ALBANY, NEW YORK

March 30, 1998

3:19 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order. I'd ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

The invocation will be given by Father Bernard Granger, who is the Chaplain of the Firemen's Association of the state of New York.

Chaplain?

FATHER BERNARD GRANGER: Will you join with me in prayer.

O Lord our God, our celestial governor and our universal fire chief, You have redeemed us, set upon us the responsibility of using all of Your gifts and blessings for good, all the ways we can. Let us always remember that it is only in and through You that we can live and move and have our being, that our ultimate goal is to glorify and praise You and serve You. To this end, we ask that You protect us, provide everything self-serving. We ask that You will

inspire and guide us citizens of this state and legislators of this state. We ask that Your will may inspire every word and thing. Guide and direct us in integrity and truth, guide and lead these legislators as they provide for the common good, as they seek to love and serve You in all that they say or do or think, this day and all the days of their lives. All this we ask in Your Holy Name. Amen.

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 29th. The Senate met pursuant to adjournment. The Journal of Saturday, March 27th, was read and approved. On motion Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Secretary will read.

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

Senate Print 3960, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

4725-A, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

6206, by Senator Kuhl, an act to authorize the village of Horseheads, county of Chemung; and

6412, with amendments, by Senator Spano, an act to amend the Retirement and Social Security Law.

Senator Velella, from the Committee on Insurance, reports:

Senate Print 4092, by Senator Velella, an act to amend the Insurance Law;

6172, by Senator Larkin, an act to amend the Insurance Law;

6255, by Senator Velella, an act to amend the Insurance Law;

6334, by Senator Velella, an

act to amend the Insurance Law; and

6343, by Senator Velella, an act to amend the Insurance Law.

All bills ordered direct for third reading.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT MEIER: Without objection -

SENATOR GOLD: No, Mr. President.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: Yeah, I think, Mr. Chairman -- Mr. President, I'm looking at today's calendar, has some 125 bills I guess on third reading already. I'm also looking at the inside cover, where there is a note by Senator Bruno explaining the legislative procedure, for the gallery I guess, about bills coming from committee and going to First Report, and Second Report and then Third Reading.

It's my understanding, Mr. President, that not once this year have we had a committee report a bill to First Report or

Second Report, and I was wondering, Mr. President, why are we reporting these directly to Third. I mean we have a calendar full of Third Reading. We have a Majority Leader who is very, very keen on procedure telling the world that we have a First Report and a Second Report, and I don't understand why there is a necessity for these bills to be reported directly to Third. Could I understand?

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if I could just point out, these bills were reported out of committee with consent of the committee members.

SENATOR GOLD: As I was saying, Mr. President, if somebody could explain to me why there's a necessity for the bills to go direct to Third, since we have a procedure which was voted upon by the Majority which says the bills go to First Report and Second Report. I just thought I would like to under stand the process and why we have changed it.

ACTING PRESIDENT MEIER: Are you stating an objection, Senator Gold?

SENATOR GOLD: Well, I haven't made my mind up. I'd like to know if somebody would yield to that question explaining to me why we should not object and why the bills should go to Third instead of to First or Second.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if I could help Senator Gold, I mentioned before certainly he has the right to object. Certainly any committee member that reviewed these bills, all of whom I understand consented that they go to Third Reading at this time, could have objected.

If Senator Gold objects to these bills being reported to Third Reading, he can object. But the -- what Senator Bruno and the Majority has been trying to do here, with the cooperation of the Minority which has been well received up to this point, is continue to move the process along so that we can do the work of the people.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: Yeah. Mr. President, I appreciate the comments of Senator Skelos. I personally don't think you move the process along by reporting day after day bills that are old hat and nothing new, so that, I don't think, accomplishes anything.

I also would point out to Senator Skelos that we could move the process along by handling the hundred or so bills which are already on Third Reading. They don't need any more to it. I appreciate his comments that no one in the committee has objected but, as everybody knows our committee system, these bills are put out and there's not too much choice, but I've raised the issue and I will discuss it with the leadership on my side. I don't believe in taking over the priorities of a very distinguished Minority Leader that we have here, so I will not object at this point but we will consider it in the future.

ACTING PRESIDENT MEIER: Without objection, all bills to the Third Reading Calendar.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

Mr. President, on behalf of Senator Alesi, I move the following bills be discharged from their respective -- from its respective committee and be recommitted with instructions to strike the enacting clause: Specifically referring to Bill Number 6497.

ACTING PRESIDENT MEIER: So ordered.

SENATOR MARCELLINO: Also, Mr. President, on behalf of Senator Holland - thank you, by the way, for the prior order.

On behalf of Senator Holland, on page number 22, I offer the following amendments to Calendar Number 473, Senate Print Number 2548, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: Amendments received, and so ordered.

SENATOR MARCELLINO: Thank you, sir.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I wish to call up my bill, Print Number 6584-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Calendar Number 483, by Senator Maziarz, Senate Print 6584-A, an act to amend the Social Services Law.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 50.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER:

Amendments received.

Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, I'd like to hand up the following committee changes for filing.

ACTING PRESIDENT MEIER: Committee changes will be received at the desk and filed.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privileged Resolution Number 3004, by Senator Wright, concerning Small Business Day. I ask that it be read up -- read in its entirety and offer up co-sponsorship as recommended by Senator Wright.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Wright, Legislative Resolution 3004, memorializing Governor George E. Pataki to recognize Monday, March 30th, 1998, as Small Business Day in the state of New York.

WHEREAS, small businesses are

vital to our nation's economy and our way of life, constituting the single most important segment of our free enterprise system; and

WHEREAS, small businesses generate virtually all new jobs arising in New York State.

The contributions made by small business owners are too often taken for granted even though they often risk their financial security to create jobs, pay taxes and produce goods and services for the people of New York State.

Small businesses are the source of many innovations in products and merchandising and have made significant contributions to our state and our society.

Small businesses in New York State exert a strong positive influence on the political, economic and social development of the state, and the future welfare of the state depends on the continued development of small business; and

WHEREAS, the members of the New York State Assembly and Senate wish to proclaim their recognition of small business

as a crucial element in the economy of New York State.

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to congratulate all small business owners and operators in New York State on their achievements, and to memorialize Governor George E. Pataki to proclaim Monday, March 30, 1998, as "Small Business Day" in the state of New York, and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to Governor George E. Pataki.

ACTING PRESIDENT MEIER: Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

If I may, very briefly, on the resolution. Today all of us have representatives from throughout the state here visiting the Capitol on behalf of chambers of commerce, the National Federation of Independent Business Individuals, and The Business Council talking about the issues that concern their businesses and the economy of

this state, and I'm very pleased to see that our house and the other house will be stopping in their deliberations to recognize that commitment of small business.

We have individuals who are here in the gallery and will be joining us throughout the day. I would encourage my opening the resolution to sponsorship from all members.

Thank you.

ACTING PRESIDENT MEIER: Question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Yes. On that resolution, if anybody wishes not to sponsor it, they should notify the desk.

I believe there's a privileged Resolution 3005, by Senator Breslin. I ask that the title be read and move for its adoption.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution 3005, commending Elias "Babe" Amash on his 18 years of ceaseless dedicated service as Business Agent of the Amalgamated Transit Union, Local 1321, to be celebrated April 4, 1998.

ACTING PRESIDENT MEIER: Question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the non-controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 168, by Senator Hannon, Senate Print 4974-A, an act to enact the "Health Care Embassy Match Act" of 1998.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 317, by Senator Skelos, Senate Print 310-A, an act to amend the Executive Law, in relation to the search of criminal history records.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the -

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay

the bill aside.

THE SECRETARY: Calendar Number 373, by Senator Spano, Senate Print 6328-A, an act to amend the Labor Law and the Civil Service Law, in relation to prohibiting state funding to discourage union organization.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 375, by Senator Present, Senate Print 528-A, an act to amend the General Municipal Law, in relation to municipal contingency.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 384, by Senator Leibell, Senate Print 6203, an act to amend the Real Property Tax Law, in relation to rehabilitation of certain multiple dwellings.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 385, by Senator Volker, Senate Print 6207-B,

an act in relation to authorizing the town of Hamburg, county of Erie, to convey certain park lands.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: There is a home rule message at the desk. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 412, by Senator Johnson, Senate Print 2584-B, an act to amend the Family Court Act and the Vehicle and Traffic Law, in relation to suspension of eligibility for a license.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section -

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 429, by Senator Cook, Senate Print 2827-B, an act to create a program for the humanities within the Office of Cultural Education of the state Education Department.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first day of April.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 485, by Senator Rath, Senate Print 5809-B, an act to amend the Tax Law, in relation to the definition of the term "affiliated person".

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 487, by Senator Wright, Senate Print 6479, an act to amend the Tax Law, in relation to disclosure of overpayment of taxes to taxpayers.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 488, by Senator Wright, Senate Print 6481, an

act to amend the Tax Law, in relation to applications for refunds of sales tax.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 489, by Senator Nozzolio, Senate Print 6504, an act to amend Chapter 55 of the Laws of 1992, amending the Tax Law and other laws related to taxes.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR SKELOS: Yes. We have another resolution, if we could return to motions and resolutions, by Senator Alesi. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: By Senator Alesi, Legislative Resolution 3007, honoring Jeremy Lindauer, in recognition of his heroic action in saving the lives of six people from a burning building in Rochester.

ACTING PRESIDENT MEIER: 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 passed.

Senator Skelos.

SENATOR SKELOS: If we could go to the controversial calendar.

ACTING PRESIDENT MEIER: Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 317, by Senator Skelos, Senate Print Number 310-A, an act to amend the Executive Law, in relation to the search of criminal history records.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: Would the sponsor yield to just one question?

SENATOR SKELOS: Yes. I think it would be appropriate to lay it aside for the day, so it could be reviewed.

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

THE SECRETARY: Calendar Number 412, by Senator Johnson, Senate Print 2584-B, an act to amend the Family Court Act and the

Vehicle and Traffic Law, in relation to suspension of eligibility for a license.

SENATOR GOLD: Mr. President. Oh.

ACTING PRESIDENT MEIER: Senator Johnson, an explanation has been requested of Calendar Number 412 by Senator Montgomery.

SENATOR JOHNSON: Mr. President, this bill adds a person 14 years of age but less than 16 who commits a violation of unlicensed operation of a motor vehicle to the definition of a juvenile delinquent to allow such person to go through the Family Court process ending in a dispositional hearing where the order shall be sent to DMV.

What this does is provides a penalty, and the penalty would be no license for -- no license shall be issued prior to the age of 18 or possibly age 21 for someone who committed this violation. This is a negative, a youngster would like to drive legally at some point, but they know if they drive illegally between 14 and 16 that they will not get a license for three years.

It's supported by the AAA and other right thinking people.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT MEIER: Senator Montgomery requested the explanation.

Senator Montgomery.

SENATOR MONTGOMERY: I will yield to Senator Gold.

SENATOR GOLD: Thank you, Senator.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: I just have one question. Will the Senator yield to one question?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MEIER: Senator yields, Senator Gold.

SENATOR GOLD: Yes. My notes indicate you had this bill last year and I voted in favor of it and probably will today but maybe you can help me with a question that I was going to ask Senator Skelos. It's part of the same issue.

Your bill, Calendar Number 412,

came on our calendar direct to Third on March 17th. The bill before it was March 10th, March 10th, March 10th. Senator Skelos' bill was March 3rd, when it hit the calendar, and Senator Hannon's bill was January 27th.

Senator Johnson, do you know any reason why your will had to be reported directly to Third back on March 17th, which was instead of ordering it to First Report, Second and Third rather than going directly to the calendar on this?

(Microphones inoperative).

SENATOR JOHNSON: This was something on the agenda.

SENATOR GOLD: And what?

SENATOR JOHNSON: We had to get some bills that we could put on the calendar and we had titles of two bills to put on the calendar.

SENATOR GOLD: Well, Senator Johnson, I appreciate your candor. One of the problems with this, when they get it on the - maybe I can get an answer but, Senator, we now have a calendar that's pages and pages of bills on third report, and I think -- thank

you for your help.

I think Senator Montgomery wants to discuss the bill.

ACTING PRESIDENT MEIER: Yes. Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes. Thank you, Mr. President.

I would like to ask a question of Senator -- of Senator Johnson, if he would yield.

ACTING PRESIDENT MEIER: Senator Johnson, do you yield to a question?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT MEIER: Senator yields, Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I have this memo, and I want to be sure it's not outdated which seems to often happen that we have an outdated memo, and I read here in this particular memo where we're talking about you use the example of on Long Island, on an average of three times a week Nassau and Suffolk police stop a vehicle with an under-age unlicensed driver and between '87

and '91 at least one driver aged 15 or younger was involved in a fatal crash on Long Island.

Is that more prevalent in other parts of the state than in Long Island or is this -- is this an example that gives us an average view of this problem?

SENATOR JOHNSON: I really can't say, although in that -- in that release which you are referring to, there was reference to an under-age driver in upstate New York running into a school bus. I'm sure these things happen all around the state. All we're saying is, we're going to let you know that you give up your license, your right to have a license legally until age 18 or 21 at the discretion of the judge if you do drive unlicensed, or perhaps these youngsters would restrain themselves for a year or two until they can get a legal license and that's really what they'd like to do, I think.

SENATOR MONTGOMERY: All right. And does -- if you would yield to just one more question, Mr. President.

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MEIER:

Senator Johnson, do you yield to one more question?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR MONTGOMERY: Yes, Mr. President. This -- Senator, this would cover specifically young people who are caught driving without a license under age?

SENATOR JOHNSON: That's correct. The law presently covers 16 and over. We're moving the age to 14, including a 14 to 16 cohort including the over 16 which is presently covered under this law.

SENATOR MONTGOMERY: Yes, all right. Thank you.

Mr. President, just briefly on the bill.

ACTING PRESIDENT MEIER: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: I believe I voted against this bill in the past, and I will vote against it today only because I am concerned that we are limiting the possibility of a young person who can get a job in a

shopping center or in a Burger King or wherever, that is a distance from their home especially if they live in certain parts of the state and they need to drive to get there because there is not transportation and at 17 they can't get a little job because they're ineligible to get a license or to have, you know -- to have access to a driver's license.

So I think that this is sort of over-reaching in that, as Senator Johnson has not -- has not indicated that this is an overwhelming problem that we have to punish all of our young people in the state for a few young people who do get behind the wheel without a license and under age, and let me just say that in my district there is now a Youth Court which is going be part of a community court which is an alternative community-based court system, and part of that, the reason that we have a Youth Court is that young people can be dealt with for these kinds of minor -- relatively minor infractions before it reaches a stage of actual criminality, but nonetheless they can pay some kind of restitution which becomes meaningful

to them, and in addition they can participate in the court so that they begin to understand the meaning of their behavior and its relationship to the criminal justice system. So I would much rather us direct young people to that kind of process than to just cut off the availability of work for them.

So I'm going to vote against it again, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 120 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52, nays 2, Senators Montgomery and Smith recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the reading of the controversial calendar.

SENATOR SKELOS: If we could

return to motions and resolutions. I believe there's a Resolution Number 2421, by Senator Nozzolio. I ask that it be read in its entirety. This resolution was previously passed.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution 2421, honoring Kenneth "Ken" Burns and welcoming him to the New York State Capitol.

WHEREAS, individuals who distinguish themselves in their chosen fields of endeavor, dedicating themselves to its enhancement and leading it in new directions, are an asset beyond remuneration and cannot be sufficiently extolled; and

WHEREAS, with great admiration and respect, this legislative body is proud to honor Kenneth "Ken" Burns for his commitment to celebrating America's history and bringing it to life for millions of Americans, and warmly welcomes him to the New York State Capitol.

A world-renowned

cinematographer, director, producer and writer, Ken Burns is the most accomplished documentary filmmaker of his generation; and

WHEREAS, born in Brooklyn, New York in 1953, Ken Burns graduated from Hampshire College in Amherst, Massachusetts in 1975 and went on to become one of the co-founders of Florentine Films.

Ken Burns has been making documentary films for more than 20 years. In 1981, he produced and directed the Academy Award nominated Brooklyn Bridge. He has gone on to make several other award-winning films, including The Shakers: Hands to Work, Hearts to God, The Statue of Liberty, also nominated for an Oscar; Huey Long, the story of the turbulent southern dictator, which enjoyed a rare theatrical release; The Congress: The History and Promise of Representative Government, Lindbergh, Thomas Hart Benton, a portrait of the regionalist artist; and Empire of the Air: The Men Who Made Radio; and

WHEREAS, he has also produced and directed two films, William Segal and Vezelay, which explore the question of search

and individual identity through the work and teachings of philosopher and painter William Segal; and

Ken Burns' credits include, in addition, the critically acclaimed landmark television series, The Civil War. This film was the highest rated series in the history of American Public Television, and attracted an audience of 40 million during its premiere in September 1990. This 11-hour 9-part series has been honored with more than 40 major film and television awards, including two Emmys, two Grammy Awards, Producer of the Year Award from The Producers' Guild, People's Choice Award, Peabody Award, duPont-Columbia Award, D.W. Griffiths Award, and the $50,000 Lincoln Prize, among dozens of others; and

WHEREAS, four and a half years in the making and eighteen and one-half hours in length, Ken Burns' film Baseball covered the history of baseball from the 1840s to the present. Through the extensive use of archival photographs and newsreel footage, baseball as a mirror of our larger society was brought to the screen over nine nights during

its premiere in September 1994. It became the most watched series in PBS history and earned numerous additional awards for its excellence and achievements; and

WHEREAS, in the fall of 1996, his film The West, an eight-part, twelve and one-half hour film series on the American west was released; The West is the story of one of the great crossroads in human history, a place where, tragically and heroically, the best of us met the worst of us and nothing was left unchanged. Ken Burns was executive producer and creative consultant for this film which won the 1997 Erik Barnouw Prize; and

WHEREAS, in February of 1997, Ken Burns released first in a series of filmed biographies on noteworthy Americans, Thomas Jefferson, a three-hour portrait of our third president, explores the contradictions of the man who was revered as the author of the most sacred document in American history and condemned as a lifelong owner of slaves.

Thomas Jefferson was followed in the fall of 1997 by the broadcast of Lewis and Clark: The Journey of the Corps of

Discovery and films on the lives of Frank Lloyd Wright and Mark Twain; and.

WHEREAS, this legislative body wishes to congratulate Ken Burns on his latest project, a documentary on the lives and accomplishments of Susan B. Anthony and Elizabeth Cady Stanton in leading the efforts for women's rights in America and gaining the right to vote for women.

This project is especially noteworthy in this year, 1998, the 150th Anniversary of the Women's Rights Convention held in Seneca Falls, New York in 1848. New York State and the village of Seneca Falls are justifiably proud to be recognized as the birthplace of the women's rights movement.

This legislative body appreciates that Ken Burns has turned his creative talents to making our nation aware of the tremendous accomplishments that these two New York women, Elizabeth Cady Stanton and Susan B. Anthony, made to the women's rights movement which is such an important part of New York State's history.

This legislature body and the

people of the state and nation look forward to his next major series, a history of jazz and a sequel to Baseball and The Civil War to be broadcast in the year 2000; and

WHEREAS, it is the sense of this legislative body to honor and pay tribute to those individuals whose commitment and creative talents have contributed so significantly to the education, entertainment, and cultural enrichment of the citizens of the state of New York.

NOW, THEREFORE, BE IT RESOLVED, that this legislative body pause in its deliberations to welcome Ken Burns to the New York State Capitol and to extend to him its highest commendation and deepest respect for a celebration of America's history, bringing it to life for people of all ages, cultures and educational background; and

BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Ken Burns.

ACTING PRESIDENT MEIER: Senator Nozzolio.

SENATOR NOZZOLIO: Mr.

President, on the resolution.

Mr. President, we are honored today in this chamber by the presence of the subject of this resolution. It is with great honor and distinction that I welcome and introduce to my colleagues, Ken Burns, the premier story teller of our time, that I for one am extremely thrilled that Mr. Burns has taken upon himself a new project that focuses on two native New Yorkers, Elizabeth Cady Stanton and Susan B. Anthony; that, through Mr. Burns' work, future generations have a much greater appreciation of the depth, scope and breadth of our rich American history.

It is with that that I welcome Ken Burns to Albany and to the state Senate, congratulate him for his wonderful record of accomplishment, terrific contribution to our society, and we wish you good luck with all future projects.

Welcome, Mr. Burns.

(Applause)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President,

there will be an immediate meeting of the Rules Committee in the Majority Conference Room, and the Senate will stand at ease temporarily.

ACTING PRESIDENT MEIER: There will be an immediate meeting of the Rules Committee in the Majority Conference Room. The Senate will stand at ease.

(The Senate stood at ease from 3:56 p.m. to 4:01 p.m.)

ACTING PRESIDENT MEIER: 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 Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 6682, by Senator Saland, an act to amend Chapter 705 of the

Laws of 1993, amending the Economic Development Law.

SENATOR GOLD: Without objection.

ACTING PRESIDENT MEIER: Without objection, to third reading.

Senator Skelos.

SENATOR SKELOS: Please read the last section.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Calendar Number 524, by Senator Saland, Senate Print 6682, an act to amend Chapter 705 of the Laws of 1993.

ACTING PRESIDENT MEIER: Call the roll. Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could stand at ease once again.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(The Senate stood at ease from 4:03 p.m. To 4:15 p.m.)

ACTING PRESIDENT MEIER: Senate will come to order.

Senator Larkin.

SENATOR LARKIN: Mr. President, let's return to the calendar, and we'll take up Calendar Number 483, by Senator Maziarz.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Calendar Number 483, by Senator Maziarz, Senate Print 6584-B, an act to amend the Social Services Law.

SENATOR STACHOWSKI: Explanation.

SENATOR LARKIN: Is there a message at the desk?

ACTING PRESIDENT MEIER: Yes, Senator, there is a message of necessity at the desk.

SENATOR LARKIN: Move we accept the message.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Read the last section.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT MEIER: O.K. Senator Maziarz, an explanation has been requested by Senator Stachowski.

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

Mr. President, this legislation was just passed last week to authorize payment through the state's Medicaid program for Medicaid -- Medicare Part B premiums for Medicare beneficiaries whose income falls between 120 percent and 135 percent of the federal poverty level, and to pay a portion of the premium for beneficiaries whose incomes

fall between 135 percent and 175 percent of the federal poverty level.

This bill has been amended to make a technical change in the reference to federal law and to direct the Commissioner of Health to develop a simplified application form as well as to work in cooperation with the state Office of the Aging to publicize the availability of these payments.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

Senator Paterson.

SENATOR PATERSON: Just prior to reading the last section, I'd just like to know if the Senator will yield to a question.

SENATOR MAZIARZ: Certainly, Mr. President.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR PATERSON: Senator, I was just curious. We have passed the "A" print of this bill last week. I guess it has some federal compliance, and it has some other issues that we have changed. Could you just

familiarize us with what the changes were from last week, how the bill is improved by -- I'd just like to know -

SENATOR MAZIARZ: When Senator Gold is done, I'll answer your question.

SENATOR PATERSON: He's helping you out.

SENATOR MAZIARZ: Basically, Senator Paterson, through the efforts of the AARP, the Governor's office and the Department of Health and state Office of the Aging, there have been some ongoing negotiations regarding the application process. If you can believe it or not, the federal application process to ascertain these funds by a senior was 14 pages long. Through the efforts of Governor Pataki's office, the AARP, the Department of Health, state Office of the Aging, my staff and the Assembly staff, we have been able to reduce that application to, right now I think we're at less than four pages.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Is there a reason for that?

SENATOR MAZIARZ: There is a reason for the change, Senator Paterson, despite the fact Senator Gold wanted that 14 page application, we deemed a 4-page application to be much more simplified.

SENATOR PATERSON: One wonders what Senator Gold will do with the extra time.

SENATOR MAZIARZ: Well, Senator Gold is not running for reelection, we understand.

SENATOR GOLD: Point of order. Point of order, Mr. President.

ACTING PRESIDENT MEIER: Point of order.

SENATOR GOLD: Yeah, there's 60 other guys to pick on.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR OPPENHEIMER: I'm not a guy.

SENATOR STACHOWSKI: Isn't Gold old enough to collect?

SENATOR PATERSON: Senator, the deadline is fast approaching on the bill, Mr.

President. I just hope we'll have an agreement with the Assembly. I don't know whether or not this is an agreed-upon bill. You might want to share that with us, but in light of the deadline I just hope we'll have something very shortly.

SENATOR MAZIARZ: Just on the bill.

ACTING PRESIDENT MEIER: Senator Maziarz.

SENATOR MAZIARZ: Senator Paterson, there is three-way agreement on this bill.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Mr. President, we'll now stand at ease until 5:30 p.m., tonight.

ACTING PRESIDENT MEIER: The Senate will stand at ease until 5:30 p.m. Why do you rise?

SENATOR PATERSON: Until 5:30.

ACTING PRESIDENT MEIER: 5:30.

SENATOR PATERSON: That's 5:30, Mr. President. It has to do with the state of Utah, Mr. President.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon at 4:20 p.m., the Senate was at ease.)

(At 5:53 p.m., the Senate reconvened.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Would you return to motions and resolutions. Would you please recognize Senator Farley.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: It's nice to

be recognized. Thank you, Senator Skelos.

Mr. President, on behalf of Senator Stafford, I wish to call up his bill, Print Number 6101-B, which was recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 434, Budget Bill, Senate Print 6101-B, an act making appropriations for legal requirements of the state debt service.

SENATOR FARLEY: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

SENATOR FARLEY: Mr. President, I now move to amend Senate Bill Number 6101-B by striking out the amendments made on March 20th and restoring it to its previous print, 6101-A.

ACTING PRESIDENT MEIER: The

amendments are made. The bill is restored to third reading.

SENATOR FARLEY: On the same bill, Mr. President, I now offer the following amendments to Calendar Number 434, Senate Print 6101-A, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received, and so ordered.

Senator Skelos.

SENATOR SKELOS: Is there any other housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not.

SENATOR SKELOS: There will be an immediate meeting of the Finance Committee in the Majority Conference Room and the Senate will stand at ease pending the receipt of the Finance Committee report.

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee. The Senate will stand at ease pending the report of the Finance Committee.

(The Senate stood at ease from 5:55 p.m. until 6:09 p.m.)

ACTING PRESIDENT MEIER:

Senator Skelos.

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

ACTING PRESIDENT MEIER:

Reports of standing committees. The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills direct to third reading:

Senate Print 6700, by the Senate Committee on Rules, an act making appropriations for the support of government; and

6701, by the Senate Committee on Rules, an act making appropriations for the support of government.

SENATOR SKELOS: Move to accept the report.

ACTING PRESIDENT MEIER:

Without objection, directly to third reading.

Senator Skelos.

SENATOR SKELOS: At this time if we could take up Calendar Number 525, Senate 6700.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 525, by the Senate Committee on Rules, Senate Print 6700, an act making appropriations for the support of government.

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: Yes, Senator Skelos, there is.

SENATOR SKELOS: Move to accept.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 6. This act shall take effect April 1.

ACTING PRESIDENT MEIER: Senator Nanula.

SENATOR NANULA: One question for either Senator Skelos or our fine Majority Chairman, I should say, of the Senate Finance Committee.

Senator -- through you, Mr. President. Senator, is this the bill that provides pay for legislative members?

SENATOR STAFFORD: Yes.

SENATOR NANULA: It is. Thank you very much.

On the bill.

ACTING PRESIDENT MEIER: Senator Nanula, on the bill.

SENATOR NANULA: With great brevity.

Since being elected in 1994 and having had late budgets every year since 1994, I have historically voted against these extenders for the simple reason that I have been a great believer and supporter of the

concept of docking, or of suspending at least pay for members until we get our business, and that's the business of the budget, completed.

This year I am voting in favor of this bill and I am for one simple reason, and that is that we are breaking new ground. We are setting a new precedent at least that hasn't been seen in this legislative body and that is the concept and process of Conference Committees, which I hope will become a new precedent that will render us timely budgets and also a process that will involve the legislative bodies, not only including our leaders but our rank and file members of both Majority and Minority sides of the aisle and for those reasons, I am now voting certainly, or I should say at least for this one-week extender based upon those reasons, Mr. President.

Thank you.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays

1, Senator Hoffmann recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you call up Calendar Number 526, Senate 6701.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 526, by the Senate Committee on Rules, Senate Print 6701, an act making appropriations for the support of government.

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: The motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you call up Calendar Number 534, Senate 6101-C.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 434, Budget Bill, Senate Print 6101-C, an act making appropriations for the legal requirements of the state debt service.

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is a message.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: The motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator?

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER:

There's no housekeeping at the desk.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: If you would be kind enough to recognize the distinguished representative from the distinguished county of Westchester, Senator Oppenheimer.

ACTING PRESIDENT MEIER: Senator Oppenheimer.

SENATOR OPPENHEIMER: Oh, who is that? Just if I may get unanimous consent to be recorded in the negative on, I think it's Calendar 525.

SENATOR SKELOS: No objection.

ACTING PRESIDENT MEIER: Without objection, Senator Oppenheimer will be recorded in the negative on Calendar 525.

SENATOR SKELOS: Mr. President, if we could just -- if we could stand at ease, please.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(The Senate stood at ease from 6:14 p.m. until 6:15 p.m.)

ACTING PRESIDENT MEIER:

Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, I want to announce the meetings of the subcommittees of the Joint Conference Committee commencing tomorrow, Tuesday, March 31st.

At 9:30 a.m., the Cycle 1 Subcommittees will meet, Economic Development/ Taxes in Hearing Room C; General Government/ Local Assistance in Room 342 of the Capitol; Mental Hygiene in Room 124 of the Capitol and Education in Room 711-A of the Legislative Office Building.

Cycle 2 Subcommittees will meet at 11:30, Transportation in Hearing Room C; Health, Room 711-A, Legislative Office Building; Higher Education, 124 of the Capitol; Human Services, Room 342 of the Capitol and Public Protection, Room 120 of the Legislative Office Building.

We would ask that all members of the respective subcommittees be on time and wish them Godspeed tomorrow. Is there any other -- we'll hand this up for filing.

Is there any other housekeeping at the desk, Mr. President?

ACTING PRESIDENT MEIER: There is no other housekeeping.

SENATOR SKELOS: There being no further business, I move we adjourn subject to the call of the Majority Leader.

ACTING PRESIDENT MEIER: On motion -- Senator Stachowski.

SENATOR STACHOWSKI: No, no. I just want to ask him some questions.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned upon the call of the Majority Leader.

(Whereupon, at 6:23 p.m., the Senate adjourned.)