ALBANY, NEW YORK

March 17, 1997

3:07 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their places, the staff to find their places. I'd ask everybody in the chamber to rise with me and join me in saying the Pledge of Allegiance to the Flag and please remain standing for the invocation.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

We're very pleased today to have the Reverend Peter G. Young of the Blessed Sacrament Church of Bolton Landing for the invocation.

Father Young.

REVEREND PETER G. YOUNG: Thank you, Senator.

Let us pray. Father of the poor, God of love, You made all of Your people of New York State to praise You and to thank You. Fill us with the sense of justice. Help us in Your work to take the side of the lonely, to defend the newcomer, to welcome the stranger. Help us to befriend the friendless, to protect the weak and work for the rights of all. On our journey

home, God, bring us together in peace, in justice and in love. Amen.

ACTING PRESIDENT KUHL: The reading of the Journal.

THE SECRETARY: In Senate, Friday, March 14th. The Senate met pursuant to adjournment. The Journal of Thursday, March 13th, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Trunzo, from the Committee on Civil Service and Pensions, offers up the following bills:

Senate Print 807, by Senator Velella, an act to amend the Civil Service Law, in relation to provisional appointments;

1712, by Senator Spano, an act to amend the Civil Service Law, in relation to

participation in proceedings;

1879, by Senator Spano, an act to amend the Retirement and Social Security Law;

1947, by Senator Trunzo, an act to amend the Civil Service Law, in relation to longevity and title for investigative employees;

3109, by Senator Trunzo, an act to amend the Civil Service Law, in relation to designation as detective in certain instances.

Senator Velella, from the Committee on Insurance, offers up the following bills:

Senate Print 453-A, by Senator Holland, an act to amend the Insurance Law, in relation to the timely reimbursement of certain health care providers;

2024, by Senator Velella, an act to amend the Insurance Law, in relation to the amount of uninsured;

2550, by Senator Johnson, an act to amend the Insurance Law and the Vehicle and Traffic Law;

2684-A, by Senator Johnson, an act to amend the Insurance Law, in relation to authorizing civil penalties;

3102 by Senator Velella, an act to amend the Insurance Law, in relation to the retention of group life insurance;

3242, by Senator Velella, an act to amend the Insurance Law, in relation to making permanent the ability of insurers.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Without objection, all bills are ordered directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on page number 10, I offer the following amendments to Calendar Number 257, Senate Print Number 2581, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 257 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Volker, on page number 4, I offer the following amendments to Calendar Number 12, Senate Print Number 270-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 12 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Maltese, I move the following bill be discharged from the respective committee and be recommitted with instructions to strike the enacting clause, and the bill being number 155.

ACTING PRESIDENT KUHL: So ordered.

Senator Bruno, we do have a couple of privileged resolutions at the desk. If you would like to take those up at this time, we could.

SENATOR BRUNO: Please do at this

time, Mr. President. Thank you.

ACTING PRESIDENT KUHL: The privileged resolution by Senator Levy, the title will be read.

THE SECRETARY: By Senator Levy, Legislative Resolution memorializing Governor George E. Pataki, Governor of the state of New York, to proclaim March 18th, 1997 as PTA Day in the state of New York.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor of the resolution signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

The Secretary will read the resolution by Senator Marchi in its entirety.

THE SECRETARY: By Senator Marchi, Legislative Resolution commemorating the anniversary celebration of the 95th birthday of the revered Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, upon the occasion of a memorial reception to be held in the New York State Assembly Parlor on March 19th, 1997;

WHEREAS, the character and richness of life have been richly nourished through the purposeful light and devoted ministry of Lubavitcher Rebbe, Rabbi Menachem M. Schneerson.

World Jewry will pay tribute to the memory of its immortal leader, Rabbi Menachem M. Schneerson, the Lubavitcher Rebbe, upon the occasion of the anniversary of his 95th birthday.

The Lubavitcher Rebbe, over his 44 years of dedicated leadership, established over 1500 Lubavitcher centers, helping people of all walks of life throughout the world, from Australia to Africa, from Holland to Argentina and from Moscow to Jerusalem.

Rabbi Schneerson's educational activities throughout the globe have enriched and strengthened the religious, educational, cultural, moral and ethical fibers of all citizens of the world.

The Rebbe proclaimed that the time of redemption has arrived and Moshiach is on his way. The Rebbe called upon all citizens of the world to prepare for the great redemption

with a personal commitment to increased charity and good deeds.

This assembled body is honored to join and extend tribute to the remembrance of the leading rabbi of this generation at a memorial reception to be held in the Assembly Parlor on Wednesday, March 19th, 1997.

In fitting tribute to this visionary leader and learned gentleman, the Assembly of the state of New York proclaims April 18th, 1997 corresponding to 11 Nissan, 5757, the Rebbe's 95th birthday, to July 23rd, 1997, corresponding to 18 Tammuz, 5757, as New York State's 95 days of education in tribute to his educational endeavors on behalf of all mankind.

Throughout his personal journey of life, Rabbi Schneerson compiled with dignity and grace decades of continued years filled with philanthropic causes, humanitarian effort and astute Judaic leadership justly earning the devotion of his followers and the admiration and respect of his fellow man; now, therefore, be it

RESOLVED, that this legislative body commemorate the observance of the anniver

sary of the 95th birthday of the Rebbe, Rabbi Menachem M. Schneerson, upon the occasion of the memorial reception to be held in the New York State Assembly Parlor on March 19th, 1997; and be it further

RESOLVED, that this legislative body proclaim April 18th, 1997 to July 23rd, 1997 as New York State 95 days of education in tribute to the educational endeavor of the beloved Rebbe; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Rabbi Shmuel M. Butman, Director, Lubavitch Youth Organization.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Marchi, on the resolution.

SENATOR MARCHI: Mr. President, in all my years here, I don't think I've experienced -- have experienced a greater uplift and inspiration than that which is imparted by this observance. It takes place on an annual basis and it's a tradition that goes way back beyond Maimonides, who reduced all law into the Torah and it's a tradition which is responsible for over 1500 schools throughout the world.

Their message is love. Their message is hope. Their message is charitable impulses to mankind. They embody certainly the finest and most refined sentiments that are available to mankind because of their great faith which they exemplify in their conduct and in their -- in their teachings throughout the world.

The Aristotelians in scholastics, by design and by education, they can look to Mortimer Adler who is probably the greatest scholastic scholar that we have in the Western Hemisphere indigenous to our own group and this is something that we -- there's a tremendous debt that we have to these people. There are only hundreds of thousands of them. They don't number in the tens of millions, but the work they do has that same force and effect that maybe only millions can produce only the most inspired circumstances.

So we have those of us who have been here and all of you -- and that goes for me too -- have witnessed and have been present at these observances and it's been a marvelous experience each and every time.

There's going to be a further ceremony, I believe, in the Assembly where jointly there will be a more fitting fulfillment of the expression of this Legislature to this fine movement, and Rabbi Butman is carrying on. I knew Rabbi Menachem Schneerson personally, had the pleasure of exchanging on a one-to-one basis many hours of discussion, and I can assure you that anyone who went through that experience can attest to its efficacy and to its inspirational value.

So, Mr. President, I know that everyone will join me, those who perhaps would like to be members of this resolution, if we might suggest that, if it's appropriate, Mr. - that anyone -- you can all be registered unless you indicate, in some way, that -

SENATOR BRUNO: Mr. President, can we put everyone on the resolution.

ACTING PRESIDENT KUHL: The Chair will direct the Secretary to put every member's name on the resolution as co-sponsor except those individuals who indicate to the Secretary that they don't wish to be on the resolution.

SENATOR MARCHI: Thank you very

much, Mr. President.

ACTING PRESIDENT KUHL: Thank you, Senator Marchi.

Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, I am so pleased that Senator Marchi brings this resolution before us commemorating the observance of the birthday of Rebbe Menachem M. Schneerson, the anniversary of the observance of his birthday and the teachings, as Senator Marchi pointed out, that how few times in history have so few young members done so much for so many.

It is startling to know that there are not that many members but yet there are teachings and the charitable work that they've done around the world is known throughout all of the hemispheres, and we would all -- speaking for myself and for the members of the Minority -- would like to go on the resolution and extend our best wishes to Rabbi Butman and Rabbi Hecht and all of the members of the Lubavitcher.

ACTING PRESIDENT KUHL: The

question -- Senator Lachman.

SENATOR LACHMAN: I would like to add my voice to that of Senator Marchi who is chief sponsor and Senator Paterson and perhaps with an additional dimension, since I've seen the activities of the Lubavitcher movement on university campuses throughout the United States and can vouch for their desire to reach all young people with their message, the diversity of the movement which rests upon the inspiration of the late Rebbe, a blessed memory. So I would like to be considered part of this resolution as well.

Thank you.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the resolution?

(There was no response.)

Hearing none, the question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

We'll return to the order of standing committees.

I'll ask the Secretary to read the report of the Judiciary Committee.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, offers up the following nomination:

As a judge for the New York State Court of Claims, Francis T. Collins, of Saratoga Springs.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I would like to immediately yield for purposes of seconding the nomination to the Majority Leader of the state Senate, the Honorable Joseph Bruno.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Thank you very much, Senator Lack.

Mr. President, I rise in support of this resolution, the nomination that is before us. I want to welcome the family of Tim

Collins here to the chamber, his wife Michele, his daughters, twins, Michele and Brennagh, his mom and dad, Frank and Eileen, who were neighbors in Glens Falls and his brothers and sisters, his friends, staff that have worked with Tim Collins over the years and, Mr. President, this is a moment that is a very, very happy and pleasant moment and a great occasion in the life of any individual and yet, at the same time, it is a moment of movement and when there's change, it brings with it sometimes some of the memories that are somewhat difficult in terms of recognizing that a movement is taking place and a change is taking place.

Tim Collins has served as my executive counsel as Majority Leader since I have been Majority Leader. Previous to that, Tim was my chief counsel for most of the years that he was with me and when Tim first applied for the job of counsel, I didn't need a counsel and Tim sent a resume, basically said he was from Glens Falls. I was from Glens Falls and would I take a look. I looked. I was impressed but I said, "Tim, I don't need a counsel right now."

As I recall, he was working with Senator "Chippy" Flynn and "Chippy" was leaving the Senate. Tim reaches me a week later and we went through the same routine. Do you -- can I talk to you? We talked and, as I recall, this went on three or four times and Tim finally said to me, "Senator, I know that I can do the job for you that you need done. I know that I can help you. I will become your counsel with no pay, if you will put me on until I can prove to you that I am worth being on your payroll and that I can make a contribution to you." Well, I couldn't resist that offer but I put Tim on as counsel and as an assistant counsel but not without pay. We started Tim at what was the entry level salary. That was about ten years ago, and I can tell you that anyone that works anywhere as a counsel, or otherwise, could take a lesson from Tim Collins in the way he handled himself and handles himself.

When I talk about being conscientious, that's an understatement. Tim would call me 10:00 o'clock on a Sunday night, middle of an afternoon on a Saturday, during the summer when many people were out doing other

things. He would be on the phone or he would be FAXing me information because he was working always, Mr. President, with the intent of preparing me for whatever might be coming up or before me or something that was going to happen or had happened with a report.

I have had a number of counsels, excellent counsels, and I still do, but I am going to miss Tim probably more than anyone else because he, more than anyone else, has made me look good. For that, I thank him.

The rest of the people, Tim, that you leave behind are going to have one heck of a challenge to follow in your footsteps and to keep doing the kinds of things that you have been a model for, and I think Tim can be a model to anyone because he does it right. As I've said, he's very objective. He doesn't have his own agenda. He gives you the pros. He gives you the cons and if I ask, he gives a recommendation and more times than right when all the facts are in, more times than not he would be right and for that I thank you for all the years and all the time and all the energy and in my move to the Majority, Tim has been

responsible for moving legislation and doing all the things that the members here and staffs are aware of and he does it in a way that is very becoming.

So we're going to miss him. I'm going to miss him but at the same time, I'm very, very pleased that Tim will go on in great public service within a large constituency doing the kinds of things that I know he will do extremely well in representing courts, the jurisdiction in Court of Claims and he will be a credit and continue to be the credit to himself and to his family and to his colleagues and to anyone where he is exposed and has jurisdiction because when he does anything, he does it right.

So I am totally confident that he will go forward in his new position and bring just great credit on this house and on himself and on his family. The very, very best to Tim and to Michele.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Thank you, Mr.

President, and formally, for the record, the Governor has sent the nomination of Francis T. Collins of Saratoga Springs to the Senate. The Judiciary Committee staff of the Senate has examined the qualifications of the candidate. He appeared before a hearing of the Senate Judiciary Committee earlier today and was unanimously -- his name, Francis T. Collins, was unanimously sent to the floor of the Senate for consideration this afternoon.

I would just like to follow the Majority Leader in echoing his sentiments. For those of you who are not members here, are not part of the process, the job of executive counsel to the Senate Majority leader is probably the most stressful job that exists for a staff person in the Senate, particularly at end of session when bills are coming, oh, probably over the door, under the door and, in some cases, through the door, literally by the hundreds when you're trying to figure out what's going on with the Assembly and what's going on in the second floor and obviously there has to be an end to the process, everything then comes over the counsel's desk and then he, of course,

has to get the advice of the Senate Majority Leader, of the Conference, and follow the wishes on bringing the process to some kind of an end.

Usually that makes for a very stressful counsel who would snap or "I can't answer this" or "I don't know" and particularly if something isn't going to be under consideration and he knows that but it's the Majority Leader to tell you, doesn't want to waste much time in it and then, quite frankly, there's been more than one confrontation over the years between the person who's held that job and the member who's making the request. That has never, however, in my experience, included Tim Collins, who probably has the best demeanor of anyone I've ever met in my life to become a member of the judiciary of this state.

I have never, under even the most extraordinary circumstances of late at night with bills flying all over the place, ever heard Tim Collins say a mad word, use a curse word or do anything in anybody's presence except to answer the question to the best of his knowledge and probably the first person I've ever heard in that position who has ever said at least to me

saying, "I don't know." "What do you think?" "I'm sorry. I'm not really up on that. Can you give me everything you know and I'll get an answer for you", rather than just trying to make a snap opinion or pretending that he's up on the subject even though he hasn't looked at it for a week and, Timmy, I got to tell you that I admire that more than any other quality I've seen in you and it's the ability to say, "Hey, bring me up to speed and I'll find out and let you know" and then he always calls back or he always hunts and finds you and let's you know.

You're going to do wonderfully on the bench. I've got to tell you -- and I guess a couple people might get mad at me -- I'm a little sorry that the Governor gave you best Court of Claims judge, which is an A judge. You're going to do wonderful in that court. I, quite frankly, would like to see you really in some very heavy criminal cases, doing what I think you can do best as a judge, and that's just my personal feelings. I'm very happy for the judgeship that you got. You're going to do wonderful in it. Chris Mega is here and certainly knows that and is planning on that but

I, quite frankly, think that at your age and at this time having picked on a career now to go into judiciary, that you can explore and go to any heights possible within the judiciary, and I know full well that years from now you're going to do just that but watching you here for the last few years and knowing how much time that it's taken, you've made the decision that's right for you and your family. I congratulate you on that, and I hope that occasionally you'll still walk back over and say hello and see how we're all doing in a much more restful state than you have been here from time to time.

I just want to personally stand and offer my congratulations to you and certainly look forward to working with you as a member of the legislative committee of the judiciary, which I just assume the chief administrative judge is going to appoint you to.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Skelos on the nomination.

SENATOR SKELOS: Thank you, Mr. President.

Senator Bruno mentioned earlier about how when Tim first approached him about

working for him, that he offered to work for nothing. Dave Dudley and Ken Riddett are wondering when they're going to start getting paid, but I am delighted to stand and support your nomination, Tim.

You know, what a difference a counsel makes, and I want to congratulate, number one, our Majority Leader, Joe Bruno, for selecting you as his principal counsel because I believe you helped our Majority Leader make this institution once again a member-driven institution. You've always treated me with the utmost respect in my capacity as the deputy in working for our Leader, and I know you've treated every single member in our Conference and also in the Minority, even if there was disagreement, with respect and that's all that we can ask for as members.

It's time for you to move on. I know you're excited about your new challenge, but let me just say that we will miss you in the Senate. I will personally miss you, and I thank you for being part of the process that once again has made this Senate what it is today.

God bless you.

ACTING PRESIDENT KUHL: Senator Saland, on the nomination.

SENATOR SALAND: Thank you, Mr. President.

I didn't have the opportunity to congratulate Tim privately. I would like to congratulate you publicly. I've certainly spent some time in your office with one issue or another and have always found you to be not only incisive but have found you to be very judicious, very judicious in the way in which you analyzed issues, very tolerant of those such as myself who sometimes had to be perhaps explained issues which you were more familiar with than I was.

I think that you're quite obviously a credit to this institution. You're obviously even more so a credit to your family. You have been a credit to your profession, and I think the bench and the people of the state of New York will be especially well served by your demeanor, by your background and certainly, I think, by that very unique judicious nature that seems a very part of your character. We will all be very well served.

Bless you and bless your family.

ACTING PRESIDENT KUHL: Senator Paterson, on the nomination.

SENATOR PATERSON: Thank you, Mr. President.

I didn't know Tim when he was the counsel to the Insurance Committee. I only met him two years ago. I met he and David Catalfamo from the Governor's office and in the two years that I have worked with Tim, have always found him, in spite of what Senator Lack may have appropriately described as some pretty tense times around here, always keeping a level head and always managing to be available and to answer questions and actually seeming quite restful and quite calm through all the tumult that can come particularly at the end of sessions or at the end of negotiating periods and Michael Boxley, our counsel, who, in spite of the fact that he is paid, believes that he is not paid at all, finds that he wanted to make sure that Tim was aware that we always felt that we were treated with understanding and with a great deal of dignity by him as the Majority's counsel and we certainly wish him the greatest

success on the Court of Claims or in any endeavor that he would choose because there isn't any place that he would go that we don't think that he would perform quite well.

Thank you.

ACTING PRESIDENT KUHL: Senator Johnson, on the nomination.

SENATOR JOHNSON: Yes, Mr. President. I would certainly like to stand up and congratulate Tim Collins on his appointment. I know Michele and the family would be happy to see him a bit more frequently than he was seen while he was working around the clock for the Senate, but I really have to say that the success of Senator Bruno as Leader and this body in the past several years have been due in no small part to the action of Tim Collins. He was always ready to speak to anyone. No snap judgments, thoughtful consideration, responses and, yes, it's true, always a gentleman, always polite and you always felt you were treated honestly and fairly by Tim Collins. Certainly we're going to miss him very much, but I think the court is well served by having a person of his caliber on the bench.

Thank you.

ACTING PRESIDENT KUHL: Senator Volker, on the nomination.

SENATOR VOLKER: Mr. President, very quickly, let me just say that anybody that can do a publication on the availability of promissory estoppel to defeat the statute of frauds has got to be one bright fellow. That was a publication that's listed in his biography, by the way.

Let me just say to you, Tim - and I think it's kind of appropriate obviously on St. Patrick's Day that you be confirmed as a judge. As I said during the committee consideration, you're one of the people who, as has been stated here, in the middle of the night when everyone is screaming and yelling, just kind of sit there and make everybody frustrated by the fact that you just tell it like it is and make people understand that you know exactly where you are and where the Majority Leader is.

You are one of the brightest people I've ever met. I have no doubt that you're going to make a super judge. For us here, it is kind of bittersweet, obviously, and

I know Joe feels that and a lot of my colleagues feel the same way because you have been a good friend to us, as well as being a great counsel and we'll all miss you, but we wish you the very best for you and your family and you can be sure that you go on to the judgeship with the knowledge that you left a lot of good friends here.

We'll miss you.

ACTING PRESIDENT KUHL: Senator Seward, on the nomination.

SENATOR SEWARD: Thank you, Mr. President.

This afternoon's proceedings are defying the old adage that nice guys finish last because, with Tim Collins becoming a judge of the Court of Claims, there's one nice guy who's finishing first and, Tim, as has been mentioned by numerous other members already today, you have been a great help to us throughout these last two years. You returned phone calls, that calm, concise voice on the other end of the telephone or in person, always a gentleman, providing assistance and information as needed and advice which has always been sound and true,

and I'm just very honored to stand to congratulate you and your family. You are one hard-working, conscientious gentleman of the highest integrity. I know that you will be a judge of the Court of Claims who will be firm but fair, a credit to the judiciary and to all the people of this state.

ACTING PRESIDENT KUHL: Senator Stafford, on the nomination.

SENATOR STAFFORD: Thank you, Mr. President.

I can add nothing here today, to the things -- all these fine things that are being said, but I do have to emphasize your home area. That's rather important and also your family comes from a very, very -- comes from a very, very fine area, and I want to -- I want to point out that some of you have heard all of these very nice things that have been said.

First, don't ever worry about Tim Collins being able to say no. He can say it very well and he can make a decision, but he always says it, as has been pointed out, in a way that, if you ever ran out of gas in front of his house, you would stop and still ask for gas,

and also I would say this -- and I think this should be pointed out, that -- and I don't want to use the term "influence" or "power" because those words don't go well with him, even though you have them when you are counsel to the Majority Leader, but when a person makes a decision as objectively and sensibly and for the very fine reasons that he's made the decisions and leaves a position of responsibility such as I mentioned, I think it really demonstrates the caliber of the individual and it also demonstrates the caliber of a judge that we will be seeing on the Court of Claims.

I would say to his relatives here who are responsible for him being here, remember, the river never rises higher than its source. Now, some of you will have to think about that a little. I'm complimenting members of his family, but with that, we wish everyone well. The state of New York is finer because of his work and will be finer because of the work that you will be doing.

It's a pleasure to join in moving the confirmation with the Leader and the other members.

ACTING PRESIDENT KUHL: Senator Farley, on the nomination.

SENATOR FARLEY: Thank you, Mr. President.

Tim, I rise to say, you know, they always talk about judicial temperament. You certainly have the judicial temperament, not only to be a good judge but what a nice guy that you are.

You know, your role as counsel to the Majority Leader has classically been one that makes a lot of unhappy Senators, but I think you can hear this among my colleagues as they speak of you with the affection but the one job that you did do well, you made Majority Leader look good and that's very, very difficult sometimes but as you -

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? (Laughter)

SENATOR FARLEY: I only can say that because Joe is my buddy and friend, but let me just say this, Timmy, how proud we are of you. As Senator Seward said, you do make it possible for nice guys to finish first. I see

that those two young girls of yours, those twins have had enough of listening to all of this. They have moved to the back row, but let me say that personally I wish you all the best. I know that you have sacrificed an awful lot for this house in time and in your family and serving us here. You've done a terrific job as counsel to this Senate and we're very grateful to you and we wish you well.

Thank you, Timmy.

ACTING PRESIDENT KUHL: Senator Marcellino, on the nomination.

SENATOR MARCELLINO: I just wanted to know if Saratoga Springs was in the former Senator Farley's district? The -- only a senior Senator would dare but, Tim, I thank you. I have only been in the Senate for a couple of years, as you know, and I think in my short tenure here, I've placed a few problems on your desk unintentioned, of course, but you handled them deftly and with credit.

One of the things that I think you should and probably haven't gotten the credit you truly deserve is the part you played in negotiating the breast cancer registry bill.

Your help and your efforts made that bill possible and those of us who work very hard on this level and you working at your level behind the scenes will never forget your efforts and we thank you very much and the women of the state of New York owe you a great debt.

ACTING PRESIDENT KUHL: Senator Tully, on the nomination.

SENATOR TULLY: Thank you, Mr. President.

It's very difficult to speak and I won't try to emulate Senator Farley's farewell address.

SENATOR FARLEY: Quit picking on me. It's St. Patrick's Day.

SENATOR TULLY: But this is a special occasion, as Senator Farley has indicated, and I just wanted to take this opportunity, Tim, to thank you for your personal friendship and thank you for sharing your legal acumen with me in many, many legislative matters. I know this is a special occasion for your wife and family who are here with you, and I know Chris Mega, our colleague, who is behind us who is now looking ahead with glee to your

becoming a member of the Court of Claims is very, very happy, and I would like to leave you with a little trite expression that's appropriate for the day.

May the road rise up to meet you. May the wind be always at your back and may the good Lord ever hold you and your family in the hollow of his hand.

ACTING PRESIDENT KUHL: Senator Libous, on the nomination.

SENATOR LIBOUS: Thank you, Mr. President. With the exception of Senator Farley, I'm sure that -

SENATOR FARLEY: Quit picking on me.

SENATOR LIBOUS: -- all of my colleagues who added those kind words, it's very tough at this point in time to stand up and say anything that they have not already said but, Tim, I just want to make one point and that point is that we as members oftentimes expect things or demand things or sometimes are somewhat unrealistic in dealing with those of us -- those individuals who are working with us on staff, and I can say that previously there were

times that we would -- I would deal with individuals on staff and sometimes they would make you wait. They would not return phone calls promptly, but I must say that whenever I dealt with you, you were always a gentleman. You treated me with the utmost respect. You always had the Leader and the Majority's best interest at heart and your decisions were always based on that. That is something that I think you should be very, very proud of and I'm going to be sorry to see you go because, as I said, it was always a pleasure to work with you and I wish you the very best as you approach the Court of Claims.

ACTING PRESIDENT KUHL: Senator Levy, on the nomination.

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

I'm delighted to have the opportunity to rise with my colleagues and Senator Bruno and congratulate you and your family on this high honor, and I just want to echo the theme of this afternoon, this lovin' for Tim Collins, narrated lovin' for Tim Collins, that you have just been such a great

gentleman and shown all of us such respect.

Today, really, for us as members of the Senate, is a bittersweet occasion. We're so pleased that it -- it's the beginning of the realization of your dreams for yourself and for your family, but we're disappointed that you're going to be leaving us because you have extraordinary ability that we have all seen in action, dedication, hard work. I think I would make a prediction that is on the minds of everybody that's here this afternoon, and that is, we haven't seen the last of Tim Collins sitting up there, that you will be back before the Senate on another occasion and we'll be confirming you to an even higher post.

Congratulations. All best wishes and we know what an extraordinary judge you're going to be.

ACTING PRESIDENT KUHL: Senator Maziarz, on the nomination.

SENATOR MAZIARZ: Thank you, Mr. President.

Tim, I want to join all my colleagues in congratulating you. As you know, I have only been around here for a couple of

years but, when I first came here two years ago, you were a great asset to me and I want to thank you for all the courtesies you've shown me and my office.

Someone mentioned earlier the rather large flurry of activity in bills passing at the very last days of session, and I want to thank you, Tim, for promising me that you'd put all my bills ahead of Tully's and DeFrancisco's and Marchi's and you told me you would take care of me second, Bruno first, Tim, and I appreciate that.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination?

Senator Velella.

SENATOR VELELLA: We're all paying great tribute to you, Tim, today but it wasn't so rosy, I remember back in, I believe it was 1994, you once wrote a memo against one of my bills which I have never forgotten about.

However, you have certainly learned the ways of Albany well. The challenges that lie ahead, something that are going to be

great and rewarding for you. I think all of us in public life have to make tough decisions and I'm sure, as you make this career change, you're wondering what lies ahead as the night we confirmed Chris Mega, he was wondering, leaving the Senate and going on to something different. The rewards are going to be great, not only in your professional life but the opportunity which you have always talked about to spend more time with your family, your children, your wife, are going to be there now. The demand won't be as much as it was here. You've deserved that luxury and you've earned it.

Congratulations.

ACTING PRESIDENT KUHL: Senator Larkin, on the nomination.

SENATOR LARKIN: Mr. President, I guess my recollection of Tim will be his so sweet and soft way of calling you and saying, "If you don't have anything else to do later on, could you please stop by the office? There's a couple of things I would like to speak to you about", and I'd say, "Sure, I'll be right down." "Don't rush, Senator. It's not a problem" and then I would have to go to ask the

staff, "What did we do wrong? What did we write to Bruno that Bruno probably gave to Timmy and said, 'Be nice, Tim. Tell him no.'"

When you get down to Tim, Tim had a very nice way of saying to you, "Senator, it's a good idea, but I'm not so sure it would please the Majority Leader or your colleagues. Why not try it next year" or his ever present, "You know, I would really like to go to that West Point football game but you've got to convince Bruno that I've got to have a Saturday off."

But, truly, Tim, I think the measure of a man as you, of being able to stand up to us and tell us what we should hear, not always what we want to hear, and to your wife and the rest of your family, I thank them from the bottom of my heart for giving of you to us. To you who spend so much time of your life away from your family, to make this legislative body a body that can work and succeed and do the things that had to be done for the people, you're truly a remarkable man and as my colleague Senator Lack said, I see this as a stepping stone to a higher place on the bench and doing great things for each and every one of

us.

Thank you and thank your family.

ACTING PRESIDENT KUHL: Senator Nozzolio, on the nomination.

SENATOR NOZZOLIO: Thank you, Mr. President, my colleagues.

If there was ever a definition prototype of judicial temperament written, it certainly would be manifested in Tim, our nominee today.

His modicum of calmness in the sea of frustrated individuals here is noteworthy, but somehow I wonder how is that judicial temperament going to mix with the quiet types like Senator Mega and Senator Ron Tills - Assemblyman Ron Tills as part of that bar. That's what is going to be Tim's challenge to calm those folks down, but all kidding aside, I certainly share my colleagues' fond recognition, remembrances of Tim's guidance and counsel.

I remember my first week in this chamber when I inherited the Senate Election Law Committee from Senator Bruno, his kindest act was to dispatch Tim to my aid, as Tim was counsel to that committee under the leadership

of Senator Bruno. That certainly was something I will never forget, his guidance, counsel and attention, those early days of my days here in this chamber, that, ladies and gentlemen, our loss certainly is the judiciary's gain, a fine, fine individual and, Tim, Godspeed. I know you'll do well and we're very, very proud of you being on the bench.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination?

(There was no response.)

Hearing none, the question is on the nomination of Francis T. Collins, of Saratoga Springs, to become a judge of the New York State Court of Claims. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is unanimously confirmed.

(Applause)

Tim, congratulations on behalf of all the members. You can see there are some

lawyers who don't anticipate practicing before the Court of Claims, who chose not to speak in deference to your children and family, but we are also very, very pleased that your wife could join you. I see her seated next to you and also members of your family. To them, Godspeed and we appreciate your being here to share in a wonderful day in Tim Collins' life.

Thank you.

The Secretary will continue to read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, offers up the following nomination: As a judge to the New York State Court of Claims, Alan C. Marin, of New York City.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of Alan C. Marin, of New York City and the fourth floor of this building, to be a judge of the Court of Claims.

Alan Marin is legislative counsel

to the Speaker of the New York State Assembly, has been since 1992. He was special labor counsel to the Speaker from 1979 to 1991. He has served as a member of the New York State Deferred Compensation Board, the state Task Force on Health Insurance for Retired Educational Employees, the Task Force on Optional Retirement Programs and was counsel to the Assembly Standing Committee on Labor. He's a graduate of the Massachusetts Institute of Technology and the New York University School of Law.

The Governor has sent his nomination to the Committee. The staff of the Committee has examined Mr. Marin's credentials and he appeared before a hearing of the Judiciary Committee earlier this afternoon and was unanimously moved to the floor of the Senate for consideration this afternoon.

I've known Alan Marin well for about the last 12 years after then Senate Majority Leader Warren Anderson appointed me Chair of the Labor Committee. It was my delight to serve with an Assembly opposite member who occasionally got a little cantankerous and, of

course, since I'm known for being just like Tim Collins, very cool and never losing temper and a very quiet demeanor, it fell to people like Alan Marin as the Assembly counsel in charge of certain labor and pension programs to have to work with us to calm the Senate down after his Assembly Chair would raise the level of how bad it can get between the two houses on those issues to such a high level, and I've got to tell you that Alan Marin always did it very well.

He certainly represented the viewpoint of his house, of the Assembly that was in occasional disagreement with the Senate, but he's a skilled negotiator. He would always listen and we could always work between the two houses, if not on a member-to-member basis, then certainly on a staff-to-staff basis and more often than not on a Senate member to Assembly staff basis and Alan did that very, very well.

Although it has absolutely nothing to do whatsoever with the job of the Court of Claims, he's also an expert with respect to knowing some of the finest restaurants in New York City and is probably as

close to an oenologist as the Assembly has on their staff and that's probably one reason why there are so many members of the Assembly staff sitting in our gallery today because Alan's expertise on being able to choose the right wines at the right time is exceedingly well known.

But seriously, he joins Tim Collins today as two excellent examples of legislative staff people that are moving to the Court of Claims and then on a very serious note, it's very important, I think, for the judiciary to have as its members people who have legislative experience. I mean, after all, in our types of checks and balances, representative democracy between the Executive and the Legislature, there's always a well known understanding of how the Executive works and how the Legislature works. That's not always true when it comes to the judiciary to understand how the Legislature works. Even the chief judge of the state of New York, Judith Kaye, has written Law Review articles on the importance of knowing legislative intent, of knowing how legislative bodies work in terms of making judicial

decisions and that's highly important and with Tim Collins and Alan Marin, the judiciary of this state is taking on two people who have had an exceedingly in-depth experience in legislative procedure and legislative process, and in Alan Marin's case, that goes back to 1976.

So, Alan, I wish you good luck and Godspeed and your years of experience here will certainly serve you well in the judiciary and as with Judge Collins, I hope you find your way back here to say hello to us all occasionally.

Good luck, Alan.

ACTING PRESIDENT KUHL: Senator Paterson, on the nomination.

SENATOR PATERSON: Mr. President, as Senator Lack pointed out, Alan Marin is the counsel to the Speaker of the Assembly, Speaker Silver. Prior to that, he was counsel to Speaker Weprin. He began serving under Speaker Fink who tragically passed away a couple weeks ago and in the interim served under Speaker Miller. So he -- his talents have been appreciated regardless as to who was commanding

the legal staff of the Assembly.

Also as Senator Lack pointed out, he has a rare combination of skills when you combine judicial temperament with litigation experience and, of course, the knowledge of legislative procedures, and so we would like to wish Alan Marin well as a judge of the Court of Claims.

This is, as the Senator pointed out, something that will be an advantage for all New Yorkers to have someone that has this depth of experience moving to this level, but I beg to disagree in a previous commendation with Senator Stafford. I would think that an individual who served under four Speakers and is so well appreciated, that they continue to elevate this person regardless as to who is actually the leader of the body, that it could be said at that point that the river actually is rising higher than its source.

So I'm hoping that this will continue to be the case and that we will find that we're back here confirming Alan C. Marin to other posts in the judiciary.

ACTING PRESIDENT KUHL: Senator

Volker, on the nomination.

SENATOR VOLKER: Mr. President, I just want to say that I have known Alan Marin for many, many years and it's another one of those cases that, I guess of institutional memory. Alan's been around long enough that it just seems like he was part of the institution of the Assembly. One of the brighter fellows that I've ever met, a guy who could argue with you but, at the same time, was a gentleman, very much in the sense like Tim Collins, a guy who knows not just the legislative business but also knows the law extremely well, and I think who has the temperament and the ability to make a tremendous judge in the Court of Claims.

I wish him the very best. I think the only unfortunate part of it for us is that Alan is another one of those people who has done such yeomen efforts as far as the Assembly is concerned and the Legislature. The same is true with Tim Collins, that we will miss them both but I know the judiciary is much the better for having the both of them.

ACTING PRESIDENT KUHL: Senator Stafford, on the nomination.

SENATOR STAFFORD: Mr. President, I mentioned in the judiciary meeting that the concern of some of my colleagues here on this side of the aisle, the late Si Posner was a very close friend of mine and Senator Lack mentioned working with the labor field. I mentioned - and I say this with all the affection I can muster for Si -- anyone who worked with Si deserves consideration, and I think you all remember very, very well but, again, I second what has been said so well here. Two very fine nominees here today for the Court of Claims.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination?

(There was no response.)

Hearing none, the question is on the nomination of Alan C. Marin of New York City as a judge of the New York State Court of Claims. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is unanimously

confirmed.

We're very, very pleased to have Mr. Marin, Justice Marin, with us who is seated in the chamber to our left. Congratulations.

(Applause)

Senator Bruno, that brings us to the non-controversial calendar.

SENATOR BRUNO: Mr. President, can we call for an immediate meeting of the Energy Committee in Room 123.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Energy Committee, an immediate meeting of the Energy Committee in Room 123, Room 123 of the Capitol.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time go to the non-controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the non-controversial calendar.

THE SECRETARY: Calendar Number 185, by Senator Levy, Senate Print 605, an act to amend the Vehicle and Traffic Law, in relation to -

SENATOR BRUNO: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 235, by Senator Cook, Senate Print 1418-A, an act to amend the Insurance Law, in relation to motor vehicle liability insurance rates.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 250, by Senator Bruno, Senate Print 706, an act to amend the Vehicle and Traffic Law, in relation to the disqualification of a bus driver in certain instances.

SENATOR STAVISKY: Lay it aside.

SENATOR BRUNO: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 256, by Senator Libous, Senate Print 1231, an act to amend the Uniform City Court Act, in relation to acting city court judge -

SENATOR LIBOUS: Lay it aside for the day at the request of the sponsor.

ACTING PRESIDENT KUHL: Lay the bill aside for the day at the request of the sponsor.

THE SECRETARY: Calendar Number 268, Senator Holland, Senate Print 563, an act to amend the General Municipal Law, in relation to liability of agency projects.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 269, by Senator Larkin, Senate Print 1378, an act to amend the General Municipal Law, in relation to creating the town of Southampton Community Development Agency.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 271, by Senator Johnson, Senate Print 1862, an act to amend the Real Property Tax Law, in relation to providing an exemption for capital construction costs.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 272, by Senator Leibell, Senate Print 2021, an act to amend the General Municipal Law, in relation to participation in certain health insurance plans.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 274, by Senator Larkin, Senate Print 2309, an act to amend the General Municipal Law, in relation to environmental facilities.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 282, by Senator Present, Senate Print 2753, an act to amend Chapter 557 of the Laws of 1992, relating to the sewer rent revenues.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 297, by Senator Velella, Senate Print 2600, an act to amend the Penal Law, in relation to including certain documents relating to ownership of a motor vehicle.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 320, by Senator Maziarz, Senate Print 507, an act to amend the Vehicle and Traffic Law, in

relation to violations involving passing a stopped school bus.

SENATOR BRUNO: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

Senator Bruno, that completes the reading of the non-controversial calendar.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we lay aside whatever the controversial calendar is for the day and stand at ease awaiting the report of the Energy Committee which hopefully will be shortly.

ACTING PRESIDENT KUHL: The Senate will stand at ease awaiting the report of the Energy Committee.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, I would like to announce a Conference of the Minority that will convene at 4:45 in the Minority Conference Room, Room 314; at 4:45, a Conference of the Minority.

ACTING PRESIDENT KUHL: Senator Skelos, you don't have any problem with that announcement, do you?

SENATOR SKELOS: The Minority can meet whenever they wish.

ACTING PRESIDENT KUHL: There will be a meeting of the Minority Conference in the Minority Conference Room, Room 314, at 4:45. Minority Conference in the Minority Conference Room, Room 314, at 4:45. The Senate stands at ease.

(Whereupon, the Senate stood at ease from 4:12 until 4:25 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Skelos.

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

ACTING PRESIDENT KUHL: The Senate will return to the order of standing committees. There is a report of the Energy Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Seward, from the Committee on Energy and Telecommunications, offers up the following bill:

Senate Print 3486, by Senator Seward, an act to amend the Public Service Law and the Uniform Commercial Code, in relation to the financing of electric utility costs.

ACTING PRESIDENT KUHL: Without objection, the bill is ordered directly to third reading.

Senator Skelos.

SENATOR SKELOS: Is there any other housekeeping at the desk? There being no further business, I move we adjourn until Tuesday, March 18th, at 3:00 p.m. sharp.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, the Senate stands adjourned until tomorrow, March 18th, Tuesday, at 3:00 p.m.

(Whereupon, at 4:27 p.m., the Senate adjourned.)