of Pittsford.

15 ACTING PRESIDENT SAVINO: Senator  
16 DeFrancisco.

17 SENATOR DeFRANCISCO: Move the  
18 nominations.

19 ACTING PRESIDENT SAVINO: Are there  
20 any members wishing to be heard on the  
21 nominations?

22 Seeing none, the question is on the  
23 nominations of those previously read by the  
24 Secretary. All those in favor signify by saying  
25 aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT SAVINO: Opposed,  
3 nay.

4 (No response.)

5 ACTING PRESIDENT SAVINO: The  
6 nominations are confirmed.

7 The Secretary will continue to read.

8 THE SECRETARY: As member and chair  
9 of the Behavioral Services Advisory Council, Paul  
10 N. Samuels, of New York.

11 ACTING PRESIDENT SAVINO: Senator  
12 DeFrancisco.

13 SENATOR DeFRANCISCO: Move the  
14 nomination.

15 ACTING PRESIDENT SAVINO: Any  
16 members wishing to be heard on the nomination?

17 Seeing none, the question is on the  
18 nomination of Paul N. Samuels as member and chair  
19 of the Behavioral Services Advisory Council. All  
20 those in favor signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT SAVINO: Opposed,  
23 nay.

24 (No response.)

25 ACTING PRESIDENT SAVINO: The

1 nomination is confirmed.

2 The Secretary will continue to read.

3 THE SECRETARY: As members of the  
4 Behavioral Services Advisory Council: Kunsook  
5 Song Bernstein, Ph.D., of Baldwin; Lieutenant  
6 Colonel April Critelli, of Glenville; Robert  
7 Cruz, of New York; Ralph G. Fasano, of Northport;  
8 William T. Gettman, Jr., of Glenmont; Sharon R.  
9 Gillette, of Plattsburgh; Jennifer F. Havens,  
10 M.D., of New York; Tino Hernandez, of New York;  
11 John Kastan, Ph.D., of Brooklyn; Maura A. Kelley,  
12 of Buffalo; Scott S. Lavigne, of Penfield; John  
13 D. Lee, of Rochester; Glenn A. Martin, M.D., of  
14 Forest Hills; Michael N. Martin, of North  
15 Tonawanda; Deborah Mayo, of Stony Brook; Howard  
16 P. Meitiner, of Mount Vernon; Grant E. Mitchell,  
17 M.D., of Goldens Bridge; Stephanie Orlando, of  
18 Albany; Andrew S. Roberts, of New York; James P.  
19 Scordo, of Watertown; Euphemia Strauchn-Adams, of  
20 Staten Island; and Patrice Wallace-Moore, of  
21 Mount Vernon.

22 SENATOR DeFRANCISCO: Move the  
23 nominations.

24 ACTING PRESIDENT SAVINO: Thank  
25 you.

1 Any members wishing to be heard on  
2 the nominations?

3 Seeing none, the question is on the  
4 nominations as read by the Secretary. All those  
5 in favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT SAVINO: Opposed,  
8 nay.

9 (No response.)

10 ACTING PRESIDENT SAVINO: The  
11 nominations are confirmed.

12 The Secretary will continue to read.

13 THE SECRETARY: As member of the  
14 Behavioral Services Advisory Council, Katherine  
15 Breslin, of Saratoga Springs.

16 SENATOR DeFRANCISCO: Move the  
17 nomination.

18 ACTING PRESIDENT SAVINO: Senator  
19 Breslin.

20 SENATOR BRESLIN: Thank you, Madam  
21 President.

22 I request permission to abstain from  
23 the vote on Katherine Breslin to eliminate any  
24 potential conflicts of interest.

25 ACTING PRESIDENT SAVINO: So

1 ordered.

2 The question is on the nomination of  
3 Kate Breslin, of Saratoga Springs, as a member of  
4 the Behavioral Services Advisory Council. All  
5 those in favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT SAVINO: Opposed,  
8 nay.

9 (No response.)

10 ACTING PRESIDENT SAVINO: The  
11 nomination is confirmed.

12 The Secretary will continue to read.

13 THE SECRETARY: As member and vice  
14 chair of the Workers' Compensation Board, Frances  
15 M. Libous, of Binghamton.

16 ACTING PRESIDENT SAVINO: Senator  
17 Libous.

18 SENATOR LIBOUS: Madam President, I  
19 would ask that the record reflect that I have  
20 abstained from voting on this nomination.

21 ACTING PRESIDENT SAVINO: The  
22 record will so reflect.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: I move the  
25 nomination.

1 I know Fran; she's been on the  
2 Workers' Compensation Board for many years, doing  
3 a wonderful job. Not only is she deserving of  
4 that, she's deserving of direct admittance to  
5 heaven, having been married to Tom Libous for so  
6 many years.

7 I move the nomination.

8 (Laughter.)

9 ACTING PRESIDENT SAVINO: Senator  
10 Diaz.

11 SENATOR DIAZ: I'm standing to tell  
12 you that I proudly second that nomination.

13 ACTING PRESIDENT SAVINO: Thank  
14 you.

15 Are there any other members wishing  
16 to be heard on the nomination of Frances M.  
17 Libous as a member and vice chair of the Workers'  
18 Compensation Board?

19 Seeing none, all those in favor  
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT SAVINO: Opposed,  
23 nay.

24 (No response.)

25 ACTING PRESIDENT SAVINO: The

1 nomination is confirmed.

2 Senator DeFrancisco, that completes  
3 the report of the Finance Committee.

4 SENATOR DeFRANCISCO: Thank you for  
5 that.

6 Senator Libous.

7 SENATOR LIBOUS: Madam President,  
8 is there any further business at the desk at this  
9 time?

10 ACTING PRESIDENT SAVINO: There is  
11 no further business at the desk other than the  
12 signing of the nominations.

13 SENATOR LIBOUS: If there's no  
14 further business, Madam President, I move that  
15 the Senate adjourn until tomorrow, Thursday,  
16 June 20th, at 11:00 a.m.

17 ACTING PRESIDENT SAVINO: There  
18 being no further business, the Senate stands  
19 adjourned until tomorrow, June 20th, at  
20 11:00 a.m.

21 (Whereupon, at 7:25 p.m., the Senate  
22 adjourned.)

23

24

25